S. 37

File With _____

SECTION 131 FORM

Appeal NO:_ABP 321022-24 **Defer Re O/H** ☐

Having considered the contents of the submission dated/ received 5/11/24 from

Applicant I recommend that section 131 of the Planning and Development Act, 2000 be/not be invoked at this stage for the following reason(s):. No new planning issues

E.O.: Daniel O Connor **Date:** 15/11/24

For further consideration by SEO/SAO

Section 131 not to be invoked at this stage. ☐

Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: _____ **Date:** _____

S.A.O: _____ **Date:** _____

M _____

Please prepare BP _____ **- Section 131 notice enclosing a copy of the attached submission**

to: _____ **Task No:** _____

Allow 2/3/4weeks – BP _____

EO: _____ **Date:** _____

AA: _____ **Date:** _____

S. 37

File With _____

CORRESPONDENCE FORM

Appeal No: ABP 321022-24

M _____

Please treat correspondence received on 5/11/24 **as follows:**

1. Update database with new agent for Applicant/Appellant _____	
2. Acknowledge with BP 20	**1. RETURN TO SENDER with BP** _____
3. Keep copy of Board's Letter ☐	2. Keep Envelope: ☐
	3. Keep Copy of Board's letter ☐

Amendments/Comments Applicant's response to appeal

4. Attach to file	**RETURN TO EO** ☐
(a) R/S ☐ (d) Screening ☐	Screening drawer
(b) GIS Processing ☐ (e) Inspectorate ☐	
(c) Processing ☐	

	Plans Date Stamped ☐
	Date Stamped Filled in ☐
EO: Daniel O Connor	**AA:** Lauren Murphy
Date: 6/11/24	**Date:** 7/11/24

Dav O'C

Laura Grady Lawlor

From: Evelina Sadauskaite <esadauskaite@mkoireland.ie>
Sent: Tuesday 5 November 2024 21:47
To: Appeals2
Subject: ABP Ref: 321022-24 - Response to Grounds of Appeal
Attachments: 211034-c - RGOA - F- 04.11.2024.pdf

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Dear Sir/Madam,

On behalf of our client, Newtown Farming Ltd, we are submitting the attached response to third-party appeal (ABP Ref – 321022-24).

Should you require any further information please get in touch. Please kindly acknowledge receipt of this email.

Kind regards,

Evelina

Evelina Sadauskaite

Planner

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MKO Planning and Environmental Consultants

Response to Grounds of Appeal

Proposed Quarry on lands at Lomaunaghbaun, Co. Galway (ABP Ref: 321022-24)

DOCUMENT DETAILS

Client:	**Newtown Farming Ltd.**
Project Title:	**Response to Grounds of Appeal**
Project Number:	**211034-c**
Document Title:	**Response to Grounds of Appeal**
Document File Name:	**211034-c – RGOA – F**
Prepared By:	**MKO** **Tuam Road** **Galway** **Ireland** **H91 VW84**

Planning and Environmental Consultants

Rev	Status	Date	Author(s)	Approved By
01	Final	04.11.2024	ES	SMC

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1. INTRODUCTION

We are instructed by our client, Newtown Farming Ltd, Cortoon, Tuam, Co. Galway, to prepare this Response to Grounds of Appeal (RGOA) submission in respect of a third-party appeal made to An Bord Pleanála in relation to a decision by Galway County Council to grant planning permission for the development of a quarry for sand extraction and processing on lands at Lomaunaghbaun, Co Galway (Pl. Ref. 24/60013) (ABP Ref: 321022-24).

The full development description for the proposed development as per the public notices is as follows:

> *The development of a quarry for the extraction of sand in a phased basis over an area of c. 6.2 ha by an average depth of 3m from existing ground levels in the townland of Lomaunaghbaun, Co. Galway. The proposed development also includes the following:*
>
> *i. Installation of a processing plant and associated components;*
> *ii. Stockpiling of topsoil removed during quarrying for future implementation of a restoration plan;*
> *iii. Construction of a refuelling area;*
> *iv. Installation of a site office (30 sq.m);*
> *v. Installation of a wastewater holding tank (63.6 sq.m)*
> *vi. Installation of a weighbridge and wheelwash;*
> *vii. Installation of a new site entrance along with road reprofiling works on the L2232;*
> *viii. Installation of a groundwater well;*
> *ix. Provision of drainage infrastructure including a new hydrocarbon interceptor and surface drains on hardstanding;*
> *x. All associated site development and operational works; and*
> *xi. Site restoration following the cessation of sand extraction works.*
>
> *Permission is sought for an operational lifetime of 10 years. The Planning Application is accompanied by an Environmental Impact Assessment Report and Natura Impact Statement.*

The planning application was lodged with Galway County Council on 9th January 2024. Subsequently, GCC granted permission on 12th September 2024 for the proposed development subject to 18 no. conditions. A copy of the Planning Authority's decision is enclosed in Appendix 1 of this document.

One third party appeal has been lodged to An Bord Pleanála on 9th October in respect of GCC's decision to grant planning permission for the proposed development. The Appellant is Peter Sweetman.

The primary matters raised in the appeal are summarised, and addressed below as follows:

- Item 1: Appropriate Assessment;
- Item 2: Assessment of the Proposed Development;
- Item 3: Assessment under The Water Frameworks Directive; and
- Item 4: Further Information Request.

We have examined the grounds of appeal submitted and we are satisfied that the proposed development is in accordance with the Galway County Development Plan 2022-2028 and the proper planning and sustainable development of the area, as evidenced in the decision that was issued from the Planning Authority on this application.

We therefore respectfully request that An Bord Pleanála uphold the decision of the Planning Authority and grants permission for the proposed development.

2. BACKGROUND

2.1 Site and Location Context

The subject site, as shown in **Figure 1**, is located within the townland of Lomaunaghbaun, Co. Galway. The town of Tuam is located approximately 8.6km to the south-west and the village of Clonberne is located approximately 4.7km to the east.

The proposed site area will cover an area of approximately 6.2 ha. The existing land is comprised of a greenfield site, in the predominantly rural location of Lomaunaghbaun.

Approximately 0.7kmto the east of the site is the Levally Stream, a tributary of the Grange River, which flows in a southerly direction. The nearest surface water features to the site include Levally Lough, approximately2.7km south of the site. There is no surface water connection between Levally Lough and the Proposed Development site.

The site is currently accessed via an existing gateway which is adjacent to the local L2232 road which runs in a north-south direction parallel to the site's eastern boundary.



Figure 1 Site Location (RLB Indicative)

2.2 Proposed Development

The proposed development will comprise an area of 6.2 hectares (ha) to facilitate the extraction of sand and will include a processing plant to wash the excavated sand along with other ancillary infrastructure such as weighbridge, wheel wash and site offices, as detailed in **Figure 2** below. The site topography ranges from 84m ordnance datum (mAOD) to96mAOD.

It is intended that the quarry will provide high quality sand material to the construction industry and other activities. It is not intended to excavate rock as part of this proposal. All processing (washing) of the excavated sand will be carried out on site.

It is proposed that during the operational phase of the quarry the excavation will go to an average depth of 3 metres. The processing plant and equipment will be installed along the south eastern edge of the subject site, as shown in Figure 2 below. The processing equipment is proposed along the south eastern edge of the subject site. Material will be extracted from the quarry in three phases.



Figure 2 Proposed Site Layout

3. PLANNING HISTORY

A review of Galway County Council's online planning portal indicates that the following planning applications have been made in respect of the application site and within the vicinity of the proposed development site.

3.1 Planning Applications within the Application Boundary

Following a search of the subject site on the Galway County Council Planning Application Register it was concluded that there are no planning applications within the application boundary.

3.2 Planning Application within the Vicinity of the Application Boundary

Table 1 below provides the valid planning applications within the vicinity (c.2km) of the application site on record.

Table 1 Planning Applications within the vicinity of application boundary

Pl. Ref	Description	Decision & Date
201030	To construct a slatted cattleshed with calf creep. Gross floor space of proposed development: 302.4 msq	Granted (18/09/2020)
212178	To demolish the existing derelict dwelling house, and construct a new dwelling house, domestic garage/fuel store, septic tank,treatment system and percolation area and all ancillary site works. Gross floor space of proposed works: House: 194 sqm,Garage:54 sqm.	Granted (24/01/2022)
212304	To construct new dwelling house, domestic garage, wastewater treatment system and percolation area alongwith associated site works. Gross floor space of proposed works: 213 sqm.	Granted (07/02/2022)
22124	To construct a two storey two-bedroom extension (189sqm) to an existing one-bedroom dwelling house (110sqm) and proprietary waste water treatment system /septic tank,percolation area and all ancillary site development works. Gross floor space of proposedworks: 189 sqm.	Granted (31/03/2022)
2260026	To renovate and extend the existing dwelling house, construct a domestic shed and all associated siteworks. Gross floor space of proposed works: 116.10 sqm. Gross floor space of work to be retained: 220.80 sqm. Gross floor space of existing works: 260.51 sqm. Gross floor space of any demolition: 39.80 sqm.	Granted (16/03/2022)
2360178	To construct new dwelling house, domestic garage, wastewater treatment system and percolation area along with associated site works. Gross floor space of proposed works 195.00sqm.	Granted (21/04/2023)

4. PLANNING POLICY CONTEXT

This section of the report sets out the relevant national, regional and local planning policies of relevance to the planning application. Relevant material considerations are also set out, as appropriate.

4.1 National Policy

4.1.1 National Planning Framework (2018)

The National Planning Framework (NPF), published in February of 2018, aims to shape and guide the future growth and development of Ireland up to 2040. The NPF supersedes the National Spatial Strategy 2002-2020 (NSS) and includes a focus on economic development and investment in housing, water services, transport, communications, energy, health and education infrastructure. The new framework sets out five strategic actions:

- Developing a new region-focused strategy for managing growth;
- Linking this to a new 10-year investment plan, the Project Ireland 2040 National Development Plan 2018-2027;
- Using state lands for certain strategic purposes;
- Supporting this with strengthened, more environmentally focused planning at local level; and,
- Backing the framework up in law with an Independent Office of the Planning Regulator.

The NPF forms the top tier of the national planning policy structure, accordingly, establishing the policy context for the Regional Spatial and Economic Strategies and local level development plans. In an effort to move away from developer led development to one informed by the needs and requirements of society, a number of objectives and policies have been put in place in order for the country to grow and develop in a sustainable manner. The Framework notes that while the overall quality of the country's environment is good, it is not without challenges. It notes that the manner in which we plan for the potential issues is important to challenging them creating a sustainable environment for the future.

> *"While the overall quality of our environment is good, this masks some of the threats we now face. Key national environmental challenges include the need to accelerate action on climate change, health risks to drinking water, treating urban wastewater, protecting important and vulnerable habitats as well as diminishing wild countryside and dealing with air quality problems in urban areas. It is also important to make space for nature into the future, as our population increases."*

The NPF seeks to achieve ten strategic priorities surrounding:

- *Compact Growth*
- *Enhanced Regional Accessibility*
- *Strengthened Rural Economies and Communities*
- *Sustainable Mobility*
- *A Strong Economy, supported by Enterprise, Innovation and Skills*
- *High-Quality International Connectivity*
- *Enhanced Amenity and Heritage*
- *Transition to a Low Carbon and Climate Resilient Society*
- *Sustainable Management of Water and other Environmental Resources*
- *Access to Quality Childcare, Education and Health Services*

Relevant to the proposed development, the **National Strategic Outcome 3** (Strengthen Rural Economies and Communities), notes that rural areas, such as the vicinity of the application site, have a key role in driving the nation's economy and our high-quality environment. As part of the strategic development of Ireland to 2040, the NPF states that rural economic development opportunities, including natural resources, must be supported to ensure that these rural areas remain as living and working communities. Rural areas support a mix of businesses of varying sizes and operate in a wide range of sectors from the traditional, such as extractive, agriculture and tourism, to more modern industries.

Specific to extractive industries, the NPF acknowledges that these industries are important for the supply of aggregates and construction materials and minerals to a variety of sectors, for both domestic requirements and for export. As such, it is further set out that aggregates and minerals extraction will continue to be enabled by the planning process, where this is compatible with the protection of the environment and the quality of life of residents in the vicinity.

The associated **National Policy Objective 23** requires Local Authorities to:

> *"...**facilitate the development of the rural economy through supporting** a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and **extractive industries**, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism."*

A key aspect of the NPF surrounds the long-term sustainability of the environment, it aims to ensure that decisions that are made today to meet our future needs in a sustainable manner.

> *"The manner in which we plan is important for the sustainability of our environment. Our planning system has influence across a wide range of sectors, both directly and indirectly and interacts with many common issues related to effective environmental management, including water services, landscape, flood risk planning, protection of designated sites and species, coastal and marine management, climate mitigation and adaptation, and land use change."*

The Government will address environmental and climate challenges through the following overarching aims as listed under 'Resource Efficiency and Transition to a Low Carbon Economy':

- Sustainable Land Management and Resource Efficiency
- Low Carbon Economy
- Renewable Energy
- Managing Waste

As described in the NPF, Ireland is advancing its development as a circular economy and bioeconomy where the value of all products, materials and resources is maintained for as long as possible and waste is significantly reduced, or even eliminated. Further development of the circular economy will require greater efficiency with raw materials, energy, water, space and food by constantly reusing natural resources. Specifically, it is noted that additional investment in waste management infrastructure, and in particular different types of waste treatment, will be required, as exemplified by the proposed extension of the subject quarry. This is emphasised in **National Policy Objective 52 and National Policy Objective 56** which state:

> **NPO 52:** *"The planning system will be responsive to our national environmental challenges and ensure that development occurs within environmental limits, having regard to the requirements of all relevant environmental legislation and the sustainable management of our natural capital."*

> ***NPO 56:*** *"Sustainably manage waste generation, invest in different types of waste treatment and support circular economy principles, prioritising prevention, reuse, recycling and recovery, to support a healthy environment, economy and society."*

4.1.2 Regional

4.1.2.1 Regional Spatial and Economic Strategy: Northern and Western Regional Assembly 2020-2032

The Regional Spatial and Economic Strategy 2020-2032: Northern and Western Regional Assembly (RSES) was adopted in 2020 and provides a high-level development framework for the Northern and Western Region that supports the implementation of the NPF. The focus of the RSES is on the counties of Mayo, Galway, Roscommon, Sligo, Leitrim, Cavan, Monaghan, and Donegal. The RSES document is structured around 5 No. growth ambitions, all of which are supportive of sustainable growth and expansion of existing industries. The growth ambitions of the RSES are as follows:

1. Growth Ambition 1 – Economy and Employment – Vibrant Region
2. Growth Ambition 2 – Environment – Natural Region
3. Growth Ambition 3 – Connectivity – Connected Region
4. Growth Ambition 4 – Quality of Life – Inclusive Region
5. Growth Ambition 5 – Infrastructure – Enabling our Region

Objective 9.3 – Planning for a Vibrant Economy

'Nurturing the rural economy through protecting and promoting the sense of place and culture and the quality, character and distinctiveness of the rural landscape, whilst facilitating the appropriately scaled development of rural enterprise initiatives'.

Quarries play a role in rural economies, not only in the winning of materials for the construction industry, but also for employment. It is therefore considered that this objective is supportive of the development proposed.

4.2 Local Policy

4.2.1 Galway County Development Plan 2022-2028

The Galway County Development Plan 2022-2028 (GDP) was adopted on the 24th of November 2022, and it came into effect on the 4th of January 2023. The GDP provides guidance as well as policy and objectives for the overall development of County Galway and includes key policy relating to the Proposed Development.

There has traditionally been a strong extractive industry sector in County Galway. Quarrying in the County is largely divided between sand and gravel supplies, as well as crushed rock. Quarrying is considered to be an important sector both in terms of employment and as a local source of raw materials. The Council supports the continued development of the extractive industries sector and aims to ensure that development is carried out in a manner which has full regard to the principles of sustainability. The Authority will note that this application represents a proposal which has full regard to the principles of sustainability.

4.2.2 General Policies & Objectives

Table 2-4-1 – General Policies and Objectives

Policy item	Heading	Wording	Response

Policy RD 1	Rural Enterprise Potential	*"To facilitate the development of the rural economy through supporting a sustainable and economically efficient agriculture and food industry, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism. Development of Cafes, Art Galleries, Hot Desk Facilities etc. which are important to the rural economy."*	As detailed below in section 4.2.3, this application accords fully with all ministerial guidelines, and specifically Quarry and Ancillary Activities Planning Guidelines for Planning Authorities DoEHLG (April 2004)
Policy MEQ 1	Aggregate Resources	*"Ensure adequate supplies of aggregate resources to meet future growth needs within County Galway and the wider region and to facilitate the exploitation of such resources where there is a proven need and market opportunity for such minerals or aggregates and ensure that this exploitation of resources does not adversely affect the environment or adjoining existing land uses."*	As detailed below in section 4.2.3., this application accords fully with all ministerial guidelines, and specifically Quarry and Ancillary Activities Planning Guidelines for Planning Authorities DoEHLG (April 2004)
Policy MEQ 2	Protection of the Environment	*"The Planning Authority shall require the following in relation to the management of authorised aggregate extraction –* *a) All quarries shall comply with the requirements of the EU Habitats Directive, the Planning and Development (Amendment) Act 2010 and by the guidance as contained within the DoEHLG Quarries and Ancillary Facilities Guidelines 2004, the EPA Guidelines 'Environmental Management in the Extractive Industry: Non-Scheduled Minerals 2006 (including any updated/superseding documents) and to DM Standard 19 of this Development Plan;* *b) Require development proposals on or in the proximity of quarry sites, to carry out appropriate investigations into the nature and extent of old quarries (where applicable). Such proposals shall also investigate the nature and extent of soil and groundwater contamination and the risks associated with site development works together with appropriate mitigation;* *c) Require Development Proposals to assess the potential impact of extraction in areas where geo-*	A Landscape Plan and Landscape & Visual Impact Assessment were submitted with the application. The development has also been reviewed in the Natura Impact Statement Report. These items are enclosed as part of the planning application and comply with the necessary and relevant guidance as set out in Policy MEQ 2.

		morphological interest, groundwater and important aquifers, important archaeological features and Natural Heritage Areas are located; *d) Have regard to the Landscape Character Assessment of the County and its recommendations;* *e) Ensure that any quarry activity has minimal adverse impact on the road network and that the full cost of road improvements, including during operations and at time of closure, which are necessary to facilitate those industries are borne by the industry itself.* *a. Ensure that the extraction of minerals or aggregates does not adversely impact on residential or environmental amenity;* *b. Protect all known un-worked deposits from development that might limit their scope for extraction."*	
Policy MEQ 3	Sustainable Management of Exhausted Quarries	*"Encourage the use of quarries and pits for sustainable management of post recovery stage construction and demolition waste, as an alternative to using agricultural land, subject to normal planning and environmental considerations."*	As detailed below in section 4.2.3, this application accords fully with all ministerial guidelines, and specifically Quarry and Ancillary Activities Planning Guidelines for Planning Authorities DoEHLG (April 2004)
Policy MEQ 4	Landscaping Plans	*"Ensure that all extractions shall be subjected to landscaping requirements and that worked out quarries should be rehabilitated to a use agreed with the Planning Authority which could include recreational, biodiversity, amenity or other end-of-life uses. The use of these rehabilitated sites shall be limited to inert waste and sites shall be authorised under the appropriate waste regulations."*	See below map indicating the Landscape Sensitivity Appraisal Areas for Co. Galway. The site is located in what is described as 'Class 1', which is considered a LOW Landscape Sensitivity Area. The conclusion of the exercise is clear, in that 'Quarrying and

			Extraction' would be seen to have LOW impact on this landscape area. As stated in the Development Plan, this does not preclude development, rather it necessitates mitigation through careful siting and design in order to minimise impacts to an acceptable level.

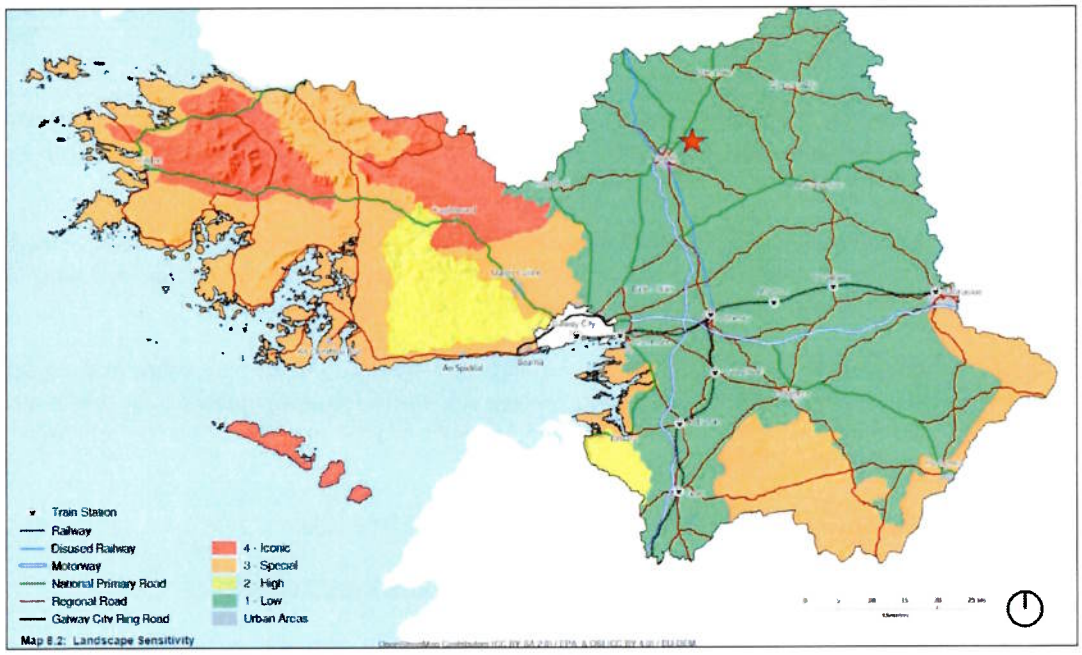


Figure 3 Landscape Sensitivity Areas in Galway County (site at Red Star)

The GDP provides the above Figure 3 as map 8.2: Landscape Sensitivity. As indicated above in Figure 2-2, the proposed quarry site is located in a Low Landscape Sensitivity Area (Class 1), therefore the landscape is *'unlikely to be adversely affected by change'*. The subject site location and designation as a low landscape sensitivity area, as per the GDP, makes the subject site a suitable location for the proposed development.

4.2.3 Ministerial Guidance & Other Relevant Guidance

4.2.3.1 Quarries and Ancillary Activities – Guidelines for Planning Authorities (2004)

The Guidelines, issued by the Department of the Environment, Heritage and Local Government, are intended to in part offer -

> *'guidance to planning authorities on planning for the quarrying industry through the development plan and determining applications for planning permission for quarrying and ancillary activities'.*

It is recognised that the landscape, both built and natural is highly valuable. As such, any impact will be minimised and mitigated as part of the development process. A reinstatement proposal is also submitted with this application to demonstrate how it is intended to bring the lands back to their natural state once extraction is complete.

The guidelines highlight the economic importance of quarries, stating that the materials won from the extractive industry are provided directly to the construction industry. The cyclical nature of quarries and their direct relationship with construction and housing must not be underestimated when considering applications such as this.

The guidelines highlight the provisions within the Planning & Development, 2000 (as amended) which contains both mandatory and discretionary development plan objectives. Mandatory objectives most relevant to quarries include:

1. The conservation and protection of the environment including, in particular, the archaeological and natural heritage and the conservation and protection of European sites and any other sites (such as Natural Heritage Areas - NHAs) which may be prescribed;

2. The preservation of the character of the landscape where and to the extent that, in the opinion of the planning authority, the proper planning and sustainable development of the area requires it, including the preservation of views and prospects and the amenities of places and features of natural beauty or interest.

Relevant discretionary objectives in the First Schedule of the Act include:

1. Regulating, promoting or controlling the exploitation of natural resources;

2. Protecting and preserving the quality of the environment, including the prevention, limitation, elimination, abatement or reduction of environmental pollution and the protection of waters, groundwater, the seashore and the atmosphere;

3. Securing the reduction or prevention of noise emissions or vibrations;

4. Preventing, remedying or removing injury to amenities arising from the ruinous or neglected condition of any structure or from the objectionable or neglected condition of any land.

All of the above objectives have been incorporated into the proposal and ministerial guidelines have been followed. In summary, the proposed development accords with the relevant policies and objectives set out in this document.

5. THIRD PARTY GROUNDS OF APPEAL

The grant of permission from Galway County Council has been appealed to An Bord Pleanála by Mr Peter Sweetman. The matters referred to in the appeal are addressed in the following sections below.

5.1 Response to Grounds of Appeal

5.1.1 Item 1: Appropriate Assessment

The appeal submission requests that An Bord Pleanála to carry out an Appropriate Assessment (AA) of the proposed development in accordance with the principles established in CJEU Case 258/11[1]. The opinion of the Advocate General in respect of this case concludes that:

'In order to establish whether a plan or project to which Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora applies has an adverse effect on the integrity of a site, it is necessary to determine whether that plan or project will have a negative effect on the constitutive elements of the site concerned, having regard to the reasons for which the site was designated and their associated conservation objectives. An effect which is permanent or long lasting must be regarded as an adverse one. In reaching such a determination, the precautionary principle will apply.'

We would refer the Board to the NIS prepared and submitted by MKO as part of the planning application submission. Sections 6.2 and 6.3 of the assessment provide and analysis of the *Potential for Direct Effects on European Sites* and *Potential for Indirect Effects on European Sites.* Section 6.2 of the NIS states that:

'There will be no direct effects on the Qualifying Interests of Levally Lough SAC, Lough Corrib SAC, Williamstown Turloughs SAC, and Lough Corrib SPA. The proposed works are located entirely outside of the boundaries of these European Sites.'

Section 6.3 of the NIS states:

'Following a precautionary approach, a potential pathway for indirect effects on the below listed aquatic QIs and SCIs of Levally Lough SAC (000295), Lough Corrib SAC (000297), Williamstown Turloughs SAC (002296), and Lough Corrib SPA (004042) were identified as a result of groundwater deterioration during the construction and operational phases of the development.'

'Indirect effects as a result of the Proposed Development, and in the absence of mitigation, have the potential to cause deterioration of water quality, potentially resulting in significant effects on the QIs/SCIs of the above European Sites, via groundwater pathways arising from the runoff and/or percolation of pollutants during the construction and operational phases of the Proposed Development.

Specific measures will be implemented on site to avoid potential for surface water pollution. The implementation of these measures on site will avoid potential for significant impacts on downstream European Sites and sensitive ecological receptors.'

Section 6.3.1.1.1 states the following:

[1] *CJEU – Case Peter Sweetman Ireland Attorney General Minister for the Environment, Heritage and Local Government V An Bord Pleanala (Ref: C-258/11)*

'After implementation of best practice and preventive measures as described above, together with measures already incorporated in the project design, there is no potential for adverse effects on any European Site due to deterioration of water quality.'

The NIS prepared by MKO contains complete, precise and definitive conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the site concerned. Indeed, Section 7 of the NIS concludes that:

'It can be concluded in view of best scientific knowledge, on the basis of objective information that the Proposed project will not adversely affect the Qualifying Interests/Special Conservation Interests associated with any European Site.'

Based on the foregoing, it is considered that the potential impact of the proposed development on Natura Sites has been robustly assessed in accordance with the precautionary principle and has ultimately determined that, subject to the implementation of mitigation measures, there will be no adverse effect on the Qualifying Interests/Special Conservation Interests associated with any European Site.

In addition to the above, and in accordance with Section 177U of the Planning and Development Act, in order to assess, in view of best scientific knowledge, if that proposed development, individually or in combination with another project is likely to have a significant effect on a Natura 2000 site, an AA screening was conducted. GCC concluded that -

'*By virtue of the requirement for protection or mitigation measures required during operation of the proposed development, the recommendation of the screening process is, therefore, to proceed to Stage Two: Appropriate Assessment.'*

This conclusion was matched in the Stage 1 Appropriate Assessment Screening concluding statement, as prepared by MKO, and subsequently, a Natura Impact Statement (NIS) was prepared in respect of the Proposed Development and submitted as part of the Planning Application. The NIS stated that -

'It can be objectively concluded that the Proposed Development, individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site.'

It was determined by GCC that the Environmental Impact Assessment and NIS, as submitted with the Planning Application *'contains a fair and reasonable assessment of the likely significant effects of the development on the environment. The assessment as reported is adopted as the assessment of Galway County Council'.*

In MKO's view, the Board have sufficient detail in the form of the submitted NIS to undertake a robust Appropriate Assessment which accords with best practice, the Habitats Directive and the principle established in CJEU Case 258/11.

5.1.2 Item 2: Assessment of Planning Application

The appellant requests that *'An Bord Pleanála perform of an assessment of the proposed development, rather than of the EIAR/NIS'.* In addition, the appellant includes a statement from the first Planner's Report (dated 01/03/24) which stated the following:

'The Planning Authority are generally satisfied with the content of the NIS but consider that a site layout plan which clearly details the location of the various mitigation measures would be helpful in order to assist the Planning Authority on reaching a final determination with regard to AA.'

The appellant goes onto note that the above extract:

'Generally is not compatible with 'removing all reasonable scientific doubt'.

The extract referenced by the appellant is set out in the GCC Planner's Report (dated 01/03/24) on foot of which the Planning Authority sought further information. By error or omission, the appellant makes no reference to the second and final GCC Planner's Report (dated 13/09/24) which concludes that:

'contains a fair and reasonable assessment of the likely significant effects of the development on the environment. The assessment as reported is adopted as the assessment of Galway County Council'.

The Planning Authority go on to conclude that:

'It is therefore concluded the proposed development including proposed mitigation can reasonably rule out that the proposed development at this site, individually or in-combination with other plans or projects, would not have an adverse effect (direct/indirect) on any European designated sites, their qualifying interests or conservation objectives'

As per the response to Item 1 above, it is considered that the Board have sufficient detail in the form of the submitted NIS to undertake a robust Appropriate Assessment which accords with best practice, the Habitats Directive and the principle established in CJEU Case 258/11. We would remind the Board that the submitted NIS and the AA undertaken by GCC conclude that, in view of best scientific knowledge, the proposed development will not have adverse effect (direct/indirect) on any European designated sites, their qualifying interests or conservation objectives.

The appellant goes onto make specific reference to Condition 4(a) of the GCC Grant of Planning Permission which requires the implementation of all mitigation and monitoring measures identified in the submitted EIAR and NIS. The appellant states that this condition does not comply with:

'must contain complete, precise and definitive findings'

Earlier in the appellant's submission, an extract is included, purported to be referenced from CJEU Case 258/11 which includes a longer excerpt from which the reference above is taken, as follows:

> *'So far as concerns that assessment carried out under Article 6(3) of the Habitats Directive, it should be pointed out that it cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all scientific doubt as to the effects of the proposed works on the protected site concerned'.*

The excerpt above is referring to the 'assessment' i.e the Appropriate Assessment. The appellant appears to be referring to the condition which requires the implementation of all mitigation and monitoring measures outlined in the NIS. The condition in question refers to the assessments (NIS & EIAR) which do include complete, precise and definitive findings and conclusions. In MKO's view, it is more than reasonable, and is established practice, for the Planning Authority to impose a condition requiring compliance with and implementation of all mitigation and monitoring measures.

5.1.3 Item 3: Water Framework Directive Assessment

The Appellant alleges that no assessment, as required under the Water Framework Directive (WFD), has been carried out. The Board will note Appendix 8-3 of the NIS, which is a Water Framework Directive Assessment prepared by Hydro-Environmental Services, which was submitted as part of the subject Planning Application to supplement the EIAR. The purpose of the WFD assessment was to determine if any specific component or activities associated with the proposed development will compromise WFD objectives or cause a deterioration in the status of any surface water or groundwater body and/or jeopardise the attainment of good surface water or groundwater status. The WFD assessment concluded that the proposed development -

- *Will not cause a deterioration in the status of all surface and groundwater bodies assessed;*
- *Will not jeopardise the objectives to achieve 'Good' surface water/groundwater status;*

• Does not jeopardise the attainment of 'Good' surface water/groundwater chemical status;

• Does not jeopardise the attainment of 'Good' surface water/groundwater quantity status;

• Does not permanently exclude or compromise the achievement of the objectives of the WFD in other waterbodies within the same river basin district;

• Is compliant with the requirements of the Water Framework Directive (2000/60/EC); and,

• Is consistent with other Community Environmental Legislation including the EIA Directive (2014/52/EU), the Habitats Directive (92/43/EEC)and the Birds Directive(2009/147/EC) (Note that a full list of legislation complied with in relation to hydrology and hydrogeology is included in Section 7.22 to 7.25 of the EIAR). (our emphasis added)

The Water Framework Directive Assessment, as prepared by Hydro-Environmental Services is attached to this RGOA in Appendix 2 for completeness. We would also note that Section 8.3 of the second and final GCC Planner's Report (dated 13/09/24) states the following:

'Having considered the details as submitted the Planning Authority are satisfied that subject to mitigation measures as proposed the development would not be likely to impact on these watercourses and as such would be in accordance with the WFD.'

5.1.4 Item 4: Further Information

The Appellant suggests that the Further Information Response, as submitted, was significant. A Further Information Request was issued by GCC on the 1st March 2024 and submitted on behalf of the client on 19th July 2024. The concept of significant further information is addressed in Article 35 and Article 36 of the *Planning and Development Regulations 2001 (as amended).*

The determination of whether a further information is considered significant in the Irish planning process is made at the discretion of the planning authority, based on the nature of the new details provided and their potential impact on the overall application. Article 35 outlines -

'Where a planning authority receives further information or evidence following a request under article 33, or revised plans, drawings or particulars following a request under article 34, or otherwise receives further information, evidence, revised plans, drawings or particulars in relation to the application, and it considers that the information, evidence, revised plans, drawings or particulars received, as appropriate, contain significant additional data, including information in relation to effects on the environment.' (our emphasis added).

It is entirely at the discretion of the Planning Authority to determine whether the information submitted as part of the Further Information Response did not contain any significant additional data. In this instance, GCC concluded that there was no requirement for the 're-advertising' of the planning application based on the submission of significant further information.

6. CONCLUSION

This Response to Grounds of Appeal demonstrates that the proposed development complies with all the relevant provisions, objectives and guidelines of Galway County Development Plan 2022-2028, national, regional and local guidelines and the principles of proper planning and sustainable development.

On addition, the RGOA submission addresses all of the issues raised in the third-party appeal. We would concur with the conclusions of the Planning Authority in their assessment of the development proposal which concludes the following:

> *'The proposed development has been assessed within the restrictions imposed by the principles of proper planning and sustainable development and having regard to the policies and objectives of Galway County Council as set out in the County Development Plan 2022-2028. Based on this assessment it is considered that the proposed development is in accordance with the proper planning and sustainable development of the area and with the provisions of the County Development Plan 2022-2028.'*

In view of all the matters set out in this response document, as well as the reports and assessment submitted to the Planning Authority and to An Bord Pleanála as part of the Planning Application submission, we respectfully request that An Bord Pleanála upholds the decision of the Planning Authority to grant planning permission for the proposed development.

APPENDIX 1

PLANNING AUTHORITY'S DECISION

C2

GALWAY COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACTS 2000-2010

DECISION under SECTION 34 of the ACT of 2000

Reference Number: 24/60013
Date of Receipt of Application: 09/01/2024

Newtown Farming Ltd
C/o Mary Kelleher
MKO
Tuam Road
Galway
H91 VW84

I hereby give you NOTICE that the Galway County Council has by order dated 12th September 2024 **decided to grant** PERMISSION

To the above named, for development of land, in accordance with documents lodged, namely:

for the development of a quarry for the extraction of sand in a phased basis over an area of c. 6.2 ha by an average depth of 3m from existing ground levels. The development will consist of: i. Installation of a processing plant and associated components; ii. Stockpiling of topsoil removed during quarrying for future implementation of a restoration plan; iii. Construction of a refuelling area; iv. Installation of a site office (30 sqm); v. Installation of a wastewater holding tank (63.6 sqm); vi. Installation of a weighbridge and wheel wash; vii. Installation of a new site entrance along with road reprofiling works on the L2232; viii. Installation of a groundwater well; ix. Provision of drainage infrastructure including a new hydrocarbon interceptor and surface drains on hardstanding; x. All associated site development and operational works; and xi. Site restoration following the cessation of sand extraction works. Permission is sought for an operational lifetime of 10 years. The Planning Application is accompanied by an Environmental Impact Assessment Report and Natura Impact Statement **in the townland of** Lomaunaghbaun

and subject to the conditions 18 **set out in the Schedule hereto.**

Main reasons and considerations on which the decision is based:-
The proposed development has been assessed, within the restrictions imposed by the principles of proper planning and sustainable development and having regard to the policy objectives of Galway County Council as set out in the 2022 - 2028 County Development Plan. Based on this assessment it is considered that the proposed development is in accordance with the proper planning and sustainable development of the area and with the provisions of the Development Plan.

Signed this 12th **day of SEPTEMBER 2024 on behalf of Galway County Council**

Caffrey
pp COUNTY SECRETARY

THIS NOTICE IS NOT A GRANT OF PLANNING PERMISSION and work should not be commenced until a grant of permission is issued. Permission will be issued on the expiration of the period for the making of an appeal (i.e. four weeks from the date of the above mentioned order), if there is then no appeal before Bord Pleanála.

In deciding this Planning Application Galway County Council has, in accordance with section 34(3) of the Act, had regard to any submissions or observations received.

SEE ATTACHED SCHEDULE

(CONDITION NO.'S 18)

A grant of permission shall cease to have effect on expiration of 5 years beginning on the date of such grant, as regards

SCHEDULE REFERRED TO - PLANNING REFERENCE NO. 24/60013

a) The entire development if the development to which the permission relates is not commenced during that period, and
b) So much of the development as is not completed within that period, in the case of development which has been commenced but not completed

Please see attached sheet for important Notice regarding Planning Appeals

SCHEDULE REFERRED TO - PLANNING REFERENCE NO. 24/60013

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 9th January 2024, as amended by the by the plans and particulars received by the Planning Authority on the 19th July 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with a planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This grant of planning permission for quarrying relates only to the area of 6.2 hectares, as outlined in red, undertaken down to a level of 3m from existing ground levels, in accordance with the details submitted with the application on the 9th January 2024. No extraction of rock or other quarrying operations shall be undertaken on any part of the overall lands, outside the site of this application, unless a separate planning permission has been granted for such development.

Reason: In the interest of clarity, and to delimit the area for future quarrying

3. This permission is for 10 years from the date of this order. All quarrying and ancillary activities shall cease, and all ancillary infrastructure shall be removed prior to that date, unless permission has been granted for further continued operation. The quarry restoration shall be in accordance with landscape restoration plan shall be completed within a further two years, unless otherwise agreed in writing by the Planning Authority.

Reason: In the interest of orderly development and to enable the impact of the proposed development on the environment and the amenities of the area to be monitored.

4. (a) All environmental mitigation and monitoring measures identified within the Natura Impact Statement and Environmental Impact Assessment Report and shall be implemented in full, save as may be required in order to comply with other conditions attaching to this order.

(b) The developer shall appoint an Environmental Manager with suitable ecological and construction expertise to ensure that these mitigation measures are fully implemented. A report of compliance with the mitigation measures shall be submitted to the Planning Authority following a timeframe to be agreed in writing with the Planning Authority prior to the commencement of development.

Reason: To protect the environment and amenities of the area and to ensure the proper planning and sustainable development of the area

5.(a) Prior to the commencement of development on site archaeological testing of the proposed extraction area shall be carried out which shall be monitored by a suitably qualified archaeologist.

(b)Should archaeological material be found during the course of monitoring, the archaeologist may have work on site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Housing, Local Government and Heritage with regard to any necessary mitigating action (e.g., preservation in-situ, or excavation) and should facilitate the archaeologist in recording any material found.

(c) The Planning Authority and the Department of Housing, Local Government and Heritage shall be furnished with a report describing the results of the monitoring.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation of any remains, which may exist within the site.

6. (a) Prior to commencement of development on foot of this grant of planning permission, a monitoring programme for noise and dust, shall be submitted to the Planning Authority and Environment Sections of Galway County Council for approval. The monitoring programme shall include detailed procedures for sampling, analysis and quality control and shall include proposed parameters for water analysis. Monitoring shall be carried out by appropriate independent consultants. The results of all monitoring and interpretations shall be submitted to Galway County Council within one month of sampling.

(b) Fuelling of vehicles, if proposed, shall be carried out on an impermeable surface and all run-off shall be diverted through an adequately sized Class 1 Full Retention oil interceptor prior to discharge, unless using a mobile double skinned fuel bowser.

(c) Noise levels at sensitive locations shall not exceed a Laeq (1 hour) of 55dB(A) between 0800 and 2000 and an Laeq (15 minutes) of 45 dB (A) between 2000 and 0800.

(d) Dust levels at the site boundary shall be measured using the Bergerhoff method and the total dust deposition shall not exceed the German TA Luft Air Quality Standard of 350mg/day/m^2 averaged over 30 days.

Reason: In the interest of the protection of residential amenity and to ensure public safety and environmental protection.

7. Dust levels at the site boundary shall not exceed 350milligrams per square metre per day averaged over a continuous period of [30] days (Bergerhoff Gauge). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results, and details of all dust suppression measures.

Reason: To control dust emissions arising from the development and to protect the amenities of the area.

8.Prior to commencement of the development, the applicant shall commission a road safety audit (stage 2) that will review the detailed design drawings and measures recommended by the earlier audit (stage 1 / stage 2) and accepted by the designer. Recommendations arising from the stage 2 audit, including swept path analysis or alternative measures proposed therein by the developer and accepted by the auditor, shall be incorporated into the final design of the development at the expense of the developer. The audit shall be completed by an independent road safety auditor, at the developer's expense, and shall be submitted for the written approval of the planning authority.

Reason: In the Interest of Road Safety.

9. On completion of the development, a stage 3 road safety audit shall be completed by an independent road safety auditor, at the developer's expense, and submitted for the written approval of the planning authority. Any safety issues highlighted in the audit shall be reviewed and addressed by the developer at their expense.

Reason: In the Interest of Road Safety.

10. Any proposed tie in including alteration works to the existing public road & margins of the development shall be cleared, graded, levelled, dished and surfaced tarmacadam to a standard suitable for use whilst subject to detailed design and subject to Road Safety Audit stage 2 and Stage 3 assessments whilst to be agreed in advance to the satisfaction of the Area Engineer.

Reason: In the interest of Road Safety.

11. (i) All surface water generated by this development shall be disposed of within the site and shall not be discharged onto the public road or the adjoining property.

(ii) Proposed development vehicular entrance and associated local widening/reprofiling onto the public road and any Tie in to the existing road margin shall be cleared, graded, levelled and surfaced to a standard suitable for use to the satisfaction of the Area Engineer to prevent unbound material (loose stone) entering onto the public road. Proposed Road make up and tie in to include suitable drainage infrastructure to collect and dispose of surface water runoff from the existing public road. The provisions shall not increase the likelihood of flooding to the development property, the road or adjoining properties.

Reason: In the interest of Road Safety.

12.(i) A revised detailed Traffic Management Plan to incorporate existing road conditions., including detailed design of temporary traffic measures and signs for roadworks shall be submitted prior to development commencement and agreed in advance with the Area Engineer, which sets out proposed measures and best practice to be implemented during the construction phase of development. The outline TMP should address the following: Site Access and Egress, Traffic Management Signage, Stop/Go or road closure/diversion arrangements, Traffic Management Speed Limits, Road Cleaning, Road Condition, Implementation of Traffic Management Plan. It shall include details of construction traffic routing, the number of trips generated for deliveries and collections of materials from the site, provision for a storage compound and parking provision within the site, wheel washing and measures for control of dust and other pollutant materials the installation of which shall be the responsibility of the applicant.

(ii) A road opening license shall be obtained, with aforementioned TMP & accompanying detailed Traffic management Design in accordance with Traffic Signs Manual (Chapter 8 - Temporary Traffic Measures and Signs for Roadworks), to be further agreed with Local Area Engineers including a phasing programme of the works indicating the timescale within which it is intended to use each public route to facilitate construction of the proposed development.

(iii) Public Road including areas within Public Road Margins backfill and full width pavement reinstatements, structural formations including finished road levels shall be in accordance with Guidelines for Managing Openings in Public Roads (Purple Book – April 2017) as amended including

in accordance to the provisions of TII publications - Pavement & Foundation Design DN-PAV-03021 and shall be to the satisfaction of the Area Engineer.

Reason: In the interests of road safety.

13. All necessary measures shall be taken by the applicant to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works. The relocation of any proposed signage shall be agreed to the Area Engineers and Planning Authority Satisfaction.

Reason: In the interests of road safety.

14. (a) The wheels and undersides of all vehicles transporting aggregate from the site onto the public road shall, prior to the exit of such vehicles onto the public road, be washed in a wheel washing facility, which shall be located a minimum distance from the public road

Reason: In the interest of traffic safety and convenience, and to protect the amenities of the area

15. On-site operations, shall be carried out between the hours of 0800 and 1700 only, Monday to Friday inclusive. No operations shall take place outside these hours or on Saturday, Sunday and public holidays unless agreed in writing with the Planning Authority.

Reason: To protect the amenities of properties in the vicinity of the site.

16. The applicant/developer shall pay **€113,410.40** to the Planning Authority, unless a phased payment schedule has been agreed in writing, with the Planning Authority. This charge has been calculated using the Development Contributions Scheme adopted by Galway County Council in accordance with the provisions of Section 48 of the Planning and Development Act 2000.

The makeup of this sum is detailed in the list below:

Development Sub-Area	Development Sub-Type	Charge Code Description	Number of Units	Unit Charge	Line Charge
Sub Area 2	Group 2	Quarry	6.2 hectares	€18.292	€113,410.40
				Total	€113,410.40

Reason: So that the developer shall pay an equitable portion of the cost of the facilities that are provided or that it is intended will be provided by or on behalf of Galway County Council, which will facilitate the proposed development

17. Prior to commencement of development, the developer shall lodge with the planning authority a €100,000 cash deposit, a bond of an insurance company, other security to secure the provision and satisfactory restoration of the site, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development.

Reason: In accordance with the Planning and Development Act, 2000 and in the interest of the proper planning and sustainable development of the area.

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18. Prior to commencement of development, the developer/applicants shall lodge a bond with the planning authority of a cash deposit amount to the sum of €33,525 with the Planning authority, or other cash amount or form of security, as may be acceptable to the relevant planning authority, to secure the reinstatement of the public road and road markings which may be damaged by the transport of materials to the site, to secure the provision of existing drains, open space and other services required in connection with the development coupled with an agreement empowering the relevant planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road.

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

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Footnote:

An appeal against a decision of a Planning Authority under the Planning and Development Act 2000 (as amended) may be made to An Bord Pleanála, 64 Marlborough Street, Dublin 1, D01 V902. (Tel. (01) 8588100) during office hours.

1. You have four weeks beginning on the date the planning authority makes its decision. This is a strict time limit.

2. You must put your appeal in writing (either typed or handwritten).

3. You must clearly state your own name and address. If someone is acting for you, like a planning agent they must clearly state their own name and address as well as your name and address.

4. You must give enough details to allow An Bord Pleanála to identify the application you wish to appeal.

5. You must provide your planning grounds of appeal (reasons and arguments) for your appeal and any items you wish to support your grounds of appeal.

6. If you are a third party, you must include the written acknowledgement given to you by the planning authority to confirm it received your submission at planning application stage.

7. You must pay the correct fee.

For more information on how to make an appeal see www.pleanala.ie

Guide for Homeowners Getting Construction Work Done Safely
https://www.hsa.ie/eng/Publications_and_Forms/Publications/Construction/homeowners_guidance.pdf

APPENDIX 2

THE WATER FRAMEWORK DIRECTIVE ASSESSMENT

HYDRO ENVIRONMENTAL SERVICES

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WATER FRAMEWORK DIRECTIVE ASSESSMENT
PROPOSED SAND AND GRAVEL EXTRACTION, LOMAUNAGHBAUN, CO. GALWAY

FINAL REPORT

Prepared for:

MKO

Prepared by:

HYDRO-ENVIRONMENTAL SERVICES

DOCUMENT INFORMATION

Document Title:	**WATER FRAMEWORK DIRECTIVE ASSESSMENT PROPOSED SAND AND GRAVEL EXTRACTION, LOMAUNAGHBAUN, CO. GALWAY**
Issue Date:	**19th December 2023**
Project Number:	**P1601-0**
Project Reporting History:	**P1601-0**
current revision no:	**FINAL_REV0**
Author:	
Signed:	Michael Gill **Michael Gill B.A., B.A.I., M.Sc., MIEI** **Managing Director – Hydro-Environmental Services**

Disclaimer:
This report has been prepared by HES with all reasonable skill, care and diligence within the terms of the contract with the client, incorporating our terms and conditions and taking account of the resources devoted to it by agreement with the client. We disclaim any responsibility to the client and others in respect of any matters outside the scope of the above. This report is confidential to the client and we accept no responsibility of whatsoever nature to third parties to whom this report, or any part thereof, is made known. Any such party relies upon the report at their own risk.

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1. INTRODUCTION

1.1 BACKGROUND

Hydro-Environmental Services (HES) was engaged by MKO acting on behalf of Newtown Farming Ltd to complete a Water Framework Directive (WFD) Compliance Assessment for proposed sand and gravel extraction (Proposed Development) at Lomaunaghbaun, Tuam, Co. Galway.

The purpose of this WFD assessment is to determine if any specific components or activities associated with the Proposed Development will compromise WFD objectives or cause a deterioration in the status of any surface water or groundwater body and/or jeopardise the attainment of good surface water or groundwater status. This assessment will determine the water bodies with the potential to be impacted, describe the proposed mitigation measures if such water bodies are identified and define any residual potential impacts.

This WFD Assessment is intended to supplement the EIAR submitted as part of the Proposed Development planning application.

1.2 STATEMENT OF AUTHORITY

Hydro-Environmental Services (HES) are a specialist hydrological, hydrogeological and environmental practice that delivers a range of water and environmental management consultancy services to the private and public sectors across Ireland and Northern Ireland. HES was established in 2005, and our office is located in Dungarvan, County Waterford. We routinely complete impact assessments for hydrology and hydrogeology for a large variety of project types including quarries.

This WFD assessment was prepared by David Broderick and Jennifer Law.

David Broderick P.Geo (BSc, H. Dip Env Eng, MSc) is a hydrogeologist with over 17 years' experience in both the public and private sectors. Having spent two years working in the Geological Survey of Ireland working mainly on groundwater and source protection studies David moved into the private sector. David has a strong background in groundwater resource assessment and hydrogeological/hydrological investigations in relation to bedrock quarries and sand and gravel extraction developments. David has completed numerous land, soil and geology sections for input into EIARs for a range of commercial developments.

Jenny Law (BSc, MSc) is an Environmental Geoscientist holding a first honours degree in Applied Environmental Geosciences from the University College Cork (2022). Jenny has assisted in the preparation of the land, soils and geology and hydrology chapters for various environmental impact assessment reports, hydrological impact assessments, Water Framework Directive Assessment reports and Flood Risk Assessment reports for a variety of projects including wind farm developments, strategic housing developments and quarries.

1.3 WATER FRAMEWORK DIRECTIVE

The EU Water Framework Directive (2000/60/EC), as amended by Directives 2008/105/EC, 2013/39/EU and 2014/101/EU ("**WFD**"), was established to ensure the protection of the water environment. The Directive was transposed in Ireland by the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003).

The WFD requires that all member states protect and improve water quality in all waters, with the aim of achieving good status by 2027 at the latest. Any new development must ensure that this fundamental requirement of the WFD is not compromised.

The WFD is implemented through the River Basin Management Plans (RBMP) which comprises a six-yearly cycle of planning, action and review. RBMPs include identifying river basin districts, water bodies, protected areas and any pressures or risks, monitoring and setting environmental objectives. In Ireland the first RBMP covered the period from 2010 to 2015 with the second cycle plan covering the period from 2018 to 2021.

The River Basin Management Plan (2018 - 2021) objectives, which have been integrated into the design of the proposed development, include:

- Ensure full compliance with relevant EU legislation;
- Prevent deterioration and maintain a 'high' status where it already exists;
- Protect, enhance and restore all waters with aim to achieve at least good status by 2027; and,
- Ensure waters in protected areas meet requirements;
- Implement targeted actions and pilot schemes in focused sub-catchments aimed at (1) targeting water bodies close to meeting their objectives and (2) addressing more complex issues that will build knowledge for the third cycle.

Furthermore, the Department of Housing, Local Government and Heritage are currently reviewing the submissions made on the Draft River Basin Management Plan (2022 - 2027) which was out for public consultation in Q4 of 2021 and Q1 of 2022. The draft plan will be updated with a view to finalisation and publication in Q3/Q4 of 2022. As of December 2023, the plan has not been published while the draft plan is available to view at https://www.gov.ie/en/consultation/2bda0-public-consultation-on-the-draft-river-basin-management-plan-for-ireland-2022-2027/.

2. WATERBODY IDENTIFICATION CLASSIFICATION

2.1 INTRODUCTION

This section identifies those surface water and groundwater bodies and protected areas with potential to be affected by the Proposed Development and reviews any available WFD information.

2.2 SURFACE WATERBODY IDENTIFICATION

The Proposed Development site is located in the Lough Corrib (Corrib_030) surface water catchment within Hydrometric Area 30 of the Western River Basin District (WRBD).

Locally, the Proposed Development site is located in the River Clare sub-catchment (Clare[Galway]_SC_040). The River Clare is located approximately 23km downstream (southwest) of the Proposed Development site, via the Grange River. The downstream distance to Lough Corrib in the River Clare sub-catchment is approximately 50km.

The area of the Proposed Development site drains to the Levally Stream (Levally Stream_010) which is tributary of the Grange River. The Levally Stream flows in a southerly direction approximately 0.7km to the east of the Proposed Development site.

There are no natural or manmade surface water features within the Proposed Development site that drain towards the Levally Stream. All rainfall/runoff infiltrates to ground. The site is underlain by freely draining sand and gravel deposits. All drainage from the proposed site to the Levally Stream is via recharge and groundwater flow.

Levally Lough is located 2.7km to the south of the Proposed Development site. There is no surface water connection between Levally Lough and the Proposed Development site.

The northwestern corner of the site is mapped within the Nanny (Tuam)_010 river sub basin. However, there are no mapped watercourses in the vicinity of the Proposed Development site within this river sub basin, with the nearest being 2.3km away, to the southwest.

Figure A below presents a local hydrology map and identifies those WFD surface waterbodies (SWBs) downstream of the Proposed Development Site.

Table A presents the catchment area of each waterbody downstream of the Proposed Development site as far as Lough Corrib to which the waterbodies drain into. The catchment area for the waterbodies increases progressively downstream as more tributaries discharge into the Grange River, and the River Clare. Therefore, those waterbodies which are located in close proximity to the site are more susceptible to water quality impacts as a result of activities associated with the Proposed Development at Lomaunaghbaun. The potential for the Proposed Development to impact a waterbody decreases further downstream due to the increasing catchment area to the surface waterbody and resulting increase in flow volumes.

Table A: Catchment Area Downstream of Site

WFD River Sub-Basin	Total Upstream Catchment Area (km²)
Lough Corrib Catchment	
Levally Stream_010	39.93
Nanny (Tuam)_010	15.14
Grange (Galway)_020	93.17
Grange (Galway)_030	104.71
Grange (Galway)_040	125.86

Clare (Galway)_060	706
Clare (Galway)_070	956.65
Clare (Galway)_080	1,001.6
Clare (Galway)_090	1,072.9
Clare (Galway)_100	1,108.2

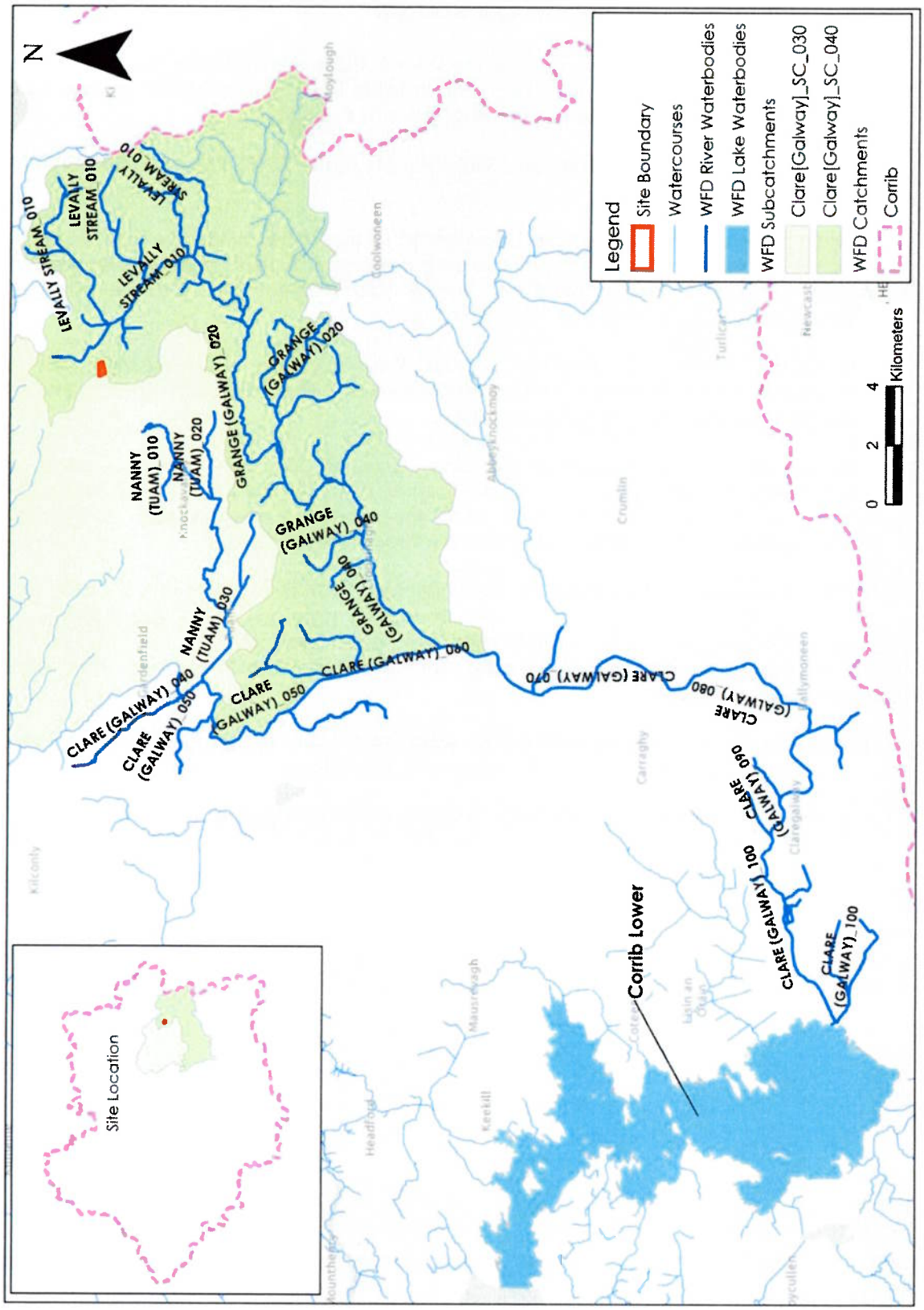


Figure A: Local Hydrology Map

2.3 SURFACE WATER BODY CLASSIFICATION

A summary of the WFD status and risk result for Surface Water Bodies (SWBs) downstream of the Proposed Development Site are shown in **Table B**. The overall status of SWBs is based on the ecological, chemical and quantitative status of each SWB.

Local Groundwater Body (GWB) and Surface water Body (SWB) status information is available from www.catchments.ie.

As stated above the Proposed Development Site is located within the Levally Stream_010 WFD river sub basin. The Levally Stream_010 SWB achieved "Good" status in the last 2 no. WFD cycles (2013-2018 and 2016-2021). Further downstream the Grange River (Grange (Galway)_020, _030 & _040) is of "Good" status.

The Levally Stream_010 and the Grange River (Grange (Galway)_020, _030 & _040) downstream of the Proposed Development have all been declared as being "not at risk" of failing to meet their WFD objectives by 2027.

The Grange River then feeds into the Clare (Galway)_060 river waterbody which achieved "Poor" status in the latest WFD Cycle. Further downstream the Clare (Galway)_070 river waterbody achieved "Good" status, whilst the remaining lower reaches of the Clare River (Clare (Galway)_080, _090 &_100) achieved "Moderate" Status.

Of the downstream Clare River, the Clare (Galway)_070 river segment is the only waterbody that is declared as being "Not at Risk". The Clare (Galway)_060, Clare (Galway)_080 and Clare (Galway)_090 river waterbodies are each deemed to be "At risk" due to hydromorphological significant pressures. The risk status of the Corrib Lower Lake waterbody is currently under "review".

The Nanny (Tuam)_010 river waterbody achieved "Moderate" status in the latest WFD cycle and is currently under "Review" with regards to its risk status.

The SWB status for the 2016-2021 WFD cycle are shown on **Figure B.**

Table B: Summary WFD Information for Surface Water Bodies

SWB	Waterbody Type	Overall Status (2010-2015)	Overall Status (2013-2018)	Overall Status (2016-2021)	Risk Status (3rd Cycle)	3rd Cycle Pressures
Levally Stream_010	River	Moderate	Good	Good	Not At Risk	-
Nanny (Tuam)_010	River	Unnassigned	Good	Moderate	Review	-
Grange (Galway)_020	River	Good	Moderate	Good	Not At Risk	-
Grange (Galway)_030	River	Good	Good	Good	Not At Risk	-
Grange (Galway)_040	River	Good	Good	Good	Not At Risk	-
Clare (Galway)_060	River	Moderate	Moderate	Poor	At Risk	Hydromorphology
Clare (Galway)_070	River	Good	Good	Good	Not a Risk	-
Clare (Galway)_080	River	Moderate	Moderate	Moderate	At Risk	Hydromorphology
Clare (Galway)_090	River	Moderate	Moderate	Moderate	At Risk	Hydromorphology
Clare (Galway)_100	River	Unassigned	Moderate	Moderate	Under Review	-
Corrib Lower	Lake	Moderate	Good	Good	Not At Risk	-

2.4 GROUNDWATER BODY IDENTIFICATION

The Groundwater Body (GWB) in which the Proposed Development site is located is called the Clare-Corrib GWB (IE_WE_G_0020) comprising pale grey clean skeletal limestone of the Burren Formation. These limestones are classified by the GSI as a Regionally Important Aquifer Karstified (conduit), (Rkc).

The limestone encountered during the drilling investigations (refer to Section 7.3.9 of the EIAR) was noted to be strong to very strong with only rare to occasional fractures. Overall, the bedrock below the Proposed Development shows very little karstification.

2.5 GROUNDWATER BODY CLASSIFICATION

The Clare-Corrib GWB achieved "Good" status in all 3 no. WFD cycles (refer to **Table C** and **Figure B**). These GWB has been deemed to be "at risk" of failing to meet its WFD objectives as agricultural activities have been found to be a significant pressure on the GWB.

Table C: Summary WFD Information for Groundwater Bodies

GWB	Overall Status (2010-2015)	Overall Status (2013-2018)	Overall Status (2016 – 2021)	3rd Cycle Risk Status	Pressures
Clare - Corrib	Good	Good	Good	At risk	Agriculture

2.6 PROTECTED AREA IDENTIFICATION

The WFD requires that activities are also in compliance with other relevant legislation, as considered below. Nature conservation designations, bathing waters, Nutrient Sensitive Areas (NSA's), shellfish protected areas and Drinking Water Protected Area's (DWPA) within the vicinity of the Proposed Development are looked at as part of the assessment.

2.6.1 Nature Conservation Designations

Within the Republic of Ireland designated sites include Natural Heritage Areas (NHAs), Proposed Natural Heritage Areas (pNHAs), Special Areas of Conservation (SACs), candidate Special Areas of Conservation (cSAC) and Special Protection Areas (SPAs).

Ramsar sites are wetlands of international importance designated under the Ramsar Convention (adopted in 1971 and came into force in 1975), providing a framework for the conservation and wise use of wetlands and their resources.

There are no designated sites mapped within the Proposed Development site boundary. The nearest designated site is Drumbulcan Bog pNHA (Site Code: 000263), approximately 0.6km west of the site.

Other designated sites within 10km radius include:

- Levalley Lough SAC and pNHA (Site Code: 000295), approximately 2.7km south of the site
- Lough Corrib SAC (Site Code: 000297), approximately 3.0km to the south and downstream of the site via the Levally stream.

- Knockavanny Turlogh pNHA (site code 000289) approximately 5.0km southwest of the site
- Richmond Esker Nature Reserve pNHA (Site Code: 000323), approximately 5.4km southeast of the site;
- Derrynagran Bog and Esker NHA (Site Code: 001255), approximately 6.3km southeast of the site;
- Derrinlough (Cloonkeenleananode) Bog NHA (Site Code: 001254) and SAC (Site Code: 002197), approximately 7.5km southeast of the site.
- Slieve Bog NHA (Site Code:000247), approximately 7.7km northeast of the site;
- Summerville Lough pNHA (Site Code: 001319) approximately 9.8km southeast of the site.

2.6.2 Bathing Waters

Bathing waters are those designated under the Bathing Water Directive (76/160/EEC) or the later revised Bathing Water Directive (2006/7/EC).

There are no bathing water sites located in the vicinity of the Proposed Development Site. The closest designated bathing water is Ballyloughane Beach (PA3_0132) and is located 37km to the southwest of the site.

2.6.3 Nutrient Sensitive Areas

Nutrient Sensitive Areas (NSA) comprise Nitrate Vulnerable Zones and polluted waters designated under the Nitrates Directive (91/676/EEC) and areas designated as sensitive areas under the Urban Wastewater Treatment Directive (UWWTD)(91/271/EEC). Sensitive areas under the UWWTD are water bodies affected by eutrophication associated with elevated nitrate concentrations and act as an indication that action is required to prevent further pollution caused by nutrients.

There are no mapped Nutrient Sensitive Areas in the vicinity or downstream of the site. There are no NSA's within the Corrib WFD Catchment.

2.6.4 Shellfish Waters

The Shellfish Waters Directive (2006/113/EC) aims to protect or improve shellfish waters in order to support shellfish life and growth.

There are no Shellfish Protection Areas within vicinity or downstream of the Proposed Development Site.

2.6.5 Drinking Water

The Corrib Lower lake waterbody downstream of the application site is a DWPA listed under Article 7 Abstraction for Drinking Water. The DWPA objectives have been met for the Corrib Lower Lake DWPA according to the 3rd Cycle Draft Corrib Catchment Report (HA 30).

The Proposed Development site is mapped by the GSI to be inside Gallagh Group Water Scheme source protection area. However, hydrogeological investigations completed at the Proposed Development site have revealed that local groundwater flow is to the east towards the Levally Stream. Groundwater from the area of the Proposed Development site will not flow towards the source of the GWS which is to the southwest. Therefore, the Proposed Development site is not located inside the Gallagh GWS SPA and can be ruled out for further assessment.

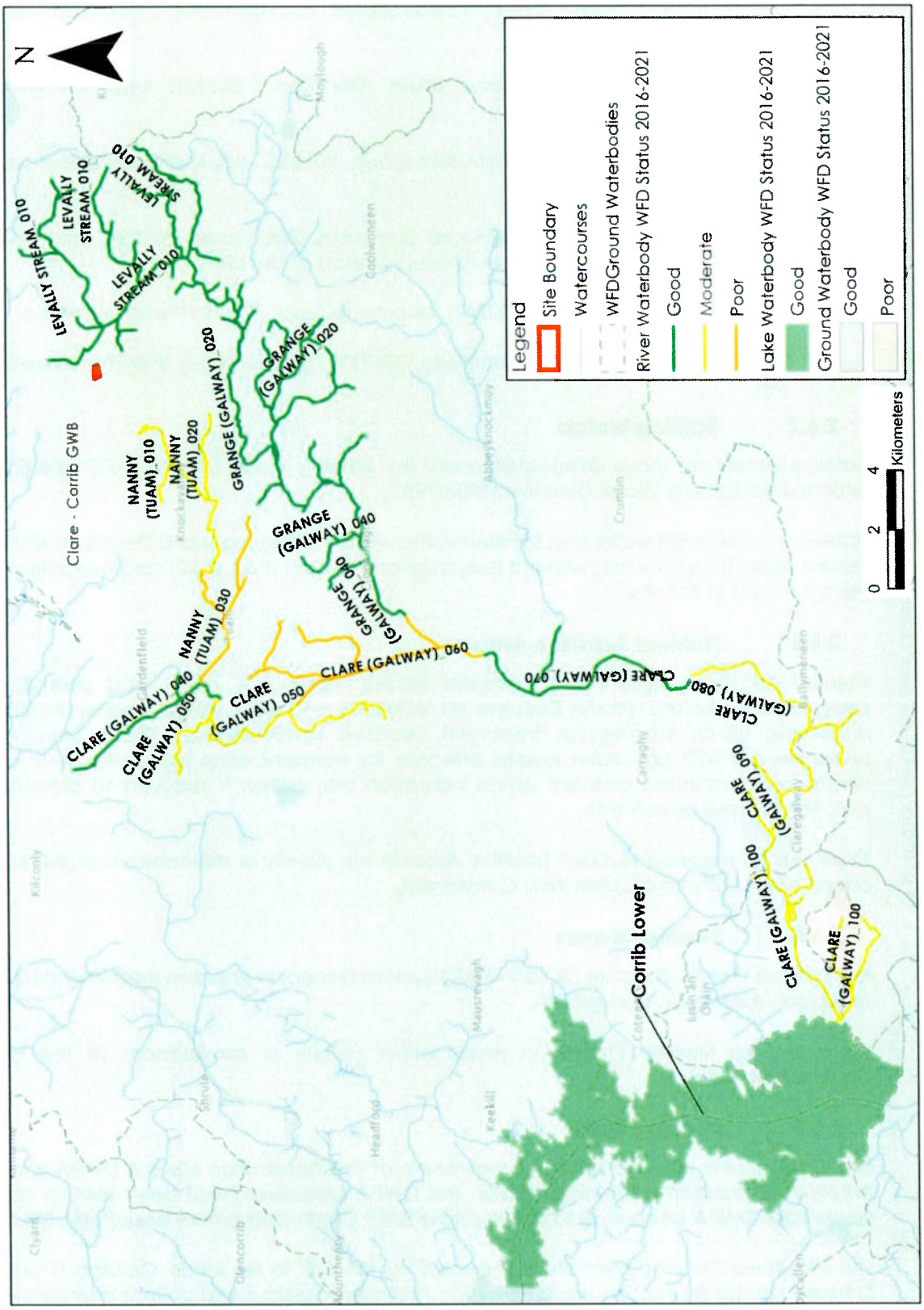


Figure B: WFD Surface and Groundwater Status (2016-2021)

3. WFD SCREENING

As discussed in **Section 2**, there is a total of 10 no. river water bodies and 1 no. lake waterbody located downstream of the Proposed Development Site. The Proposed Development Site is also underlain by 1 no. groundwater body. Furthermore, several designated sites are located in the vicinity of the Proposed Development Site, including Lough Corrib SAC.

3.1 SURFACE WATER BODIES

During the operational stage there will be no discharge or runoff to the Levally Stream_010. The only pathway for potential contaminants from the Proposed Development site to reach the levally Stream is via groundwater baseflow as no drains or watercourses are present. The limits the potential for significant surface water quality effects.

All other downstream river waterbodies (Grange (Galway)_020 through to Grange (Galway)_040 and Clare (Galway)_060 through to Clare (Galway)_100) have been screened out due to the nature of the Proposed Development, and the increasing volumes of water within the River Grange and River Clare further downstream (associated with the increased catchment area as outlined in **Table A**). The Proposed Development has no potential to cause a deterioration in status of these SWBs and/or jeopardise the attainment of good surface water status in the future.

A very small section of the Proposed Development Site is located in the Nanny (Tuam)_010 sub-basin, but there is no surface water connections between the Proposed Development site and the Nanny (Tuam)_010 river waterbody. Therefore, Proposed Development has no potential to cause a deterioration in status of these SWBs and/or jeopardise the attainment of good surface water status in the future and the Nanny (Tuam)_010 waterbody has been screened out.

The Corrib Lower Lake waterbody downstream from the Proposed Development has also been screened out, due to the large catchment area and volume of water within the lake and because of its significant distance downstream form the site (>30km). The Proposed Development has no potential to cause a deterioration in status of this SWBs and/or jeopardise the attainment of good surface water status in the future.

3.2 GROUNDWATER BODIES

The Clare - Corrib GWB is carried through to the WFD Impact Assessment due to its location directly underlying the Proposed Development Site. Due to the high groundwater vulnerability given to the quarry area and the nature of the underlying aquifer (regionally important karst aquifer) it is important to consider the risks to possible contamination of the groundwater. The Proposed Development must not in any way affect the status of this GWB or prevent it from meeting its WFD objectives in the future.

3.3 PROTECTED AREAS

3.3.1 Nature Conservation Designations

Groundwater underlying the Proposed Development site flows in an easterly/southeasterly direction as baseflow to the (Levally Stream) which forms part of the Lough Corrib SAC approximately 3km downstream of the Proposed Development site.

All other nearby designated sites are not hydrologically connected to the Proposed Development (i.e. Drumbulcan Bog pNHA and Levally Lough SAC). There is no hydrogeological connection to the Proposed Development site and therefore they cannot

be impacted by the Proposed Development. The lack of hydrological connectivity has been demonstrated by site investigations.

Lough Corrib SAC is downstream of the site via the Levally Stream therefore the SAC has been screened into the assessment.

The remaining designated sites in the vicinity of the Proposed Development include Knockavanny Turlogh pNHA, Richmond Esker Nature Reserve pNHA, Derrynagran Bog and Esker NHA, Derrinlough (Cloonkeenleananode) Bog NHA /SAC, Slieve Bog NHA and Slieve Bog NHA. All designated sites mentioned here have been screened out as there are no direct or indirect surface water pathways to these designated sites and as groundwater connectivity will be limited due to separation distances (all greater than 5km), the presence of intermediate rivers acting as hydraulic boundaries, elevation differences and shallow depth of proposed extraction works.

3.3.2 Bathing Waters

The Ballyloughane Beach bathing waters have been screened out due to its distal location from the Proposed Development Site. Therefore, the Proposed Development has no potential to impact bathing waters at Ballyloughane Beach.

3.3.3 Drinking Waters

The Corrib Lower DWPA downstream from the Proposed Development has been screened out, due to the nature of the Proposed Development, the large catchment area and volume of water within the lake and because of its significant distance downstream form the site (50km). The Proposed Development has no potential to cause a deterioration in status of this DWPA.

3.4 WFD SCREENING SUMMARY

A summary of WFD Screening discussed above is shown in **Table D**.

Table D: Screening of WFD water bodies located within the study area.

Type	WFD Classification	Waterbody Name/ID	Inclusion in Assessment	Justification
Surface Water Body	River	Levally Stream_010	**Yes**	Due to close proximity to the Proposed Development but limited to groundwater flowpath connection due to the absence of runoff potential from the Proposed Development site.
		Nanny (Tuam)_)10	No	While the extreme northwest of the Proposed Development Site is located in the Nanny (Tuam)_010 sub-basin. There are no mapped watercourses in the vicinity of the site within this sub basin (nearest being 2.3km away). Therefore, the Proposed Development has no potential to impact the status of this SWB.
		Grange (Galway)_020	No	The Grange (Galway)_020 SWB has been screened out due to the nature of the Proposed Development, and the increasing volumes of water within the River Grange further downstream (associated with the increased catchment area as outlined in **Table A**). Therefore, the Proposed Development has no potential to impact the status of this SWB.
		Grange (Galway)_030	No	The Grange (Galway)_030 SWB has been screened out due to the nature of the Proposed Development, and the increasing volumes of water within the River Grange further downstream (associated with the increased catchment area as outlined in **Table A**). Therefore, the Proposed Development has no potential to impact the status of this SWB.
		Grange (Galway)_040	No	The Grange (Galway)_040 SWB has been screened out due to the nature of the Proposed Development, and the increasing volumes of water within the River Grange further downstream (associated with the increased catchment area as outlined in **Table A**). Therefore, the Proposed Development has no potential to impact the status of this SWB.
		Clare (Galway)_060	No	The Clare (Galway)_060 SWB has been screened out due to the nature of the Proposed Development, and the increasing volumes of water within the River Clare further downstream (associated with the increased catchment area as outlined in **Table A**). Therefore, the Proposed Development has no potential to impact the status of this SWB.
		Clare (Galway)_070	No	The Clare (Galway)_070 SWB has been screened out due to the nature of the Proposed Development, and the increasing volumes of water within the River Clare further downstream (associated with the increased catchment area as outlined in **Table A**). Therefore, the Proposed Development has no potential to impact the status of this SWB.
		Clare (Galway)_080	No	The Clare (Galway)_080 SWB has been screened out due to the nature of the Proposed Development, and the increasing volumes of water within the River Clare further downstream (associated with the increased catchment area as outlined in

				Table A). Therefore, the Proposed Development has no potential to impact the status of this SWB.
		Clare (Galway)_090	No	The Clare (Galway)_090 SWB has been screened out due to the nature of the Proposed Development, and the increasing volumes of water within the River Clare further downstream (associated with the increased catchment area as outlined in **Table A**). Therefore, the Proposed Development has no potential to impact the status of this SWB.
		Clare (Galway)_100	No	The Clare (Galway)_100 SWB has been screened out due to the nature of the Proposed Development, and the increasing volumes of water within the River Clare further downstream (associated with the increased catchment area as outlined in **Table A**). Therefore, the Proposed Development has no potential to impact the status of this SWB.
	Lake	Corrib Lower	No	Corrib Lower is screened out of the assessment due to the nature of the proposed development, its significant downstream distance from the site, its increased catchment area and large volumes of water within the lake. The proposed development has no potential to affect Corrib Lower.
Ground water Body	Groundwater	Clare - Corrib	**Yes**	The Proposed Development Site is located inside this GWB. Due to the karst nature of the bedrock in this area any groundwater contamination would also be able to spread fast within this GWB. Therefore, an assessment is required to consider the impacts of the Proposed Development on this GWB.
Protected Areas	Nature Conservation Area	Drumbulcan Bog pNHA	No	Screened out as there is no groundwater or surface water connection to this pNHA.
		Levalley Lough SAC/ pNHA	No	Screened out as there is no groundwater or surface water connection to this SAC/pNHA.
		Lough Corrib SAC	**Yes**	Lough Corrib SAC is downstream of the site via the Levally Stream therefore the SAC has been screened into the assessment.
		Knockavanny Turlogh pNHA	No	Knockavanny Turlogh pNHA has been screened out as there are no direct or indirect surface water pathways to the site and as groundwater connectivity will be limited due to separation distances (5km), elevation differences and the depth of proposed extraction works above groundwater level.
		Richmond Esker Nature Reserve pNHA	No	Richmond Esker Nature Reserve pNHA has been screened out as there are no direct or indirect surface water pathways to the site and as groundwater connectivity will be limited due to separation distances (5.4km), the presence of the Levally Stream acting as a hydraulic boundary, elevation differences and the depth of proposed extraction works above groundwater level.
		Derrynagran Bog and Esker NHA	No	Derrynagran Bog and Esker NHA has been screened out as there are no direct or indirect surface water pathways to the site and as groundwater connectivity will be limited due to separation distances (6.3km), the presence of the Levally Stream acting as a hydraulic boundary, elevation differences and the depth of proposed

				extraction works above groundwater level.
		Derrinlough (Cloonkeenleananode) Bog NHA and SAC	No	Derrinlough (Cloonkeenleananode) Bog NHA/SAC has been screened out as there are no direct or indirect surface water pathways to the site and as groundwater connectivity will be limited due to separation distances (7.5km), the presence of the Levally Stream acting as a hydraulic boundary, elevation differences and the depth of proposed extraction works above groundwater level.
		Slieve Bog NHA	No	Slieve Bog NHA has been screened out as there are no direct or indirect surface water pathways to the site and as groundwater connectivity will be limited due to separation distances (7.7km), presence of intermediate rivers acting as hydraulic boundaries, elevation differences and the depth of proposed extraction works above groundwater level.
		Summerville Lough pNHA	No	Summerville Lough pNHA has been screened out as there are no direct or indirect surface water pathways to the site and as groundwater connectivity will be limited due to separation distances (9.8km), presence of intermediate rivers acting as hydraulic boundaries, elevation differences and the depth of proposed extraction works above groundwater level.
	Bathing Waters	Ballyloughane Beach	No	The Ballyloughane Beach bathing waters have been screened out due to its distal location (37km) from the Proposed Development Site. The Proposed Development has no potential to impact these bathing waters.
	Drinking Water Protected Areas	Corrib Lower	No	Corrib Lower DWPA is screened out of the assessment due to the nature of the proposed development, its significant downstream distance from the site, its increased catchment area and large volumes of water within the lake. The proposed development has no potential to affect Corrib Lower DWPA.

4. WFD COMPLIANCE ASSESSMENT

4.1 PROPOSALS

The Proposed Development being applied for under this current planning application includes for the extraction of sand and gravel over almost the full site area (i.e. 6.2ha). There will be no extraction of the limestone bedrock below the sand and gravel deposits. Aggregate will be processed on-site.

Water usage for the washing element of the sand processing plant during the operational phase will be contained within a closed loop system. As all water will be reused on a continuous basis within the material processing plant there will be no requirement for the installation of settlement ponds or any licenced groundwater or surface discharges. All drainage from the Proposed Development site to the Levally Stream is via recharge and groundwater flow only.

Initial preparation/construction work requirements at the Proposed Development site will be minimal and will mainly be site enabling works that will last approximately 1 month.

The total daily demand for aggregate washing, wheel wash and dust suppression is expected to be under 25m^3/day and will be sourced from a proposed on-site well.

The spoil/fines from the aggregate processing will be stored in cells constructed in in-situ sand and gravel deposits. All domestic wastewater will be contained and taken off-site for treatment.

A full description of the Proposed Development is provided in Chapter 2 of this EIAR.

4.2 POTENTIAL EFFECTS

4.2.1 Site Preparation Phase (Unmitigated)

4.2.1.1 Potential Surface Water Quality/ Quantity Effects

The removal of any topsoil from the proposed extraction areas or other works areas has the potential for the generation of suspended solids in surface water runoff. Earthworks and the stockpiling of such material (creating the proposed boundary berms) will be a potential source of sediment laden water.

Such activities can result in the release of suspended solids to nearby surface waters. However, as described above, there are no direct hydrological connections between the Proposed Development site and nearby surface waters. The only potential for surface water quality effects is through groundwater recharge and the lateral migration of groundwater and its eventual discharge as baseflow into local streams.

Given the permeable nature of the subsoil sands and gravels present at the Proposed Development site, all water generated within the site will infiltrate to ground. The subsoil sand and gravels are an excellent natural filter and will remove any suspended solids before the water reaches the underlying groundwater table.

Enabling works at the Proposed Development site will be completed using machinery. Such machinery are powered by diesel engines and operated using hydraulics. Unless managed carefully such plant and machinery have the potential to leak hydraulic oils or cause fuel leaks during refueling operations. Concrete pouring will also be required during the site preparation works.

Only small volumes of fuel/oils and concrete will be present on-site and therefore no significant effects are expected as long as standard mitigation is implemented.

A summary of potential status change to SWBs arising from surface water quality impacts from earthworks during the construction phase of the Proposed Development in the unmitigated scenario are outlined in **Table E.**

Table E: Potential Surface Water Quality/Quantity Effects during Site Preparation (Unmitigated)

SWB	WFD Code	Current Status	Assessed Potential Status Change
Levally Stream_010	IE_WE_30L070100	Good	Good

4.2.1.2 Potential Effect on Groundwater Quality

The site preparation works will involve the removal of soil and overburden from the Proposed Development site. Earthworks could result in elevated suspended solid concentrations entering groundwater.

Given the permeable nature of the subsoil sands and gravels present at the Proposed Development site, all water generated within the site will infiltrate to ground. The subsoil sand and gravels are an excellent natural filter and will remove any suspended solids before the water reaches the underlying groundwater table.

The accidental spillage of hydrocarbons or concrete has the potential to negatively affect local water quality at the site. Due to the absence of direct surface water pathways and high recharge rates, local groundwater quality is susceptible to pollution.

A summary of potential status change to GWBs arising from potential groundwater quality impacts during the construction phase of the Proposed Development in the unmitigated scenario are outlined in **Table F.**

Table F: Potential Groundwater Quality Effects during the Site Preparation (Unmitigated)

GWB	WFD Code	Current Status	Assessed Potential Status Change
Clare - Corrib	IE_WE_G_0020	Good	Moderate

4.2.1.3 Potential Effects on Protected Areas

Drumbulcan Bog pNHA

No groundwater or surface water connectivity to this pNHA.

Levally Lough SAC/ pNHA

No groundwater or surface water connectivity to this SAC/pNHA.

Lough Corrib SAC

Lough Corrib is situated to the north of Galway city and is the second largest lake in Ireland, with an area of approximately 18,240 ha. A number of rivers are included within the SAC as they are important for Atlantic Salmon. These rivers include the Clare and Grange Rivers downstream of the Proposed Development.

However, due to the nature of the Proposed Development (i.e. no licenced discharges and lack of surface water drainage to river waterbodies), and the increasing volumes of water within the River Grange and the River Clare further downstream (associated with the increased catchment area as outlined in **Table A**), the likelihood of any significant effects occurring on the Lough Corrib SAC is extremely low.

4.2.2 Operational Phase (Unmitigated)

4.2.2.1 Potential Surface Water Quality/Quantity Effects

Hydrocarbons will also be used on-site throughout the operation phase. Accidental spillage of oils/fuels is a common pollution risk to surface waters at all quarry sites.

However, there is no surface water drainage pathways will occur between the Proposed Development Site and downstream SWBs. During the operational phase there will also be no discharge to surface watercourses. All surface water within the Proposed Development Site will either be recycled and reused on-site (wheel wash etc.) or will infiltrate to ground. The potential to affect surface water quality is only through hydraulic continuity with groundwater.

A summary of potential status change to SWBs arising from surface water quality impacts from earthworks during the operational phase of the Proposed Development in the unmitigated scenario are outlined in **Table G.**

Table G: Potential Surface Water Quality/Quantity Effects during Operational Phase (Unmitigated)

SWB	WFD Code	Current Status	Assessed Potential Status Change
Levally Stream_010	IE_WE_30L070100	Good	Good

4.2.2.2 Potential Groundwater Quality/Quantity Effects

The risks to groundwater quality are the same as those described in the **Section 4.2.1.2** and include the accidental spillages of hydrocarbons and entrainment of suspended solids in drainage.

There will be no groundwater quantity/level effects as the proposed extraction will be above the local groundwater table and no dewatering will be required. Groundwater usage for washing and processing will be minimal (<25m³/day).

Excavations, aggregate extraction and storage of fines/silts have the potential to release sediments into the groundwater system, particularly in karst environments where the groundwater vulnerability rating is often "Extreme" and particularly where conduit flow pathways potentially exist.

However, the drilling investigations carried out at the site demonstrates the limestone bedrock below the site is very competent. Groundwater flowpaths between the Proposed Development site and the Levally Stream are likely to be mainly along the top of bedrock (i.e. bedrock / subsoil interface) rather than rapid flow via solutional enlarged bedding planes, fissures and conduits. Based on these finding there is not likely to be potential for rapid recharge of silt laden surface water into the groundwater system.

A summary of potential status change to GWBs arising from potential groundwater quality impacts during the operational phase of the Proposed Development in the unmitigated scenario are outlined in **Table H**.

Table H: Potential Groundwater Quality/Quantity Effects during the Operational Phase (Unmitigated)

GWB	WFD Code	Current Status	Assessed Potential Status Change
Clare - Corrib	IE_WE_G_0020	Good	Moderate

4.2.2.3 Potential Effects on Protected Areas

Due to the fact that there are no direct surface water connections to the Levally Stream, no significant on Lough Corrib SAC are likely.

All other nearby designated sites are not hydrologically connected to the Proposed Development (i.e. Drumbulcan Bog pNHA and Levally Lough SAC). There is no hydrogeological connection to the Proposed Development site and therefore they cannot be impacted by the Proposed Development. The lack of hydrological connectivity has been demonstrated by site investigations.

4.2.3 Restoration Phase

The restoration plan involves returning the Proposed Development site to grassland by spreading/contouring previously stripped overburden over the extraction area.

No impacts on the hydrological or hydrogeological regime are expected during the restoration or post restoration phase. However, the restoration will have a positive effect in terms of reduced groundwater vulnerability.

4.3 MITIGATION MEASURES

In order to mitigate against the potential negative effects on surface and groundwater quality, mitigation measures will be implemented during the Proposed Development. These are outlined below.

4.3.1 Construction / Site Preparation Phase

4.3.1.1 Mitigation Measures to Protect Surface Water Quality

Due to the local hydrogeological regime, no specific mitigation measures are required to protect surface water quality. There is no direct pathway between the Proposed Development and downstream SWBs. Surface water quality may be indirectly affected by the lateral migration of groundwater from the Proposed Development site to the Levally Stream only. Mitigation measures for the protection of groundwater quality will also ensure that there is no deterioration in surface water quality.

4.3.1.2 Mitigation Measures to Protect Groundwater Quality

Given the permeable nature of the subsoil sands and gravels present at the Proposed Development site, all water generated within the site will infiltrate to ground. The subsoil sand and gravels are an excellent natural filter and will remove any suspended solids before the water reaches the underlying groundwater table.

Mitigation measures proposed to avoid the release of hydrocarbons at the site include:

- All plant and machinery will be serviced before being mobilised to site;
- Refuelling will be completed in a controlled manner using drip trays (bunded container trays) at all times;
- All fuels will be stored in the existing bunded fuel storage areas at the site workshop;
- Only designated trained operators will be authorised to refuel plant on site; and,
- Procedures and contingency plans will be in place to deal with emergency accidents or spills (spill kits including high absorbency mats will be available on-site).

Mitigation measures in relation to cement based compounds:

- No batching of concrete will occur on site. Ready-mixed supply of wet concrete products and where possible, emplacement of pre-cast elements, will take place.
- Raw or uncured waste concrete shall be disposed of by removal from the site;
- Wash down water from exposed aggregate surfaces, cast-in-place concrete and from concrete trucks shall be impounded in lined lagoons and treated in accordance with the dewatering discussed above.
- Only the chute of the concrete delivery truck will be permitted to be cleaned on site, using the smallest volume of water necessary;
- Concrete trucks will be directed back to their batching plant for full washout; and,
- Concrete pour sites shall be free of standing water to mitigate the risk of run-off being polluted with cementitious material. Furthermore, concrete pours shall be avoided where prolonged periods of heavy rain are forecast, and covers shall be available and used for freshly placed concrete to avoid the surface washing away in heavy rain.

4.3.2 Extraction Phase

4.3.2.1 Mitigation Measures for the Protection of Surface Water Quality

No specific mitigation measures are required during the extraction phase as there will be no discharges or drainage to any surface water course. During the extraction phase all drainage will be directed into the quarry void and will infiltrate to ground.

4.3.2.2 Mitigation Measures for the Protection of Groundwater Quality

The main mitigation with regard potential groundwater quality effect from sediments is that aggregate will not be extracted down to bare bedrock (i.e. the underlying bedrock will not be exposed). Thereby leaving a protective layer of natural sand and gravels over bedrock for the filtration of any surface water runoff that might be generated at the site during extraction phase or following restoration phase.

Secondly, the spoil/fines from the aggregate processing will be stored in cells constructed within in-situ sand and gravel deposits. All runoff from spoil/fine storages areas will be contained and directed to ground within the cell, thereby the underlying sand and gravels will filter out any fines.

The main mitigation with respect groundwater quality protection during the extraction phase will be employment of best practice measures with respect to oil usage and refuelling of plant and machinery:

- All site refuelling will be carried out in a designated refuelling area in the eastern section of the site. This designated area will be marked by signage;
- The refuelling area will be comprised of concrete hardstanding. A hydrocarbon/oil interceptor will capture and treat runoff from the refuelling area;
- All plant and machinery will be serviced before being mobilised to site, and regular leak inspections will be completed during the site operations;
- No plant maintenance will be completed on site, any broken-down plant will be removed from site to be fixed;
- An emergency spill kit with oil boom, absorbers etc. will be kept on-site for use in the event of an accidental spill;
- Drip-trays will be used for fixed or mobile plant such as pumps and generators in order to retain oil leaks and spills. The drip tray will have a holding capacity of 110% of the volume contained within the machine/ generator; and,
- Only designated trained and competent operatives will be authorised to refuel plant.

4.4 RESTORATION PHASE

The mitigation measures relating to oils and fuels during the restoration phase will be the same as those outlined below for the construction and operational phase.

4.4 POTENTIAL EFFECTS WITH THE IMPLEMENTATION OF MITIGATION MEASURES

A summary of the WFD potential status change to the SWBs and the GWB arising from surface water and ground water quality impacts during the construction, operation and restoration phase of the Proposed Development, in unmitigated and mitigated scenarios, are outlined in **Table I**.

Table I: Summary of WFD Status for Unmitigated and Mitigated Scenarios

WFD Water Bodies	WFD Code	Current Status (2016-2021)	Assessed Status - Unmitigated	Assessed Status with Mitigation Measures
Surface Water Bodies				
Levally Stream_010	IE_WE_30L070100	Good	Good	Good
Groundwater Bodies				
Clare - Corrib	IE_WE_G_0020	Good	Moderate	Good

5. WFD ASSESSMENT CONCLUSION

WFD status for SWBs (Surface Water Bodies) and GWBs (Groundwater Bodies) hydraulically linked to the Proposed Development Site are defined in **Section 2** above.

The Proposed Development does not involve any quarrying below the groundwater table or discharge to surface watercourses. Therefore, the quantitative status (i.e., the available quantity (volume) of groundwater and surface water locally) to the receiving waters will remain unaltered during all phases of the Proposed Development.

There is no direct surface water linkage between the Proposed Development Site and downstream receiving surface waters. Due to the local hydrogeological regime, which is characterised by low rates of surface water runoff and high rates of groundwater recharge, the only potential pathway between the site and downstream watercourses is via groundwater recharge and the lateral migration of groundwater.

Mitigation for the protection of groundwater during the construction, operation and restoration phases of the Proposed Development will ensure the qualitative status of the receiving groundwaters will not be altered by the Proposed Development.

There will be no change in GWB or SWB status in the underlying GWBs or downstream SWBs resulting from the Proposed Development. There will be no change in quantitative (volume) or qualitative (chemical) status, and the underlying GWBs are protected from any potential deterioration from chemical pollution.

As such, the Proposed Development will not impact upon any surface water or groundwater body as it will not cause a deterioration of the status of the body and/or it will not jeopardise the attainment of good status.

As such, the Proposed Development:

- will not cause a deterioration in the status of all surface and groundwater bodies assessed;
- will not jeopardise the objectives to achieve 'Good' surface water/groundwater status;
- does not jeopardise the attainment of 'Good' surface water/groundwater chemical status;
- does not jeopardise the attainment of 'Good' surface water/groundwater quantity status;
- does not permanently exclude or compromise the achievement of the objectives of the WFD in other waterbodies within the same river basin district;
- is compliant with the requirements of the Water Framework Directive (2000/60/EC); and,
- is consistent with other Community Environmental Legislation including the EIA Directive (2014/52/EU), the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) (Note that a full list of legislation complied with in relation to hydrology and hydrogeology is included in Section 7.22 to 7.25 of the EIAR).

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