

An Coimisiun Pleanála (ACP)

1 Marlborough Street,

Dublin 1.

AN COIMISIÚN PLEANÁLA	
LDG-	083236-25
ACP-	
30 SEP 2025	
Fee: €	3000 Type: card
Time: 15.53	By: hand

Galway Road,

Roscommon.

29/9/25

Re : Planning Register No. 25/60316 Galway County Council

Permission for continued operation and expansion of quarry

At Isertkelly North, Kilchreest, Co, Galway.

Dear Sir,

We Collins Boyd, Engineers and Architects of Galway Road, Roscommon have been retained by Isertkelly Ltd of Galway City Karting, Liosban Industrial Estate, Tuam Road, Galway, Co. Galway H91 PC81 to appeal the decision made by Galway County Council on 4/9/25 to grant permission for the above referenced application. In particular we wish to appeal conditions 8, 16 and 17, conditions 8 and 17 relate to financial conditions imposed under section 48 of the act, condition 16 relates to a cash deposit for €100,000 for road reinstatement of local road L8538.

The reasons for the appeal are that

1. The reasons given for the imposition of the financial conditions are not provided for in the planning acts.
2. The planning authority (PA) were acting outside their powers in seeking security for damage that may occur.
3. There is no indication given to the applicant of how the development charges have been calculated or applied.

We will elaborate further on the above reasons below.

Condition 16

The powers to attach conditions in section 34(4) of the act only allow the imposition of security conditions for the satisfactory completion of the proposed development. The reason given for the imposition of this condition is traffic safety. The PA have not provided any information on how the amount of the security was calculated. The Development Management Guidelines restrict the imposition of security conditions to residential developments. There is no residential element to the proposed development and we ask that ACP delete this condition.

Condition 8

In applying a special contribution the PA are to specify the particular works that are required including their location and cost and how much of them can be apportioned to the permitted development. This has not occurred. The imposition of the condition in the first instance is a surprise as this quarry and another in the vicinity has operated for over 20 years without the necessity for a passing bay. The permission for the proposed development requires the newly permitted quarry to operate at the same output as it does currently. It is difficult to understand in

these circumstances why any public infrastructure is needed to facilitate the proposed development.

We note that belatedly the PA included a roads report on to their website (document created in or around 23/9/25). This report became available following our formal request (see attached email). The report does not provide any additional information on how the special contribution was calculated or where specifically the infrastructure upgrade was located. The PA have not followed S7.12 of the development management guidelines in framing this condition.

Condition17

In the first instance the reason for the imposition of this condition does not accord with statutory provisions as it references the costs of facilities which will facilitate the proposed development. The facilities are not specified.

The PA is required to indicate how the contribution was calculated, it has not done so. It is difficult therefore for the appellant to determine if the contribution was misapplied. An incorrect reason attached to a condition is we contend a misapplication.

The PA have given options for the methodology of calculating the contribution and it then proposes to use a methodology which produces the highest figure. This apart from anything else is a misapplication of the powers to impose financial demands as it is accepted practice that developers should only have to pay what is necessary and not an additional premium based on conflicting methodologies. There is little sign of evidence based planning in the process.

We would also ask the ACP to consider the development history of these lands in particular the permission under 05/2870 under which development contributions were assessed. The area/planning unit associated with the 05 permission overlaps with the 25 planning unit and should not be subject to a development contribution as this would result in double charging which would be contrary to the contribution scheme and the planning acts.

Conclusion

In light of the uncertainty and absence of a reasoned basis for the calculation of contributions by the PA we would ask that the ACP allow us to review the basis on which any revised contributions are determined before calculations are finalised. We look forward to positive engagement in relation to the issues raised in this appeal.

Signed:



Eamon Collins

Collins Boyd Engineers and Architects

Agent Rep on behalf of Isertkelly Ltd.

EMAIL ATTACHMENT

 Outlook

Development Contribution Query Planning Ref: 2560316

From Conal Moore <c.moore@collinsboydeng.com>

Date Tue 2025-09-23 12:11 PM

To devcontributions@galwaycoco.ie <devcontributions@galwaycoco.ie>; planning@galwaycoco.ie <planning@galwaycoco.ie>

To Whom it may concern,

Could you please provide me with the calculations used to come up with the following contributions / bonds for planning application ref: 2560316 :

- Development contribution of €118,898.00
- Special Contribution of €30,000.00
- Roads and Transportation Bond of €100,000.00

Could you also provide me with a copy of the galway coco road sections report for the proposed development as I cannot seem to find it on the eplanning portal.

I look forward to hearing back from you

Kind Regards,

Conal

Conal Moore
Civil Engineer

B.Eng MIEI



Galway Road, Roscommon, Co.Roscommon,F42 V344

[Click here for location map](#)

Tel: 090
6634421

Email:
info@collinsboydeng.com

Web:
www.collinsboydeng.com

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Collins Boyd Engineers and Architects

Agent Rep on behalf of Isertkelly Ltd.

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Registered Office: 7 Sli an Bhradain, Claregalway, Co.Galway. Directors E Collins, S Boyd & A Gacquin. Registered in Ireland Number 584126. This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify us immediately at info@collinsboydeng.com and delete this email from your system. Thank-you.

GALWAY COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACTS 2000-2010DECISION under SECTION 34 of the ACT of 2000

Reference Number: 25/60316

Date of Receipt of Application: 25/03/2025

Isertkelly Ltd.
c/o Eamon Collins
Collins Boyd Engineering
4 Ballinagard
Roscommon
F42 V344

I hereby give you NOTICE that the Galway County Council has by order dated 4th September 2025 decided to grant PERMISSION

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

for a period of 25 years for the continued operation and expansion of an existing quarry at this site (site area 12.66 Hectares) for extraction of limestone rock. The proposed development will increase the extraction area to a total of 10.565 hectares (additional volume to be extracted = 1.33 million m³ approximately) and will include the crushing, screening/processing of rock from the site using mobile plant. The development will include the removal of all existing temporary buildings from the site and replacement with permanent structures including the following: site office 104 m², weigh bridge office 16 m², maintenance shed 483 m². Other works will include the installation of a fuel tank including refueling pad and petrol interceptor, construction of carpark/ lorry parking, installation of signage, street lighting and fencing. The site perimeter will include landscaped soil berms to screen the site. On completion of extraction the site will be restored to a natural habitat. An Environmental Impact Assessment Report (EIAR) and screening for an Appropriate Assessment has been prepared in respect of this planning application & will be submitted to the planning authority with the planning application. Gross floor space of proposed works: 603.00 sqm in the townland of Isertkelly North

and subject to the conditions 17 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 4th day of SEPTEMBER 2025 on behalf of Galway County Council


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 An Coimisiún 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.

SCHEDULE REFERRED TO - PLANNING REFERENCE NO. 2560316

SEE ATTACHED SCHEDULE

(CONDITION NO.'S 17)

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

- 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. 2560316

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 25th of March 2025, as amended by the by the plans and particulars received by the Planning Authority on the 14th of July 2025, 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 permission is for 25 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. Upon completion of restoration the applicant shall submit to Galway County Council Planning Section for their written agreement a digital topographical survey of the final restored contours.

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.

3. (a) All environmental mitigation and monitoring measures identified within the 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 and monitoring 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

4. The development shall comply with the recommendations, summary and conclusions as set within Environmental Impact Assessment Report "Chapter 14, Traffic Impact Assessment" that includes the Traffic and Transportation Assessment, Safety statement and Road Safety mitigation measures submitted with the application on the 25th March 2025 as amended by the by the plans and particulars received by the Planning Authority on the 14th of July 2025.

Reason: In the Interest of Road Safety

5. The installation of advanced warning road sign "W170" and supplementary plate "Quarry Ahead" shall be installed per the materials and specifications in accordance with the DoT Traffic Signs Manual and positioned on each approach of the Quarry entrance at a location within the L-8538 public road margin as agreed in advance to the satisfaction of the area engineer.

Reason: In the Interest of Road Safety

SCHEDULE REFERRED TO - PLANNING REFERENCE NO. 2560316

6. Sight distance triangles shall be maintained and kept free from boundary walling, vegetation, or other obstructions that would reduce the minimum visibility required.

Reason: In the interests of road safety and proper planning and sustainable development to the area and compliance to TII Standards.

7. (i) The quarry shall operate to its present output, whereby Quarry traffic movements of existing access shall not exceed the permitted daily generated trips as stated within Traffic Assessment, sub section 4.1 Trip Generation insofar the total number of two way HGV traffic movements serving the site each permitted day shall not exceed 40 trips.

(ii) Prior to commencement of development, an independent automated traffic counter (ATC) shall be installed at a point where the quarry access road T – junctions with the L-8538 whilst such records shall be made available for viewing in the form of a monitoring report including all dates of operation which shall be submitted to the planning authority on each anniversary from grant of permission for the duration of the permitted Quarry license.

(iii) The Quarry haulage route for all HGV's traffic movements to and from development shall be facilitated from the adjoining Local Secondary LS-8538, that junctions onto/from the Local Primary LP-4219 and onto/from the strategic regional route R-380.

Reason: In the Interest of Road Safety

8. The developer shall pay a financial contribution of €30,000 to the planning authority as a special contribution under Section 48(2) of the Planning and Development Act 2000, as amended, in respect for undertaking local road improvement works that includes the provision of a passing bay onto the LS -8538 public road margin. The contribution shall be paid prior to commencement of the development unless an alternative agreement is reached with the Roads and Planning Authority.

Reason: A requirement under the Planning and Development Act 2000, as amended, the Development Contribution Scheme made under section 48 of the Act shall be applied to the permission.

9. (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). The provisions shall not increase the likelihood of flooding to the development property, the road or adjoining properties.

Reason: In the interests of road safety and proper planning and sustainable development to the area.

10. 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.

Reason: In the interests of road safety

SCHEDULE REFERRED TO - PLANNING REFERENCE NO. 2560316

11. a) Activities at the site shall not give rise to noise levels off-site, at noise sensitive locations, which exceed the following sound pressure limits (Leq,T):
Day 55dB(A)Laeq (30 minutes) (08:00 hours to 22:00 hours).
Night 45dB(A)Laeq (30 minutes) (22:00 hours to 08:00 hours).
Noise levels shall be measured at the noise monitoring locations. Monitoring results shall be submitted to the Planning Authority on a quarterly basis per year.
- b) There shall be no tonal or impulsive noise at noise sensitive receptors during night-time hours due to activities carried out on site.

Reason: In order to protect the residential amenities of property in the vicinity

12. On-site operations, other than blasting operations, shall be carried out between the hours of 0800 and 1800 only, Monday to Friday inclusive and between the hours of 0800 and 1600 on Saturdays. Truck loading activities may be undertaken between the additional hours of 0700 and 0800, Monday to Saturday inclusive.

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

13. a) Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge).
- b) Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to re-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
- c) A monthly survey and monitoring programme of dust and particulate emissions shall be undertaken to provide for compliance with these limits. Details of this programme, including the location of dust monitoring stations, and details of dust suppression measures to be carried out within the entire quarry complex, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. This programme shall include an annual review of all dust monitoring data, to be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.

Reason: To control dust emissions arising from the development and in the interest of the amenity of the area

14. (a) The developer shall monitor and record groundwater, surface water flow, noise, ground vibration, and dust deposition levels at monitoring and recording stations, the location of which shall be agreed in writing with the planning authority prior to commencement of development. Monitoring results shall be submitted to the planning authority on an annual basis for groundwater, surface water, noise and ground vibration.
- b) On an annual basis, for the lifetime of the facility (within two months of each year end), the developer shall submit to the planning authority five copies of an environmental audit.

SCHEDULE REFERRED TO - PLANNING REFERENCE NO. 2560316

Independent environmental auditors approved of in writing by the planning authority shall carry out this audit. This audit shall be carried out at the expense of the developer and shall be made available for public inspection at the offices of the planning authority and at such other locations as may be agreed in writing with the authority. This report shall contain:

i. A written record derived from the on-site weighbridge of the quantity of material leaving the site. This quantity shall be specified in tonnes.

ii. An annual topographical survey carried out by an independent qualified surveyor approved in writing by the planning authority. This survey shall show all areas excavated and restored. On the basis of this a full materials balance shall be provided to the planning authority.

iii. A record of groundwater levels measured at monthly intervals.

iv. A written record of all complaints, including actions taken in response to each complaint.

c) In addition to this annual audit, the developer shall submit quarterly reports with full records of dust monitoring, noise monitoring, surface water quality monitoring, and groundwater monitoring. Details of such information shall be agreed in writing with the planning authority. Notwithstanding this requirement

d) All incidents where levels of noise or dust exceed specified levels shall be notified to the planning authority within two working days. Incidents of surface or groundwater pollution or incidents that may result in groundwater pollution, shall be notified to the planning authority without delay.

e) Following submission of the audit or of such reports, or where such incidents occur, the developer shall comply with any requirements that the planning authority may impose in writing in order to bring the development in compliance with the conditions of this permission.

Reason: In the interest of protecting residential amenities and ensuring a sustainable use of non-renewable resources

15. There shall be a minimum protective buffer distance of 150 metres between the identified Peregrine nest ledge and any locations where blasting is to be carried out during the bird breeding season. Monitoring shall also be carried out.

Reason: In the interests of proper planning and sustainable development.

16. Prior to commencement of development, the developer/applicants shall lodge a Roads & Transportation bond with the planning authority of a cash deposit amount to the sum of €100,000 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, road signage and road markings which may be damaged by the transport of materials to the site, to secure the provision of existing drains and other services required in connection with the development coupled with an agreement empowering the relevant planning authority to apply

SCHEDULE REFERRED TO - PLANNING REFERENCE NO. 2560316

such security or part thereof to the satisfactory reinstatement of the public road and margins of the LS-8538, that junctions onto/from the Local Primary LP-4219 and onto/from the strategic regional route R-380.

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

17. The applicant/developer shall pay **€118,898.00** 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.

Development Sub-Area	Development Sub-Type	Charge Code Description	Number of Units	Unit Charge	Line Charge
Sub Area 1	Part 2	Industrial/Commercial & other Developments		€	€118,898.00
				Total	€118,898.00

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

Part 2 Industrial/commercial and other Development
Quarries and Gravel Pits to be levied at 10c per m3 to be extracted or €18,292 per hectare of extraction area, whichever is the greater.

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

SCHEDULE REFERRED TO - PLANNING REFERENCE NO. 2560316

Footnote:

An appeal against a decision of a Planning Authority under the Planning and Development Act 2000 (as amended) may be made to An Coimisiún 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 Coimisiún 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](https://www.hsa.ie/eng/Publications_and_Forms/Publications/Construction/homeowners_guidance.pdf)