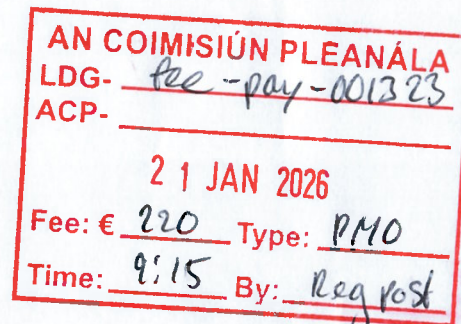


Ballaghbawn  
Belclare  
Tuam  
Co. Galway

20<sup>th</sup> January 2026



The Secretary  
An Coimisiún Pleanála  
64 Marlborough Street  
Dublin 1  
D01 V902

Dear Sir/ Madam

**Third Party Appeal of Planning Application Reference 25/60750 for quarrying and related activity**

**Cartron, Belclare, Co. Galway**

I wish to appeal the above planning application. Please find enclosed written acknowledgement given to me by the planning authority to confirm it received my submission at planning application stage and a cheque for €220.00.

We are the closest residential property to the quarry. We wish to object to the planning application on the following grounds:

**1. Planning Status of Existing Quarry**

In my submission to the Planning Authority I raised the following concern:

*The planning application seeks permission for inter alia the continued use of the existing quarry (granted under Planning Ref. File No.: 06/2275 and ABP Ref.: PL07.222783); the Continued use of existing permitted structures and facilities; Construction of a new quarry storage yard to the east of the existing quarry; Relocation of the existing permitted sheds (to an area beside the proposed storage yard area; and Importation of soil and stone (both waste and non-waste) for site restoration purposes.*

*Planning Permission Ref. 06/2275 (ABP Ref.: PL07.222783) included a number of conditions to be complied with prior to the commencement of development, including:*

- *Condition 20 (drainage management plan);*
- *Condition 23 (restoration bond); and*
- *Condition 24 (special contribution).*

*Galway County Council has previously confirmed via a Freedom of Information Request (held at **Appendix 1**) that:*

*"In relation to condition no 20 of planning permission PL07.222783 there is **no record of a drainage management plan having been submitted.**"*

*The letter also confirms that in relation to conditions 23 and 24, there was **no agreement in place** in lieu of the financial contribution.*

*As such, the existing development at the Site which was granted by Planning Permission Ref. 06/2275/ ABP Ref.: PL07.222783 is not considered to have been complied with or legally implemented (i.e. all conditions complied with before development commenced) and therefore the development at the Site which is purported to be granted under 06/2275 and ABP Ref.: PL07.222783 is, in fact, unauthorised. The development description for 25/60750 does not include any reference to the retention of unauthorised development.*

*The development description presupposes that there has been compliance with the existing permission. It is considered that the references in the development description to the continued use of the existing quarry are misleading and substantially incorrect as unauthorised development on site has not been referenced and the referencing of development authorised under 06/2275/ PL07.222783 in the public notices is considered inaccurate and misleading. The planning application is therefore considered invalid under Article 26 (3)(b) of the Planning and Development Regulations 2001, as amended.*

*I also believe that the failure to reference the same in the EIAR, affects the completeness and quality of the EIA and therefore is in contravention of Section 172 of the Planning and Development Act, 2000.*

*I believe that retention permission would be required for the existing unauthorised development on site and therefore any application for retention would be required to be accompanied by an EIAR".*

In relation to this matter, the Planner's Report (Page 50) states that there are gaps in the compliance record for the Site and that:

*"I have focused on condition 5 as this is the most important ongoing monitoring condition and it is clear there are large gaps. For clarity purposes this does not make the quarry unauthorised per one submission, but it is clear non-compliance and I propose to address this within this current application as how the quarry is being operated currently (and in the recent past) is in my view, directly relevant to consideration of this application".*

Conditions 20, 23 and 24 of Planning Permission Ref 06/2275/ ABP Ref.: PL07.222783 all include matters to be agreed and the conditions complied with **prior to the commencement of development.** Therefore, contrary to the Planners Report, it is not simply a case of non-compliance, which can be remedied via the planning application, instead, it goes to the heart of the planning application as it shows that the permission granted via PL07.222783 was not lawfully implemented and therefore, the development at the Site is unauthorised. The proposed development is for an extension/ continuation of the development which was never lawfully implemented and therefore, I believe that retention permission would be required for the existing unauthorised development on

site and therefore any application for retention would be required to be accompanied by an EIAR.

## **2. Period of Planning Permission Sought**

Planning permission is sought for a period of 35 years. This period is excessive and not in line with the Quarries and Ancillary Activities Guidelines for Planning Authorities guidance which states that *"Where the expected life of the proposed quarry exceeds 5 years it will normally be appropriate to grant permission for a longer period (such as 10 - 20 years)"*. The guidelines state that the purpose of setting a finite period is to enable the planning authority, in conjunction with the developer and environmental authorities, to review changes in environmental standards and technology over a decade or more since the original permission was granted. The proposed period of 35 years would not allow this to be carried out and therefore conflicts with widely accepted and used guidance on the matter.

## **3. Waste Recycling**

No information is provided in the EIAR as to how or where the C & D materials which are proposed to be imported are recycled and what happens to these materials when they have been processed. No detail is provided on how unsuitable waste materials are to be dealt with. Without this information, it is considered that the proposed development could result in a significant effect upon the regionally important aquifer at the Site and the groundwater contained within it. As the EIAR is insufficient in describing the C & D Recycling activities, especially with regards to potential contaminants or extraneous waste materials, then it cannot be proven that this activity will not impact on surface or ground waters.

## **4. Traffic Generation**

The Planning Statement states that *"the proposed development includes an increase in the assessed annual extraction rate from 250,000 tonnes to 300,000 tonnes"* however the Traffic and Transport Assessment (TTA) states that: *"A maximum of 300,000 tonnes per annum, expressed as aggregate-equivalent, encompassing:*

- *export of quarry products;*
- *inbound high-spec aggregates or sand;*
- *feedstock for, and outbound products from, the on-site concrete batching and asphalt plants;*
- *inert soil and stone imported for progressive restoration; and*
- *selected construction-and-demolition (C&D) material imported for processing into recycled aggregates, thereby displacing an equivalent tonnage of virgin aggregate.*

If the proposed development seeks to extract at up to 300,000 tonnes per annum then it is incorrect for the TTA to use this figure for assessing all traffic generation from the Site.

The TTA states that *"These figures are used solely for network-capacity assessment; they do not represent individual limits on the asphalt or concrete plants, which will operate flexibly within the overall 300,000 tonnes per annum threshold"*.

The flexibility being suggested above, when considered in conjunction with the proposed rate of extraction detailed in the EIAR and Planning Statement would mean that at the proposed rate as stated, that there would be no other movements at all. This is not a reasonable methodology nor realistic scenario for assessing the worst case scenario as required by EIA guidance.

No overall quantities of soil or stone for recycling have been provided by the applicant however Chapter 3 of the EIAR does state that approximately 15,000 tonnes of material annually for the phased restoration of the quarry and C&D recycling. Based on 33 years at 15,000 tonnes per annum (not withstanding waste soils that have already been recovered on site) then this would equate to in excess of 495,000 tonnes.

The Applicant does not state whether it is their intention to operate under a waste facility permit or a waste licence. Confirmation is required.

#### **5. Inadequate AA Screening Report**

As no details are provided on the location, handling, processing and storage of the imported C & D wastes in the planning application. The AA Screening report does not consider the potential for pollutants from imported contaminated material associated with the proposed C & D Recycling, which could impact upon surface and ground water. Therefore it is considered that the AA screening exercise has not been undertaken on the basis of best scientific knowledge nor does it remove all reasonable scientific doubt.

#### **6. Impacts upon amenity**

It is considered that the quarry already operates beyond its permitted hours of operation, opening at 6.15am every morning and 3 – 4 evenings per week they are not closing until approx. 9pm On Saturdays they close after 5pm.

Noise is a constant issue with a number of the noise mitigation measures previously proposed ignored. Tipping rock onto steel, without the use of rubber mattin and the use of rock breakers can be observed on a daily basis

There is no effort made to control the levels of dust pollution. No watering, many conveyors not covered, tippers and arctics leaving the quarry daily with lime without being covered. Our house is only 8 metres from the quarry entrance and is completely covered in dust on a constant basis.

The precedent shown via these unauthorised activities provides no confidence that the quarry will implement the mitigations and controls proposed in the planning application.

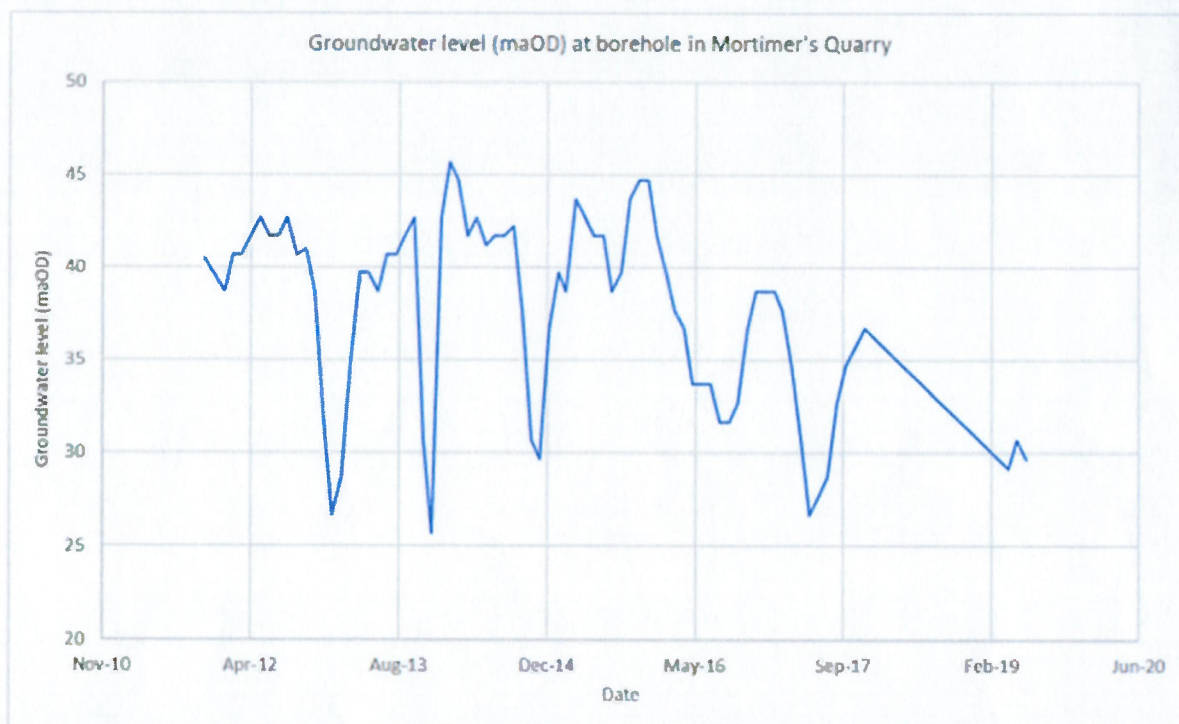
#### **7. Insufficient Groundwater Data**

Mortimer Quarries Ltd. is applying for continued use of the existing quarry (granted under Planning Ref. File No.: 06/2275 and ABP Ref.: PL07.222783). The EIAR Water Chapter

states that Groundwater in the area resides at 25-28mOD and therefore the quarry floor will reside above this. There is one abstraction borehole at the Site but no Groundwater monitoring boreholes. Therefore, site specific data is not known and there is no site-specific evidence to confirm the depth of the water table at the Site referenced in the EIAR.

I have read the REIS which was submitted as part of the Application for Substitute Consent at the adjacent McTigue Quarry (Ref SU07.310435) before it was made invalid. Whilst the application was invalid the information contained in the REIS is considered relevant. It states at Page 70 that:

*"The owner has provided groundwater level measurements taken at this well between September 2009 and June 2019, generally collected on a monthly basis, as required by conditions attached to the planning permission for the Site. The local datum (100 m) has been converted to Ordnance Datum (65 maOD at best estimate). This has informed calculation of groundwater levels as follows: minimum 25.7 maOD; average 37.6 maOD; and maximum 45.7 maOD".* The hydrograph from the REIS is presented below:



The application states, and cross section drawings show, that the 'permitted' depth at the quarry is 33mAOD. Given the calculated water levels referenced above, upon the deepest sinking, works would be below the maximum and average groundwater levels in the vicinity, thereby creating the potential for drawdown and local supplies and potential contamination of the underlying aquifer which is classified as a Regionally Important Aquifer,

The REIS states that three piezometers were installed at the McTigue Quarry Site and showed groundwater levels changing by over 20 metres. Given this evidence that shows

how changes in groundwater levels in the vicinity of the quarry change significantly and that the area is synonymous with karst features, having site specific data for the Mortimer's Quarry is considered vital for accurately describing the baseline and allowing a robust assessment of the proposals. Without Site specific data for the Site, it is considered that this element of the EIAR is inadequate.

## **Conclusion**

Evidence has been obtained from Galway County Council that pre-commencement conditions were not complied with. The issue is more than simply a matter of non-compliance. It goes to the heart of the permission and whether the permission was ever legally implemented.

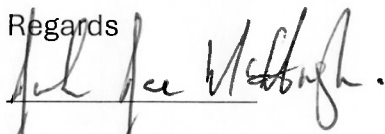
I believe that the planning permission for quarrying at the site was not lawfully implemented in the appropriate period. It is therefore considered that the references in the development description to the continued use of the existing quarry are misleading and substantially incorrect as unauthorised development on site has not been referenced.

It is not legally possible to grant permission where what is proposed to be 'continued' is in fact unauthorised development.

Furthermore, the proposed development is considered to form an unreasonable intensification of the current quarry operations, which is not considered to be in keeping with the proper planning and sustainable development of the area. Based on available data it appears to show that the development 'permitted' would take place below the water table. The application would form a new permission at the site and in effect a new grant of permission which based on data available in the immediate vicinity and that provided by the Applicant, collected at the single abstraction borehole on site, would therefore have the potential to result in drawdown and potential contamination of the groundwater aquifer. Without site specific data, and a hydraulic model informed by a network of groundwater boreholes, the groundwater levels at the Site have not been accurately predicted. The baseline description is therefore inaccurate and therefore the assessment of the groundwater impacts within the EIAR is inadequate.

The application is devoid of important detail and therefore, given insufficient information that significant effects can be avoided, the planning application should be refused.

Regards

  
Joe McHugh

15/07/2025



Joe McHugh  
Ballaghbawn  
Belclare  
Tuam  
Co Galway

**Comhairle Chontae na Gaillimhe**  
**Galway County Council**

**TAG:** Uimh. Thag. Pleanála:  
**RE:** Planning ref. no.:

25/60750 - PERMISSION for continued use of the existing quarry (granted under Planning Ref. File No.: 06/2275 and ABP Ref.: PL07.222783), including drilling, blasting, crushing, processing, and stockpiling of materials within a total site area of 15.09 hectares to the permitted depth of 33m OD. Continued use of existing permitted structures and facilities, including: weighbridge and wheelwash with side and overhead spray bar, office and staff facilities building and carpark provision (Ref. 17512). Asphalt plant (Ref. 15104), concrete batching plant (Ref. 20419), maintenance shed (Ref. 141295), aggregate shed, ESB substation (Ref. 191964), crushing and screening plant, and stock bays (Ref. 062275 & 21442). Associated site infrastructure. Construction of a new quarry storage yard (c. 1.09 Ha.) to the east of the existing quarry. Relocation of the existing permitted sheds (Plan Ref File No. 21442) to an area beside the proposed storage yard area. Importation of soil and stone (both waste and non-waste) for site restoration purposes and selected construction and demolition waste for recycling to preserve natural aggregate resources, subject to the necessary authorisations. The proposed development will facilitate the continued operation and restoration of the site, with the operational life of the quarry ceasing upon resource exhaustion, followed by restoration to agricultural and natural uses using imported material. The proposed development is within an overall application area of c. 16.3 hectares and is for a total period of 35 years (comprising an operational period of 33 years followed by 2 years for restoration). The application is accompanied by an Environmental Impact Assessment Report (EIAR)

i mbaile fearainn / in the townland of : Cartron

**RIALACHÁIN PLEANÁLA AGUS FORBARTHA,**  
**2001-2002**

**ADMHÁIL ar AIGHNEACHT nó TUAIRIM atá**  
**FAIGHTE**  
**ar IARRATAS PLEANÁLA**

**PLANNING AND DEVELOPMENT REGULATIONS,**  
**2001-2002**

**ACKNOWLEDGEMENT of RECEIPT of**  
**SUBMISSION or OBSERVATION on a PLANNING**  
**APPLICATION**

IS DOICIMÉAD THÁBHACHTACH É SEO!

COINNIGH AN DOICIMÉAD SEO GO SÁBHÁILTE.  
BEIDH ORT AN ADMHÁIL SEO A THAISPEÁINT  
DON BHORD PLEANÁLA MÁ'S MIAN LEAT  
ACHOMHAIRC A DHÉANAMH AR CHINNEADH AN  
ÚDARÁIS PLEANÁLA

THIS IS AN IMPORTANT DOCUMENT!

KEEP THIS DOCUMENT SAFELY. YOU WILL BE  
REQUIRED TO PRODUCE THIS  
ACKNOWLEDGEMENT TO AN BORD PLEANÁLA IF  
YOU WISH TO APPEAL THE DECISION OF  
THE PLANNING AUTHORITY

Tá aighneacht/tuairim faighte i scríbhinn ó Joe McHugh  
ar an 15/07/2025 maidir leis an iarratas pleanála thuas.

Tá an táille cuí de €20 íoctha.

Tá an t-aighneacht/tuairim de réir na forálacha cuí de  
na Rialacháin um Pleanáil agus Forbairt, 2001 agus  
cuirfidh an tÚdarás Pleanála san áireamh iad nuair atá  
cinneadh dhá dhéanamh ar an iarratas pleanála.

**AIRE**

**Tabhair faoi deara gur é an dáta is déanaí do**  
**chinneadh ar an gcomhad seo ná 06/08/2025**

A submission/observation in writing has been received from  
Joe McHugh on 15/07/2025 in relation to the above  
planning application.

The appropriate fee of € 20 has been paid.  
The submission/observation is in accordance with the  
appropriate provisions of the Planning and Development  
Regulations, 2001 and will be taken into account by the  
planning authority in its determination of the planning  
application.

**N.B**

Má tharlaíonn sé **nach bhfaigheann tú fógra** maidir leis an gcinneadh seo laistigh de **3 – 5 lá den dáta thuas**, déan teagmháil leis an oifig seo ar an bpointe ag 091 509 308 nó ar ríomhphost ag [planning@galwaycoco.ie](mailto:planning@galwaycoco.ie), chun a chinntiú go gcloíonn tú le sprioc amanna achomharc an Bhord Pleanála.

***Please note that the latest date for decision on this file is 06/08/2025***

Should you **not receive notification** of this decision within **3 – 5 days of the above date**, please contact this office immediately at 091 509 308 or email at [planning@galwaycoco.ie](mailto:planning@galwaycoco.ie), in order to ensure that you meet an Bord Pleanála appeal deadlines.

***E. Keaveney***

**Administrative Officer, Planning**