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John Madden and Sons Limited

BALLYSHEEDY, GORT

CO. GALWAY.

SUBSTITUTE CONSENT APPLICATION PLANNING REPORT



John Madden and Sons Ltd.- Substitute Consent Application, Ballysheedy, Gort.

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1.0 INTRODUCTION

This Planning Report has been prepared to accompany the Substitute Consent Application to An Bord Pleanála on behalf of John Madden and Sons Limited, of Maddens Quarry, Ballsheedy, Gort, Co. Galway.

The applicant wishes to make an application for Substitute Consent on foot of an order made by An Bord Pleanála in relation to an application for leave to apply for substitute consent for Quarrying and directed to have lodged by 24th of June 2022. This correspondence is attached to the Planning Cover letter enclosed.

A Substitute Consent application is required to assess any potential impacts, including cumulative impacts, that previous quarrying operations within lands at Ballysheedy Quarry may have had on the local and regional environment after both the Environmental Impact Assessment Directive and the Habitats Directive came into effect.

The Ballysheedy Quarry Substitute Consent application site 8.78 ha. entails previous quarrying works within an overall landholding of approximately 12.69ha.

The full description of the planning application, as per public notices is set out in section 2.0 -2.2 below.

1.1 STRUCTURE OF THIS REPORT

This Report is structured as follows:

Section 1 provides a general introduction to the development proposal and applicant.

Section 2 provides a description of the development, the site location and context.

Section 3 Outlines the background to the application for Substitute Consent

Section 4 Examines the Statutory Planning context relating to the development. This includes an appraisal of Planning Policies, Planning History, and the established use of the area.

Section 5 Refers to the Remedial EIAR and Remedial NIS submitted in support of this Substitute Consent application.

Section 6 Summary of all enclosures, the planning fee calculation and schedule of drawings.

2.0 DEVELOPMENT DESCRIPTION

The application is for the Substitute Consent for previous development at this site within the townland of Ballysheedy, Gort, Co. Galway, to regularise the planning status of the rewilding area of the former quarry lands.

The previous development consisted of quarry related activities including aggregate extraction and processing by mechanical means and associated security fencing. The application is accompanied by a remedial Environmental Impact Assessment Report (rEIAR) and remedial Natura Impact Statement (rNIS).

2.1 SITE LOCATION

The subject site is located within an existing quarry in the townland of Ballysheedy, approximately 2.5km to the south-west of Gort, Co. Galway. The site is located approximately 580m to the west of the M18 motorway. Access to the site is over a county road which runs to the south of the site

The site location map is presented in Figure 2.1

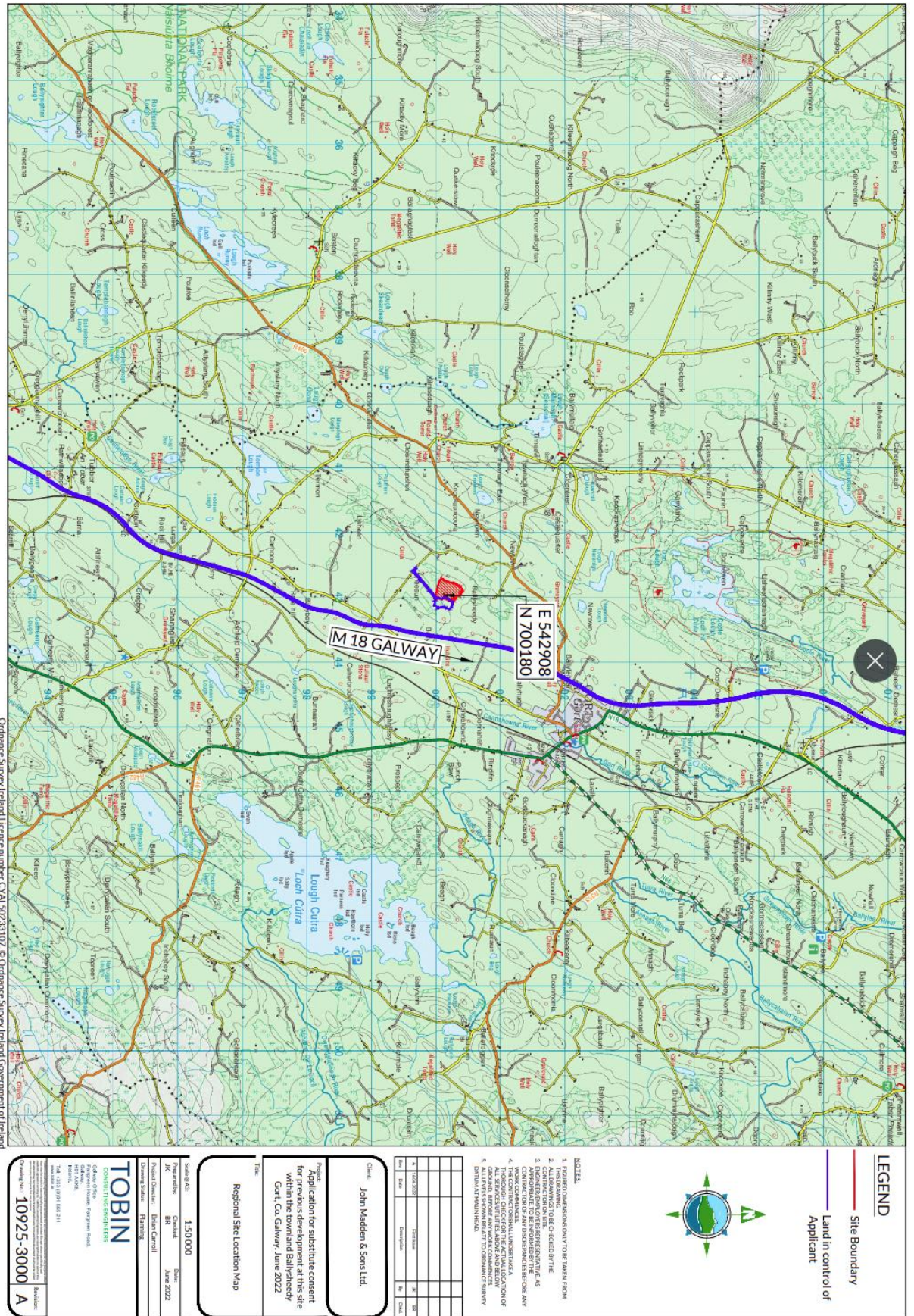


FIGURE 2-1 - SITE LOCATION

2.2 SITE DESCRIPTION

The site is approximately 8.78 hectare in area. The Grid Reference co-ordinates for the approximate centre of site are E542999 N700026.

The application red-line boundary is illustrated in DWG No. 10925-3001B and Figure 2.2. below.

The redline delineates the area of the Substitute Consent application

The blueline delineates the adjoining land in the control of the applicant (existing quarry)

The blue hatched area represents Additional Areas proposed to be reserved and for access.

The Green line indicates the Planning Boundary of the 2009 quarry area permitted under Pl. Ref. No. 09/415, as extended under 15/724, i.e., part of the green line planning boundary is outside the ownership of John Maddens and Sons Ltd.

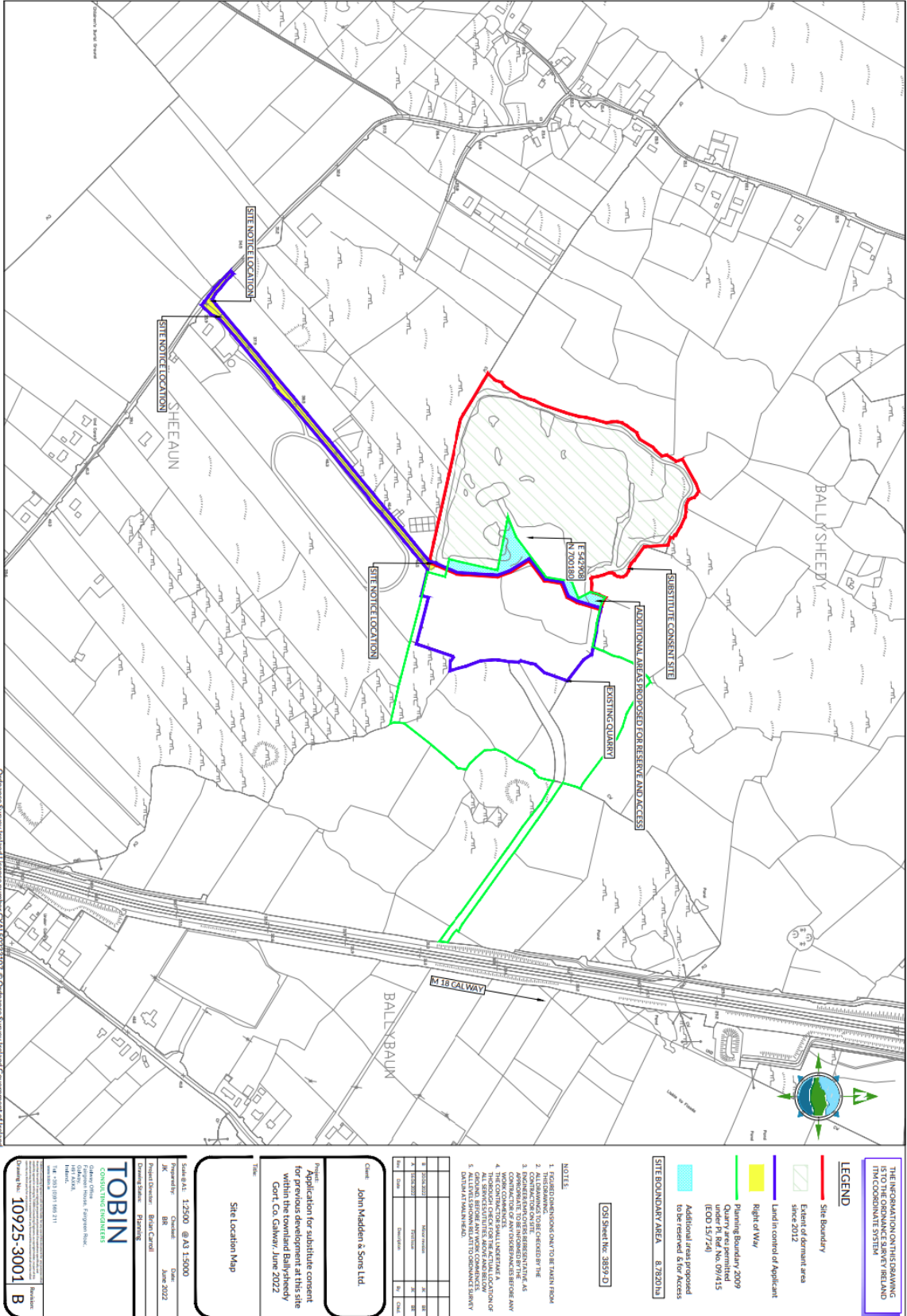


FIGURE 2.2 APPLICATION RED LINE BOUNDARY

3.0 BACKGROUND TO SUBSTITUTE CONSENT

It is noteworthy that part of the substitute consent area was granted under the 1994 application (Pl. Ref. No. 70238), Section 261 Registration (Ref No. QY 46) and Pl. Ref. No. 09/415 as extended under Pl. Ref. 15/724.

Furthermore, a planning permission was sought in 2009 and granted in 2010 for a quarry extension to the east of the substitute consent area by Pl. Ref. No. 09/415. The subject site includes part of Pl. Ref. 09/415 to provide a suitable buffer for site regeneration and to allow access for the maintenance of the lower ground areas of the subject site, blue hatched area on Figure 2.2.

A temporary eastern access track was granted directly to the M18 Crusheen to Gort Road construction site. The Crusheen to Gort road (M18) was completed in 2010. The 2009 quarry extension application proposed to revert to the southern access following completion of the M18 Gort to Crusheen road. This is represented on Figure 2.2 in the green boundary line. In 2015, an extension to the 09/415 planning permission was granted under Pl. Ref. 15/724. Issues in relation to the site entrance onto the local road or this substitute consent area did not arise. Extraction volumes returned to the pre 2009 planning permission/Section 261 limits. Limited extraction within the Pl. Ref. 09/415 boundary and traffic movements has occurred since the purchase of the site in 2014 and up until the expiry of Pl. Ref. 15/724 in 2020.

The subject site and existing quarry was previously owned and operated by Goode Concrete Ltd. Permission for a quarry at this location was established in 1994 by the previous owners. Quarrying in the area was permitted to continue under a five year planning permission (Pl. Ref. No. 09/415) from 2010. The site was purchased by our client John Madden & Sons Ltd. in 2014 from the receiver. Evidence of the purchase of the property at the time is attached in Appendix A, which provides a copy of the Folio GY57978F and the date of registration (17th June 2014) in John Madden & Sons Ltd. name is shown thereon along with the previous owners. We can confirm that the date relating to the John Madden & Sons registration corresponds with the time of the purchase.

At the time of purchase, our client had a reasonable belief that the majority (less the additional area now also proposed to be reserved as shown in blue on Drawing 10925-3001A) of the subject area was accepted by planning 09/415 as being dormant and so was not unauthorised. The valid planning permission under Pl. Ref. 09/415 formed the basis of the site purchase. The majority of the area to the West was dormant then and has remained dormant since other than for some stock piling of material on the low area shown in blue. This area was shown in the 09/415 planning drawings as a stockpile area and shown as required for the completion of the extraction of the live 1994 permission to the south under Pl. Ref. No. 70238. It is now required for access for maintenance to the area to remain dormant. The 09/415 permission was permitted to be extended in 2015 under Pl. Ref. 15/724 further reinforcing the applicant's belief that there were no issues. In addition to the Planning History, this belief was also informed by the fact that the subject site had been assessed by the Planning Authority under the Section 261A Determination process in 2012 (Ref. QSP46). In the latter case, Galway County Council decided that Substitute Consent was not required at the time. The final note on file from the Planning Officer stated that no further action is required under section 261A

John Madden & Sons Limited purchased an operable quarry under Pl. Ref. 09/415 and operated that quarry and extended the planning permission under Pl. Ref. 15/724 so they considered the site planning and registration compliant. The use of the 09/ 415 permission and the extension of same under Pl. Ref. 15/724 was not queried by planning or registration authorities at any stage.

Furthermore, John Madden and Sons belief that the subject site was not unauthorised was supported by the fact that no enforcement proceedings had been issued by the Council since the Section 261A process was concluded in 2012.

The substitute consent site has not been subject to any further extraction since John Madden and Sons purchased the lands in 2014. In fact, the vast bulk of the subject area has remained as a natural regeneration area since c. 2012. As part of the proposed remediation measures, it is intended that the entirety of the subject area including the original dormant area and the additional sections will be allowed to continue to regenerate naturally into the future.

On 1st October 2020, Tobin Consulting Engineers and our client had a pre-planning meeting by telephone with the Planning Authority to discuss the preparation of a planning application for the continuation of quarrying on a reduced scale of area and within the Pl. Ref. No. 09/415 planning footprint, to the east of the subject site (within the ownership of the applicant). However, at this meeting the Planning Officer raised concern with respect to the planning status of the adjacent now substitute consent subject area.

This meeting was the first time the Planning Authority raised a question over the subject area with our client. This is outlined in the Pre-Planning Minutes as then recorded by TOBIN The Planning Officer stated that based on pre-2012 aerial photographs, that a greater area has been extracted than had planning permission under the 1994 Permission. It was considered by the Planning Officer that this would be an issue in the proposed application for continuation of quarrying in the 09/415, 15/724 quarry area and would require further study and would require to be addressed. The Planning Officer gave the view that the lack of adequate planning in the dormant area would mean the Planning Authority could not process a new planning application albeit on adjacent lands which had permission.

Leave to apply was granted and we are now proceeding with the application for substitute consent.

The historical aerial photos (OSI and Google Maps) attached demonstrate the geographical extent of the subject quarry area over the years. As can be seen the quarry extent has remained the same since the aerial photo of 2012, which is before our client purchased the site in 2014. It is our understanding that the bulk of the excavation of the subject area took place between 2005-2012 when the receiver was appointed. It was primarily carried out to supply the construction of Motorway infrastructure in the area which was effectively complete by 2010 (See Photos in Appendix B)

The dormant area was fenced by the receiver and made safe circa 2012. Since the purchase, John Madden and Sons Ltd have maintained the fencing and the fence maintenance tracks on the dormant areas to assist in the regeneration and for health and safety reasons and have maintained insurance on same accordingly. In light of the issue raised by Galway County Council they would like to resolve the planning status of the dormant areas so that they can continue to maintain them

as it is a matter of health and safety and as some confirmation will be required so they can continue to ensure these lands which have significant hazards.

It is also noteworthy that the Planning Inspector concluded in the Leave to Apply for Substitute Consent report that *exceptional circumstances* existed and that regularisation of the development would not circumvent the purposes or objectives of the EIA Directive and Habitats Directive and that the applicant, (due to the planning history) could reasonably have had a belief that the development was not unauthorised and that the ability to carry out EIA and AA and provide for public participation had not been substantially impaired.

4.0 STATUTORY PLANING CONTEXT

4.1 NATIONAL GUIDELINES

4.1.1 Quarries and Ancillary Activities Guidelines for Planning Authorities (2004)

Guidelines were published by the Department of the Environment, Heritage and Local Government under section 28 of the Planning and Development Act 2000, which requires both planning authorities and An Bord Pleanála to have regard to them in the performance of their functions. While primarily addressed to statutory planning bodies, the document is intended to also provide assistance to owners and operators of quarries to which section 261 of the Act applies.

Aggregates are a 'significant natural resource' but can give rise to 'land use and environmental issues' which need to be controlled and mitigated by the planning system. The guidelines set out to 'identify those issues and to suggest best practice in dealing with them'. Environmental impacts and best practice/mitigation measures are examined for noise/vibration, dust, water, natural heritage, landscape, traffic, cultural heritage and waste management.

Ballysheedy Quarry has been operating in accordance with these guidelines in considering all environmental impacts and implementing mitigation measures to the highest standard.

4.1.2 Environmental Management in the Extractive Industry (EPA, 2006)

These environmental management guidelines by the Environmental Protection Agency are intended to complement existing guidance and be of assistance to operators, regulatory authorities and the general public. The aim of these Guidelines is to assist in the implementation of the Statutory Requirements under Section 261 of the Planning Acts, as well as lead to a harmonized regulatory approach to the authorisation and supervision of such activities.

These guidelines represent a summary of current environmental management practices for quarries and ancillary facilities. The guidelines are intended to provide general advice and guidance in relation to environmental issues to practitioners involved in the planning, design, development, operation and restoration of quarry developments and ancillary facilities.

Ballysheedy Quarry operated within these guidelines.

4.1.3 Environmental Code (ICF, 2005)

The Irish Concrete Federation (ICF) is the trade organisation for the aggregate and concrete products industry in Ireland. They first published their Environmental Code in 1996. It was updated in 2005. It has become a guidance document for its members.

The objective of this Code is to ensure that all ICF members will:

- Carry out the business of aggregate extraction, processing, delivery, reinstatement and associated concrete production in a manner which minimises adverse effects upon the environment and the local community.
- Operate to those standards required by law and good industry practice.
- Conserve resources by the efficient use of energy supplies and raw materials.
- Ensure that employees and contractors perform their duties in a manner consistent with these environmental policy objectives.
- Respect the legitimate concerns and interests of the community; and,
- Be committed to good environmental management practice.

According to the ICF the environmental impacts that must be addressed include, noise, ecology, archaeology, ground vibration, dust and air quality, water management, fuel/ chemical storage, waste management, good housekeeping, visual impact, transport, after-use, energy and public safety.

4.2 NATIONAL DEVELOPMENT PLAN 2040

The *Ireland 2040 Our Plan – National Planning Framework* was published in 2018. The NPF was developed to succeed the National Spatial Strategy. It provides a framework for national planning, pulling together relevant Government policies and investment on national and regional development. It will have a focus on economic development and investment in housing, water services, transport, communications, energy, health and education infrastructure.

In terms of agriculture National Policy Objective 23 aims 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’.

National Policy Objective 25 states that ‘The Department of Rural and Community Development, the Department of Agriculture, Food and the Marine, and other relevant Departments and Agencies will continue to invest in rural Ireland, including through the Rural Regeneration and Development Fund, and will work together to establish a mechanism to co-ordinate structures for funding rural development to align with other national strategies.

4.2.1 National Spatial Strategy 2002-2020

The National Spatial Strategy (NSS), published in 2001 is a ‘twenty-year planning framework designed to achieve a better balance of social, economic, physical development and population growth between regions.’ The NSS, following on from EU spatial planning guidelines (e.g., ESDP, 1999), uses a polycentric approach to planning and development, allowing for stronger regional cohesion through the designation of gateways and hubs and greater economic linkages.

County Galway is noted as being part of the West region. Ballysheedy Quarry is located in a rural area designated 'village strengthening and rural area opportunities'. The closest Co. Galway town is Gort, which is noted as having an 'urban strengthening opportunity'. The NSS identifies the town of Tuam as an important 'hub' town, while Athenry and Loughrea present opportunities for development. The quarry is located directly beside a 'national transport corridor', and close to the transport corridors leading out of the 'gateway' of Galway. This places the Gort area in a strategic position in the context of regional development opportunities.

The Ballysheedy Quarry works were in line with the growth and spatial planning objectives of the NSS for the West Region. Construction materials such as aggregates and coated stone were and are essential raw materials required to facilitate the objectives of the NSS.

4.3 REGIONAL PLANS

4.3.1 Northern and Western Regional Assembly (NWRA)

The Regional Spatial and Economic Strategy (RSES) of the NWRA provides a high-level development framework for the Northern and Western Region, that supports the implementation of the National Planning Framework (NPF) and the relevant economic policies and objectives of Government. It provides a 12-year strategy to deliver the transformational change that is necessary to achieve the objectives and vision of the Assembly.

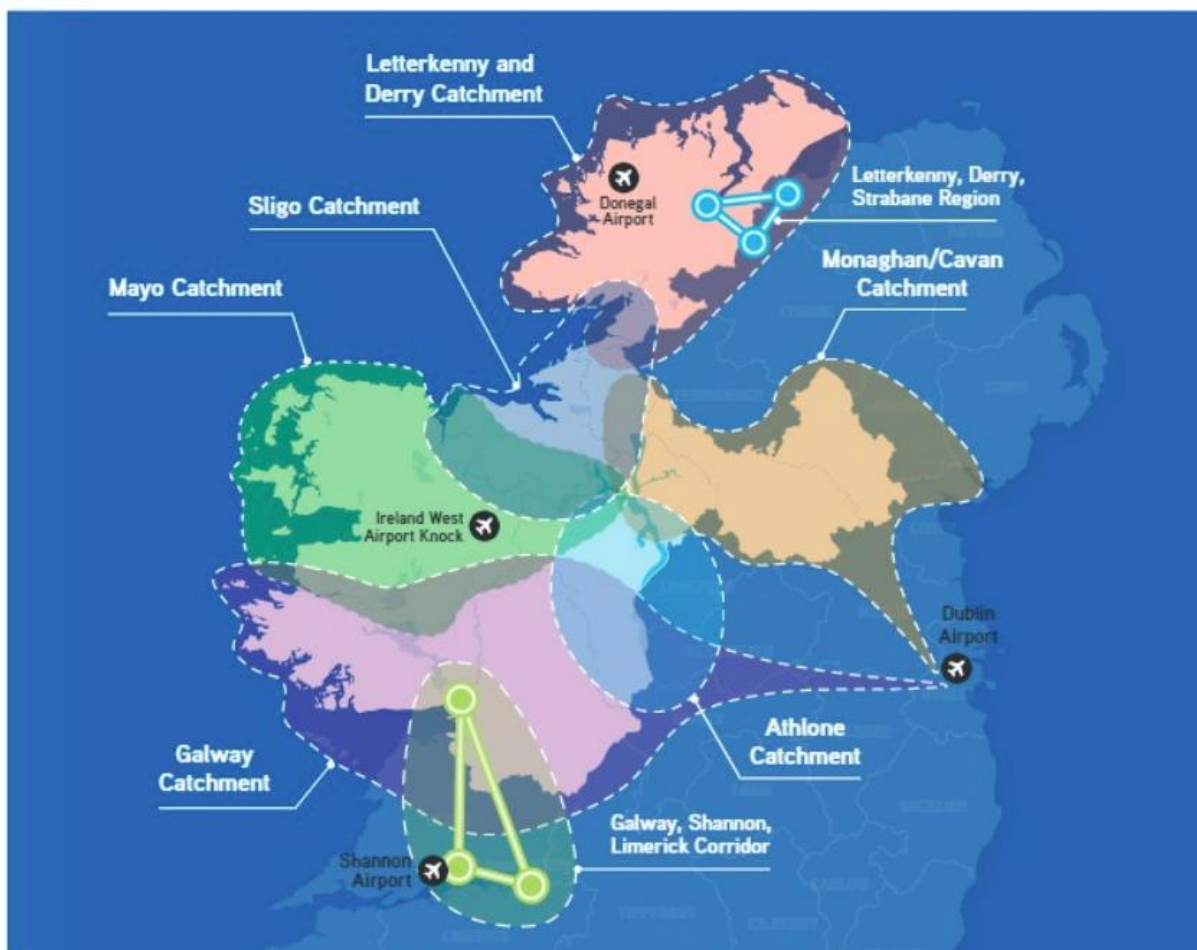


FIGURE 4-1: MAP OF NWRA AND SIX SUB-REGIONS –

4.3.1.1 NWRA and Atlantic Economic Corridor

The Atlantic Economic Corridor (AEC) is driven by business representatives and communities and supported by national, regional and local government and State agencies. The AEC is defined in the NPF as one of the shared goals in the National Strategic Outcomes. It is a key enabler of economic growth.

The initiative seeks to consolidate and align the State capital investment programme with the potential investment of the private sector to strengthen this part of the region's economic contribution and make it a better place in which to live and work.

It provides an opportunity to create an accelerated, more responsive pathway for regional development in Ireland. Improved connectivity will be vital to unlocking the economic and social potential of the Atlantic region. That includes physical improvements in road, rail and other transport infrastructure but also the digital connectivity that has the power to transform and energise rural areas. These opportunities are outlined explicitly in National Strategic Outcome 2 of the NPF and implicitly in the delivery of the National Broadband Plan.



FIGURE 4-2 ATLANTIC ECONOMIC CORRIDOR

The AEC aims to build and increase collaboration that maximises its assets, attracts investment and creates jobs and prosperity. The overarching objective of the AEC concept is to maximise the Atlantic region’s assets and connect the economic hubs, clusters and catchments of the region to generate a value proposition of scale which will attract investment, support job creation and improve quality of life for those who live in the region. Specifically, the AEC proposal seeks to:

- Increase Gross Value Added (GVA) through the creation of high value-added jobs.
- Develop a well-skilled labour pool, which will attract both Irish and foreign-owned enterprises to the region.
- Increase the competitiveness of the region to support economic growth.
- Get the best from the region’s existing and potential economic infrastructural assets (e.g., roads, gas networks, ports, rail, broadband, etc.).
- Ensure that enterprise property in the region is available and fit for modern investment.

- Drive research and innovation in the public and private sector to increase opportunities for the region.
- Involve communities in delivering growth in the region.
- Retain and increase the share of the national population settling in the Atlantic region.
- Improve the quality of life for the people of the region.

4.4 GALWAY COUNTY DEVELOPMENT PLAN 2015- 2021

The Galway Development Plan 2015 – 2021 which expired on the 19th of June 2022, outlines a no. of policies and objectives relating to Mineral Extraction The site is located within a rural area and Chapter 6 of that plan deals with services, including Section 6.20 deal with Mineral Extraction and Quarries and Section 6.21 which sets out the policies and objectives relating to mineral extraction and quarries. Section 6.20 of the Plan notes that: ‘Quarrying and other extractive industries are recognised as important to the local rural economic development of the County in terms of generating employment and providing raw material to the construction industry. The Plan further states that the Council will facilitate harnessing the potential of the area’s natural resources while ensuring that the environment and rural and residential amenities are appropriately protected.’ 3.1.2. Section 6.21 sets out the policies and objectives for quarrying which include protections for Natura 2000 sites as well as encouraging the sustainable reuse of quarries. 3.1.3. Chapter 13 of the Plan deals with Development Standards and DM Standard 37 deals with Extractive Development.

4.5 GALWAY COUNTY DEVELOPMENT PLAN 2022- 2028.

The Galway 2022-2028 Galway County Development Plan came in to effect on the 20th of June 2022. Section 4.14 of the plan deals with Mineral Extraction and Quarries

The following objectives are of relevance.

MEQ 2

Protection of the Environment

The Council 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-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.

(f) Ensure that the extraction of minerals or aggregates does not adversely impact on residential or environmental amenity.

(g) Protect all known un-worked deposits from development that might limit their scope for extraction

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.

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.

Chapter 15 of the CDP 2022-2028 details the standards required with regards to proposed Extractive Development- 15.3.5 Extractive Development.

4.6 PLANNING HISTORY

There is a significant planning history, relating to this site and adjacent lands in the vicinity of the site, which is detailed hereunder.

TABLE 4-1 PLANNING PERMISSIONS RELATING TO THIS SITE

Pl. ref.	Description of Development	Date
PA Ref: 70238:	Planning permission in respect of rock extraction activity was first granted in 1994. A dedicated access was constructed to connect at the south to the existing road network.	26/09/1994
PA ref: QY46 Section 261 Quarry Registration	An application to register the quarry was made under PA ref: QY46 in 2005. The Council reviewed the planning permission and decided to amend / modify the original conditions imposed on the quarry operations. This decision issued in in March 2007.	1/12/2006
PA ref: 09/415	Planning permission was granted to Goode Concrete Ltd to further develop its established operations at Gort with a 9.9-hectare eastern extension to the quarry. The application was accompanied by an EIS.	19/10/2009
PA ref: QR/046 Section 261A Review:	A review of the planning status of the quarry was undertaken in 2012 in accordance with the requirements of Section 261A. The review determined that no further action was required in order to regularise the planning status of extraction related activities at the facility and /or to ensure compliance with the EU EIA and Habitats Directive	16/07/2012
PA ref: 15/724:	Permission was granted for a time extension for the PA ref: 09/415 planning permission	1/08/2015

5.0 ENVIRONMENTAL ASSESSMENTS

5.1 GENERAL INTRODUCTION

The site is not located within any designated site. The closest Natura 2000 site is the East Burren SAC (Site Code: 001926) which is located approximately 560m to the west of the site.

Table 5-1: below outlines the Relevant European Sites located within 15 km of the site.

Designated Site	Site Code	Approximate Distance from the site
East Burren SAC	Site Code: 001926	560m W
The Termon Lough SAC	Site Code: 001321	650m SW
Coole Garryland Complex SAC	Site Code: 004107	1.6km N
Lough Cultra SAC	Site Code: 000299	4.1km E
Lough Cultra SPA	Site Code: 004056	4.1km E
Caherglassaun Turlough SAC	Site Code: 000238	5.6km NW
Slieve Aughty Mountains SPA	Site Code: 004168)	6.1km E
Carrowbaun, Newhall & Ballylee Turloughs SAC	Site Code: 002293	6.9km NE
Cahermore Turlough SAC	Site Code: 002294	7.1km N
Ballinduff Turlough SAC	Site Code: 002295	7.3km N
Gortacarnaun Wood SAC	Site Code: 002180	7.3km E
Lough Coy SAC	Site Code: 002117	7.7km NE
Drummin Wood SAC	Site Code: 002181	7.7km E
Ballyogan Lough SAC	Site Code: 000019	8.1km SW
Moyree River System SAC	Site Code: 000057	8.4km S
Peterswell Turlough SAC	Site Code: 000318	9.8km NE
Inner Galway Bay SPA	Site Code: 004031	11.1km NW
Galway Bay Complex SAC	Site Code: 000268	11.1km NW
Ardrahan Grassland SAC	Site Code: 002244	11.5km N
Dromore Woods & Loughs SAC	Site Code: 000032	12.5km SW
Lough Fingall Complex SAC	Site Code: 000606	12.9km N
Gleendree Bog SAC	Site Code: 001912	13km SE
Corofin Wetlands SPA	Site Code: 004220	13km SW
Kiltiernan Turlough SAC	Site Code: 001285	13.4km SW

TABLE 5-2: RELEVANT EUROPEAN SITES LOCATED WITHIN 15 KM OF THE SITE.

5.2 REMEDIAL ENVIRONMENTAL IMPACT ASSESSMENT REPORT

A remedial Environmental Impact Assessment Report (rEIAR) has been prepared as part of a Substitute Consent application under Section 177 of the Planning and Development Acts 2000 as amended, and forms part of the Substitute Consent Application.

The remedial EIAR and accompanying remedial NIS aims to assess the impact, that these additional works have had on the environment at, and surrounding, Ballysheedy Quarry. In particular, special attention is paid to the potential impacts of the development on nearby proposed Natural Heritage Areas (pNHA) and relevant Natura 2000 sites.

The consequences of any major project are generally presented in the form of an Environmental Impact Assessment Report (EIAR). This Remedial EIAR contains information on the scale and nature of the development at Ballysheedy Quarry, a description of the existing environment, potential impacts that may have arisen as a result of the development at this location and an assessment of the impact and mitigation measures that have been implemented to protect the receiving environment.

The structure and content of the EIAR has been based on the following documents, as published by the Environmental Protection Agency:

- Advice Notes on Current Practice in the preparation of Environmental Impact Statements (2003); and
- Guidelines on the information to be contained in Environmental Impact Statements (2002, 2017 & 2022).

This Remedial EIAR provides for:

- A description of the site and the existing environment;
- A description of the development;
- The impacts, if any, that may have resulted from the development;
- An assessment of the impact and the mitigation measures; and
- A non-technical summary.

The minimum information that must be contained in an EIAR is specified in Part X of the Planning and Development Act, 2000 and Schedule 6 of the Planning and Development Regulations, 2001. The structure and content of this EIAR has been based on the legislative requirements as set out in Part X of the Planning and Development Act, 2000 and Part 10 of the Planning and Development Regulations, 2001 and the guidance documents by the Environmental Protection Agency as outlined above.

The overall EIAR is arranged in three volumes, as follows:

- Volume I: Non Technical Summary;
- Volume II: Environmental Impact Assessment Report; and
- Volume III: Appendices.
-

Volume I: Non-Technical Summary

This document provides an overview and summary of the main EIAR using non-technical terminology. It is a means for non-professionals to review the information included in the main EIAR document. It is a stand-alone document and should offer a concise summary of the existing

environment, characteristics of the development and any impact that the development may have had on the receiving environment.

Volume II: Main EIAR

Volume II of the EIAR contains the main text body and is divided into a number of chapters. Chapters 1 and 2 include an overall Introduction and Description of the Site and the Development. The specialist chapters (Chapters 3 to 12) include:

Section 1: Introduction;

Section 2: Description of Site and Existing Environment;

Section 3: Potential Impacts from the Development (*Possible Impacts from Previous Works*);
and

Section 4: An Assessment of the Impacts and the Mitigation Measures.

It has been demonstrated within this remedial EIAR (and associated rNIS) that no significant environmental degradation occurred as a result of the previous development subject to this Substitute Consent application. The mitigation measures implemented at Ballysheedy Quarry were designed to ameliorate the impact of the works within the application area and the overall site on the wider environment.

5.3 REMEDIAL NATURA IMPACT STATEMENT REPORT

The substitute consent area has been evaluated with regard to the designated Natura 2000 sites within the wider study area. Potential impacts affecting the Qualifying Interests of the East Burren Complex SAC, Caherglassaun Turlough SAC, and Coole Garryland Complex SAC have been evaluated, with specific reference to water quality impacts, dust, noise and lighting affecting turlough habitats and the Annex II Lesser horseshoe bats. With the successful implementation of mitigation and monitoring measures described above, the development, either alone or in-combination with other plans or projects will not result in significant adverse effects to the integrity of any European Sites, in view of their conservation objectives.

Potential impacts were avoided through design stage avoidance and via operational stage water quality management and a programme of ongoing monitoring. The mitigation measures set out in the current assessment, in addition to commitments from the Application Documents were implemented. The parameters for compliance in terms of water quality management as stipulated were achieved through ongoing monitoring during the works phase of the development. Operational stage water quality management followed effective measures in place for the avoidance of impacts on the qualifying interests of the ground-water dependant designated sites within the zone of influence, i.e., the integrity of these designations.

The proponent incorporated these measures into the project; with implementation on site ensured that there were no significant effects, either individually or in combination with other plans or projects affecting the conservation interests or conservation objectives of the East Burren Complex SAC, Caherglassaun Turlough SAC, and Coole Garryland Complex SAC i.e., the integrity of these Natura 2000 sites. It is therefore concluded that the development did not, beyond reasonable scientific doubt, adversely affect the integrity of any European Site (Natura 2000 site); whether directly, indirectly or cumulatively.

6.0 DOCUMENTS SUBMITTED AS PART OF THIS PLANNING APPLICATION

6.1 PLANNING APPLICATION FORM

The Substitute Consent Application Council Planning Application Form is completed and enclosed as part of this planning application package.

6.2 PLANNING FEE

The calculation of the planning fee is based on *Schedule 9 - Fees for Planning Applications* of the Planning and Development Regulations.

6. The use of land for (a) The winning and working of minerals	€500 or €50 for each 0.1 hectare of site area whichever is the greater	€1500 or €150 for each 0.1 hectare of site area whichever is the greater
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The third column applies in this instance - Amount of Fee for Retention Permission i.e.
150 per 0.1 ha. = €1500 per ha.

8.782 hectares that equates to €13,173 -(Class 6 A)

6.3 PUBLIC NOTICES

The public notice was published in the Connacht Tribune dated 17th of June 2022, and an original copy and 5 no. copies of same is enclosed.

The site notice was erected on the 24th of June 2022 and 6 no. copies of same is enclosed as part of this planning application.

6.4 PLANNING DRAWINGS

Six no copies of the full suite of Planning Drawings are enclosed as part of this planning application

Schedule below:

Drawing No.	Title
10925-3000-A	Regional Site Location Plan
10925 -3001-B	Ste location Map
10925-3002-B	Existing Site Layout
10925-3003-B	Site Layout with Reserve Area
10925-3004-A	Existing Sections

7.0 CONCLUSION

We trust all is in order however if there is anything further, please do not hesitate to contact the undersigned.

Yours faithfully,

Declan Meehan

Project manager

For and on behalf of TOBIN Consulting Engineers

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TOBIN Consulting Engineers



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Castlebar,
Mayo,
F23 Y427,
Ireland.
Tel: +353 (0)94 902 1401

Appendix A



The Property Registration Authority
An tÚdarás Clárúcháin Maoine

Land Registry Sealed and Certified Copy Folio (& Filed Plan)

KIERAN MURPHY & COMPANY SOLICITORS
DX 4537
GALWAY MARY STREET

This page forms part of the official document. Do not detach.

Folio Number: GY57978F
Application Number: D2014LR060401D
Your Reference: 62_13/KM/PM

This document comprises an office copy of the Land Registry record for the above mentioned folio/filed plan as of the date appearing.

Details of **dealings pending** (if any) on the enclosed folio/filed plan are listed in the **Schedule** below.

An officer duly authorised by the Property Registration Authority.

Schedule



Notes:

1. Filed plans should be read in conjunction with the Register. The description of the land in the Register or on the filed plan is not conclusive as to the boundaries or extent of the land (see Section 85 of the Registration of Title Act 1964, as substituted by Section 62 of the Registration of Deeds and Title Act, 2006).
2. Filed plans greater than A3 in size may be provided as separate A3 tiles with an overlap and print gutter. When aligning the tiled sheets, customers are advised to use the underlying topographical detail.
3. On receipt of this record, please check to verify that all the details contained therein are correct. If this is not the case, please return the document to the Property Registration Authority immediately.

Folio Number:GY57978F
Date Printed: 14/04/2015

Application Number: D2014LR060401D
Page 1 of 8

Land Registry

County Galway

Folio 57978F

Register of Ownership of Freehold Land

Part 1(A) - The Property

Note: Unless a note to the contrary appears, neither the description of land in the register nor its identification by reference to the Registry Map is conclusive as to boundaries or extent

No.	Description	Official Notes
1	<p style="text-align: center;">For parts transferred see Part 1(B)</p> <p>The property shown coloured Red as plan(s) A08UA on the Registry Map, situate in the Townland of BALLYSHEEDY, in the Barony of KILTARTAN, in the Electoral Division of BEAGH.</p> <p>The Registration does not extend to the mines and minerals</p> <p>"Property description updated. Area is not included in Part 1 of the Folio" Q2015LR003903A 13th Apr 2015</p>	From Folio GY17029
2	<p>The property shown coloured Red as plan(s) A08UC on the Registry Map, situate in the Townland of SHEEAUN, in the Barony of KILTARTAN, in the Electoral Division of BEAGH.</p> <p>The Registration does not extend to the mines and minerals</p> <p>"Property description updated. Area is not included in Part 1 of the Folio" Q2015LR003903A 13th Apr 2015</p>	From Folio GY17038
3	<p>The property shown coloured Red as plan(s) A08VH on the Registry Map, situate in the Townland of SHEEAUN, in the Barony of KILTARTAN, in the Electoral Division of BEAGH.</p> <p>The Registration does not extend to the mines and minerals</p> <p>"Property description updated. Area is not included in Part 1 of the Folio" Q2015LR003903A 13th Apr 2015</p>	From Folio GY17040
4	<p>The property shown coloured Red as plan(s) A08UA on the Registry Map, situate in the Townland of BALLYSHEEDY, in the Barony of KILTARTAN, in the Electoral Division of BEAGH.</p> <p>The Registration does not extend to the mines and minerals</p> <p>"Amended Rule 7(2)" Q2015LR003903A 13th Apr 2015</p>	From Folio GY17029N

Land Cert Issued: Yes

Page 1 of 4

Collection No.:

Date Printed: 14/04/2015

Page 2 of 8

Land Registry

County Galway

Folio 57978F

Part 1(B) - Property Parts Transferred

No.	Prop No:	Instrument:	Date:	Area (Hectares) :	Plan:	Folio No:

Land Registry

County Galway

Folio 57978F

Part 2 - Ownership

Title ABSOLUTE

No. **The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965**

~~1~~ ~~12-AUG-1999~~ ~~D1999GY005570N~~ ~~Frank Higgins (Businessman) of Ardrahan, County Galway is full owner.~~

Cancelled D2010LR132051E 27-OCT-2010

Land Cert Application No.: D1999GY005570N
 Date: 05-FEB-2002
 Issued To: LEWIS C DOYLE SOLICITORS
 Address: AUGUSTINE COURT
 ST AUGUSTINE STREET
 GALWAY

~~2~~ ~~27-OCT-2010~~ ~~D2010LR132051E~~ ~~THOMAS P GOODE of Vermont, Castlewarden, Straffan, County Kildare and TERESA GOODE of Vermont, Castlewarden, Straffan, County Kildare are full owners.~~

Cancelled D2014LR060401D 17-JUN-2014

~~3~~ 17-JUN-2014 D2014LR060401D JOHN MADDEN & SONS LIMITED of Kilmaine Road, Ballinrobe, County Mayo is full owner.

~~1~~ ~~19-OCT-2010~~ ~~D2010LR127972P~~ ~~The property is subject to the priority to be conferred by section 108 of the Registration of Title Act 1964 as substituted by section 66 of the Registration of Deeds and Title Act 2006.~~

Cancelled D2010LR132051E 27-OCT-2010

Land Registry

County Galway

Folio 57978F

Part 3 - Burdens and Notices of Burdens

No.	Particulars
1	<p>The property is subject to the provisions prohibiting letting, subletting or subdivision specified in Section 12 of the Land Act, 1965, and to the provisions restricting the vesting of interests specified in Section 45 of the said Act in so far as the said provisions affect same.</p>
	<p style="text-align: center;">Cancelled D2008WR053630U 08-DEC-2008</p>
2	<p>L.R.193/21161 The property is subject to the sporting rights within the meaning of the Irish Land Act, 1903, reserved by Fiat of the Land Commission.</p>
3	<p>12-AUG-1999 D1999GY005570N Charge for present and future advances stamped to cover £320,000 repayable with interest. Anglo Irish Bank Corporation plc is owner of this charge. Certificate of Charge issued. Rule 156</p>
	<p style="text-align: center;">Cancelled D2011LR018143E 26-JAN-2011</p>
4	<p>04-APR-2000 D2000GY002767P The property is subject to the undertaking regarding development, quarrying and application for planning permission set out in an Order of the High Court made on the 10th day of August 1999 a copy which is filed in the Registry.</p>
	<p style="text-align: center;">Cancelled D2008WR053630U 08-DEC-2008</p>
5	<p>27-OCT-2010 D2010LR132051E Charge for present and future advances repayable with interest. **(Maximum Duty €630 paid)** ALLIED IRISH BANKS plc is owner of this charge.</p>
	<p style="text-align: center;">Cancelled D2014LR060401D 17-JUN-2014</p>



This map should be read in conjunction with the folio.

Registry maps are based on OSi topographic mapping. Where registry maps are printed at a scale that is larger than the OSi published scale, accuracy is limited to that of the original OSi map scale.

For details of the terms of use and limitations as to scale, accuracy and other conditions relating to Land Registry maps, see www.prai.ie.

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(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- SubLeasehold

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- ▽ Soak Pit



A full list of burdens and their symbology can be found at: www.landdirect.ie

The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.



542680 mE, 699830 mN

The Property
Registration Authority
An tÚdarás
Clárúcháin Maoine



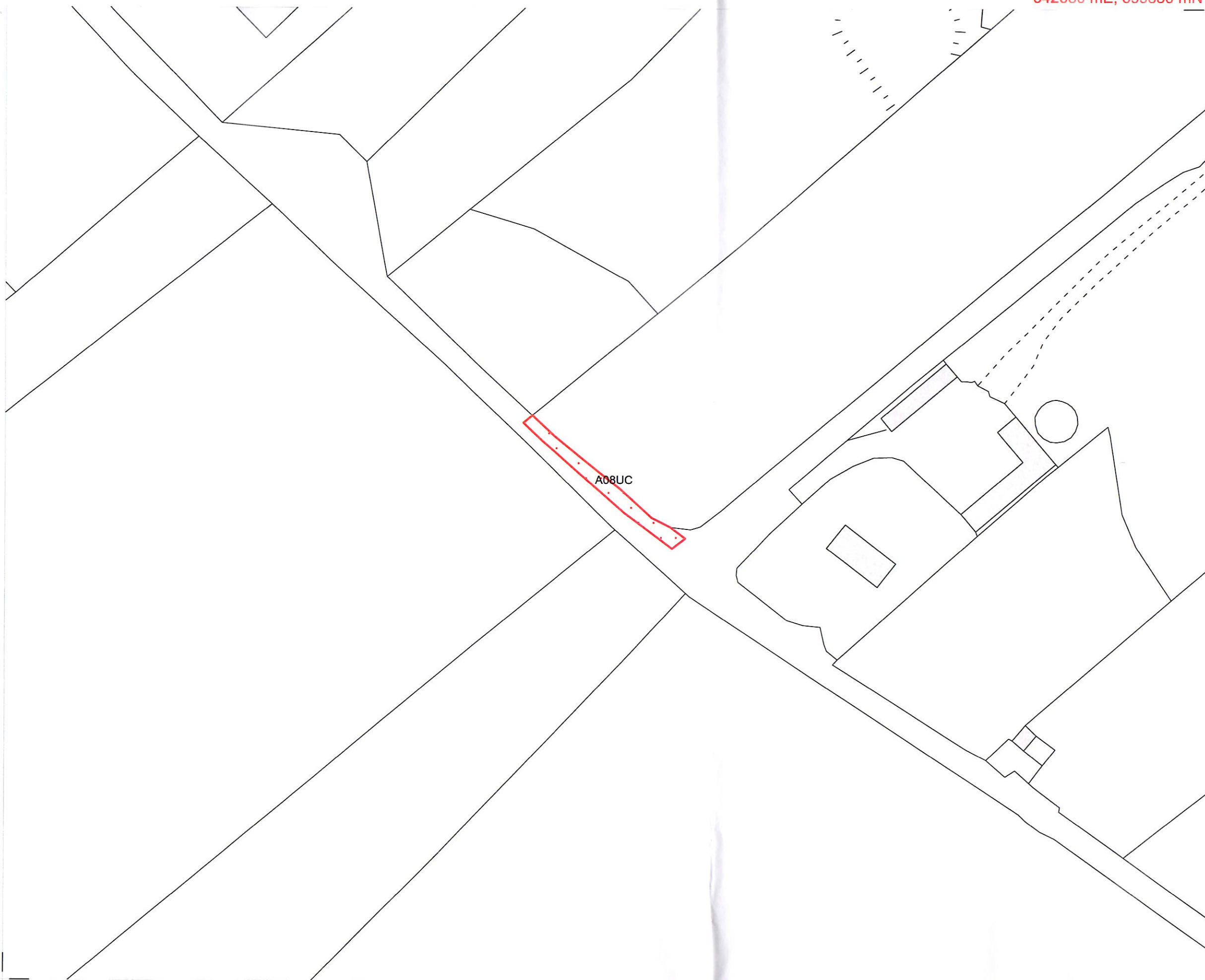
Folio: GY57978F

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542360 mE, 699570 mN

Creation Date: 14 April 2015 15:05:22

Application Number: D2014LR060401D

Date Printed: 14/04/2015

1:1000 Scale



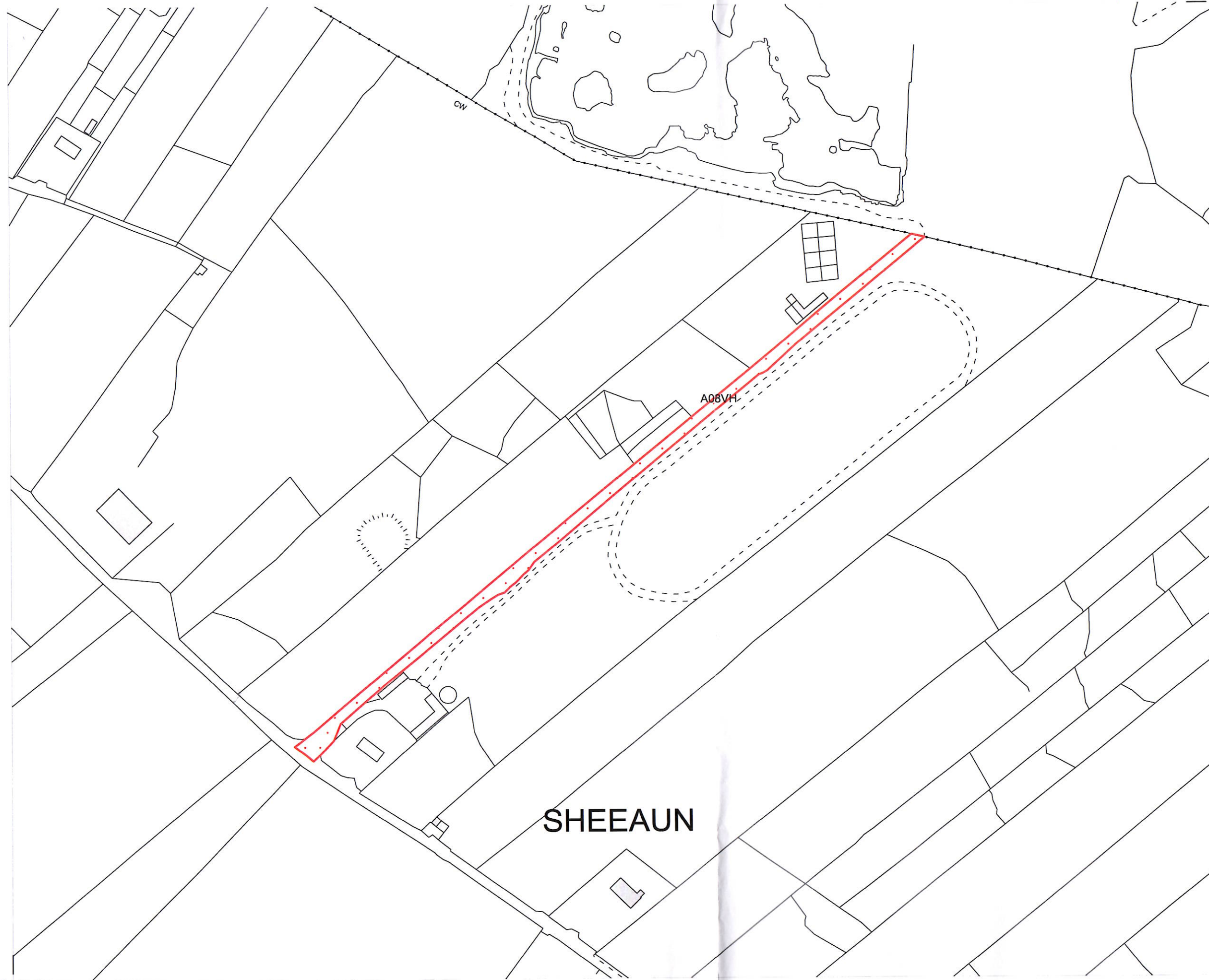


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Burdens (may not all be represented on map)

- Right of Way / Wayleave
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- ▽ Soak Pit

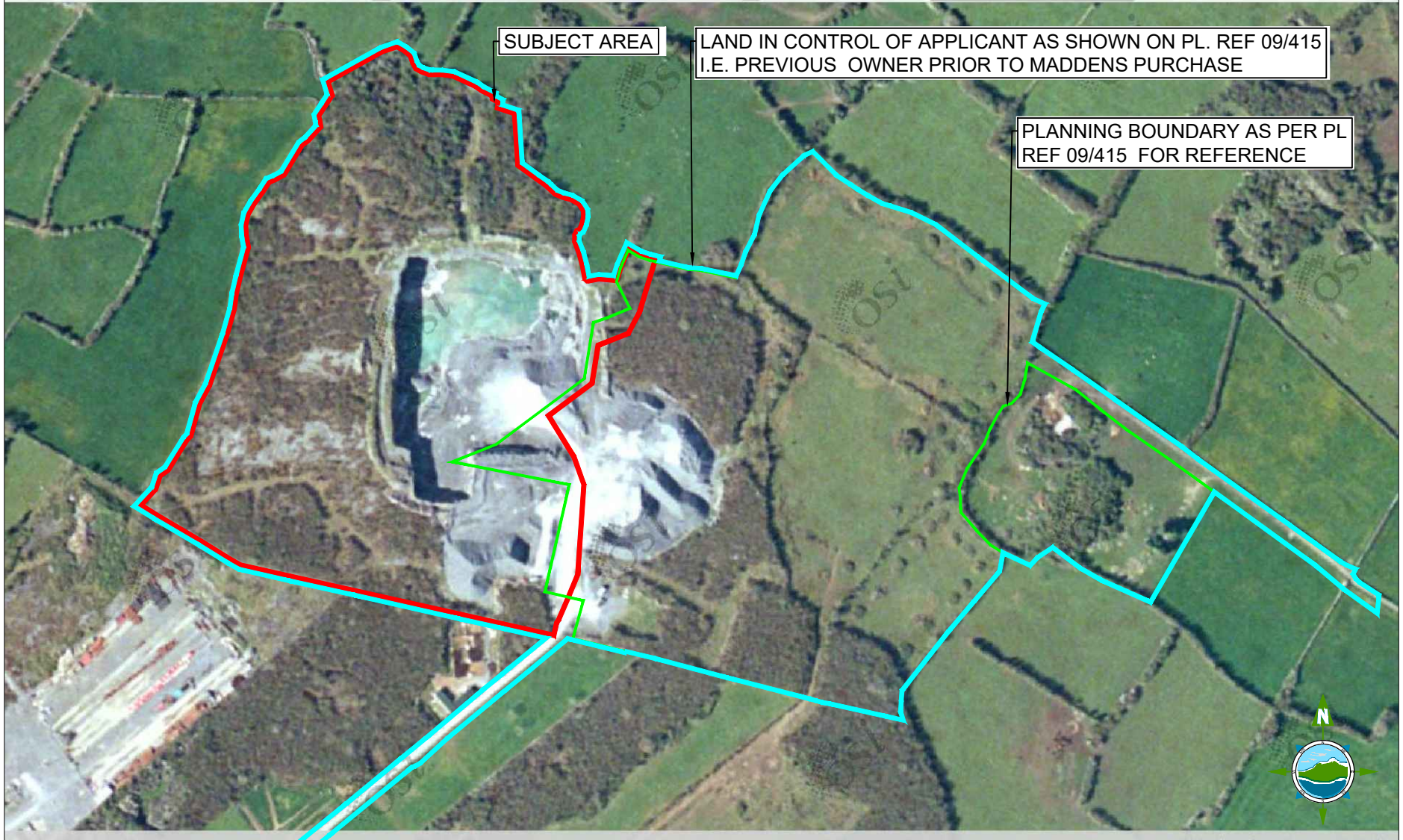


A full list of burdens and their symbology can be found at: www.landdirect.ie

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Appendix B



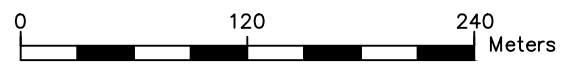
SUBJECT AREA

LAND IN CONTROL OF APPLICANT AS SHOWN ON PL. REF 09/415
I.E. PREVIOUS OWNER PRIOR TO MADDENS PURCHASE

PLANNING BOUNDARY AS PER PL
REF 09/415 FOR REFERENCE

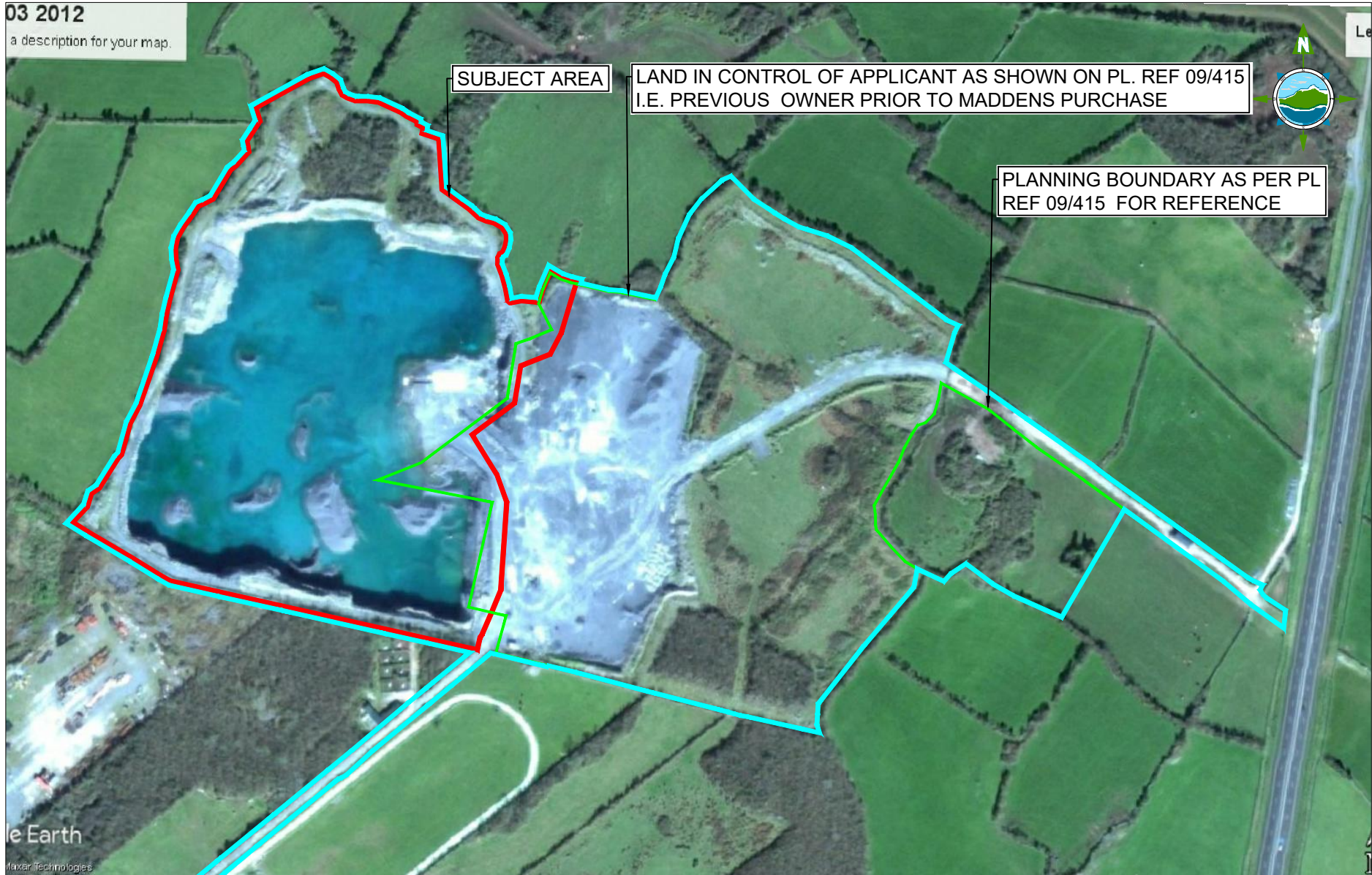


Aerial Photo 2005

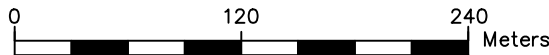


03 2012

a description for your map.



Aerial Photo 26/03/2012



11/05/2020
Write a description for your map.

SUBJECT AREA

MADDENS OWNERSHIP AFTER PURCHASE IN 2014

PLANNING BOUNDARY AS PER PL REF 09/415 FOR REFERENCE

Google Earth

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Aerial Photo 11/05/2020

