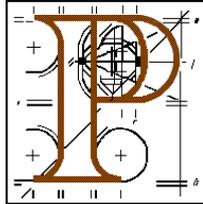


RECEIVED: 12/08/2022

An Bord Pleanála



Inspector's Report

Development: Existing sand and gravel development,
Cloonascragh, Tuam, Co. Galway

Planning Authority: Galway County Council

Applicant: Dan Morrissey (Irl) Ltd

Application Type: Application for Substitute Consent

Date of Inspection: 25th February 2014

Inspector: Deirdre MacGabhann

1 INTRODUCTION

- 1.1 On 3rd August 2012 Galway County Council issued a notice under section 261A(3)(c) of the Planning and Development Act 2000 (as amended), in respect of the quarry at Cloonascragh, Tuam, directing the landowner and operator of the quarry to apply to the Board for substitute consent with a remedial EIS and remedial NIS.
- 1.2 Following a written request from the applicant, the Board decided to grant a 38 week extension for the period of time in which the application could be made, up to 29th July 2013 (Board ref. 07.SH.0025).
- 1.3 On the 29th July 2013, Dan Morrissey (Irl.) Ltd. lodged an application for substitute consent with the Board. The application includes a remedial EIS and remedial NIS. (The application was re-advertised on 28th August 2013, in order to properly reflect Article 224 of the Planning and Development Regulations, 2001).
- 1.4 This report provides an assessment of the application for substitute consent and sets out a recommendation for the Board in respect of the development.

2 SITE LOCATION AND DESCRIPTION

- 2.1 The quarry lies c.2.5km south of Tuam and lies immediately east of the R347, a regional road between Tuam and Athenry. To the east of the site is a currently disused railway line¹. To the south the site is bounded by a lane way which leads from the R347 to the railway line.
- 2.2 Access to the site is directly from the regional road. Sightlines to the south are limited due to a bend in the regional road and roadside vegetation. There is no road side signage indicating the location of the quarry or quarry access.
- 2.3 The quarry lies in a flat open landscape. Landscape features include substantial tracts of bog, mature trees and small plantations, stonewalls and scattered rural development. Notably to the north of the site are the substantial industrial scale buildings associated with Moylough Concrete. To the north east of the site is a transport depot. Nearest residential properties lie to the north west of the site (see photographs and aerials).
- 2.4 The c.12ha site is roughly crescent shaped, extending south east from the public road. The site is sandwiched between and slightly elevated above two large areas of cut away bog. Perimeter bunding separates the site from the adjoining lands. Overburden is stored to the north west of the site.
- 2.5 At the entrance to the site is an office and a vehicle shed/store. An internal access road leads into the site and the northern part of the site is used for

¹ Section 3 of the rEIS states that Irish Rail's Rail Vision 2030 document recommends the rebuilding of the Galway-Tuam railway as a priority for review when finances become available.

washing, crushing and screening. Washed and graded materials are stored on the northern part of the site in the vicinity of the processing plant.

2.6 A series of settlement lagoons are located to the south west of the processing plant. In approximately the mid-point of the site is a 'top up' pond for the settlement lagoons. At the time of site inspection there was a large volume of surface water on the site (see photographs).

3 APPLICATION FOR SUBSTITUTE CONSENT

3.1 The application for substitute consent includes a completed application form, copies of statutory notices, a remedial EIS, a remedial NIS and associated drawings. The remedial EIS describes the development as follows:

- The substitute consent application area (c.12ha) covers the entire sand and gravel pit. The site comprises an elongated ridge of sand and gravel bounded to the north and south by areas of peat bog which have been partially cut away in the past. The level at the site entrance is 38.85mOD and the lowest floor level of the pit at 31.9mOD.
- The site consists of a current extraction area (12ha), processing plant and ancillary buildings (crushing, washing and screening area, settlement lagoon system, site office and workshop). Ancillary plant and buildings are located to the north west of the site.
- Sand and gravel is extracted by mechanical means (loaders and diggers), above the groundwater table. All materials excavated are processed on site. Finished products include a range of sand and gravel aggregates for use in construction. The sand is unique asphalt sand which is supplied nationwide.
- Washwater is recycled through a series of settlement lagoons. The closed system is topped up with water from a groundwater pond in the middle of the site. There is no discharge of water from the site. Water for domestic use (site office/washrooms) is served by the Cloonascragh/Cloondarone Group Water Scheme. The existing septic tank on site is not in use. Water collecting in settlement ponds is used to suppress dust on haul roads.
- A small volume of oils/lubricants are stored under cover in the site workshop. A mobile tanker delivers to the site to refuel the site generator and the washing and screening plant.
- Working hours are 7.00am to 7.00pm Monday to Friday and 7.00am to 3.00pm Saturday. No operations are carried out on Sundays or public holidays.
- The development requires 5 direct employees and an additional 15 indirect employees.

- On completion the site will be restored to a natural habitat. Restoration measures will include removal of stockpiles, plant and equipment; regrading of processing area and natural re-colonisation. Settlement ponds will remain as a body of open water. All restoration works will be carried out on completion of extraction.

Remedial EIA

3.2 The rEIA includes a non-technical summary and a main document. The main document is structured into sections describing the development and dealing with impacts arising under topic headings, summarised below.

Human Beings and Socio-Economic Assessment

3.3 Development has a positive impact providing direct employment for 5 personnel plus indirect employment for 15. Potential impacts on human beings and amenity of the area relate mainly to nuisance from noise, dust, vibration, traffic and visual issues (including interactive impacts). Through mitigation measures these impacts (addressed in topic headings below) are eliminated or reduced to acceptable levels. The development will be further controlled by appropriate conditions attached to any substitute consent granted. Based on the above no remedial measures are required to be implemented in respect of human beings.

Ecology

- 3.4 The application site is not subject to any statutory or non-statutory nature conservation designations. Quarry has resulted in the loss of 12ha of predominantly agricultural land under permanent pasture that are likely to have been of low ecological and nature conservation value. It is therefore considered that the local population status of any individual or group of species that may have been present at and within the wider surrounding area is highly unlikely to have been significantly adversely affected as a result of quarrying.
- 3.5 The site currently supports anthropogenic² habitats of intrinsically low nature conservation value. Area of the northern pit wall has a number of Sand Martin nesting holes present (amber listed Bird of Conservation Concern). No quarrying operations to take place that may result in damage to the area of the pit wall supporting nest holes, when this species may be resident, and adequate buffer zone to be maintained during breeding season (remedial measure)
- 3.6 Within a 5km radius of the site there is only one statutory designation, Lough Corrib SAC (site code 000297) and no non-statutory designated sites.
- 3.7 No significant direct or indirect adverse effects have been identified or have been attributable to the extraction of sand and gravels on any designated sites,

² Caused or produced by humans.

habitats or species outside the application site (see rNIS also, below). No cumulative impacts are likely due to absence of other activities at or within close proximity to site.

Soils and Geology

- 3.8 Quarrying has had a direct impact on soils and subsoil material. Soils have been removed and will be reused in restoration. Quarrying has had permanent and irreversible impact on the sand and gravel sub-soils on site which have been extracted. No indirect impacts on geological aspects of the environment outside the existing sand and gravel pit.
- 3.9 Mitigation measures include use of soil material for restoration works, restoration to a natural habitat, good housekeeping practices for the storage and handling of soil. Based on the impact assessment and existing mitigation measures, no remedial measures are considered to be required.

Surface Water and Groundwater

- 3.10 The quarry site lies within the catchment of the River Clare (within the catchment of the Corrib) and straddles two sub-catchments of the River Grange and Clare River. The site is underlain by a Regionally Important, karstified, bedrock aquifer (with high vulnerability rating) and is located in the Clare-Corrib Groundwater Body, which is classified by the EPA as being of 'Poor' quality status.
- 3.11 Sand and gravel pit is worked dry above groundwater table. It is likely that groundwater levels will be within 5m to 10m of the ground surface. Pond in the middle of the site comprises groundwater with a level of c.32mOD³, (the assumed groundwater level in the sand and gravel material at the site).
- 3.12 Incident rainfall is allowed to infiltrate naturally to ground. Wash water is recycled and silt from the lagoon is excavated out on an as needs basis. The sand and gravel material is relatively clean and only a small amount of silt is produced during the washing process.
- 3.13 There is no discharge from the site to any surface water feature and no impact therefore on any surface water feature (quantity or quality). No abstraction from groundwater so there has been no impact on the Group Water Scheme which serves the area.
- 3.14 Quarry worked dry therefore no impact on groundwater quantity (no drawdown around site). Increased risk of vulnerability of groundwater below site (loss of protective layer) e.g. from pollution. No indirect impacts on ground or surface water identified.
- 3.15 Mitigation measures include good housekeeping practices with regard to management of process water, storage of potential contaminants, maintenance

³ Measured on 14th May 2013.

of plant and machinery and use of a portaloo. Proposed remedial measure is the provision of spill kit on site.

Climate

- 3.16 The development is not of sufficient scale to have had any direct or any indirect impacts on the regional or local climatic conditions. The development is not affected to any significant degree by the prevailing weather conditions.

Air Quality

- 3.17 Direct impact of dust arising from site operations is considered to be temporary, non-cumulative and largely confined to site area, based on monitoring of dust arising and assessment of risks to sensitive receptors. Development has and will comply with the DoEHLG (2004) recommended total dust deposition threshold of 350mg per square metre per day, measured at the site boundary. Indirect effects may arise from visual impact of fugitive dust.
- 3.18 Existing mitigation measures include siting of processing plant within pit area, maintenance of plant and machinery, retention of site boundaries, construction and re-vegetation of screening berms, control of vehicle speeds, maintenance of access road haul roads and dust deposition monitoring. Based on the impact assessment and existing mitigation measures no remedial measures are proposed.

Noise and Vibration

- 3.19 For the purpose of the noise assessment, it is assumed that all of the noise sources (excavation, loading shovel) and processing (two plants, P1 and P2) are active simultaneously, 100% of the time. Noise has been screened by all or a combination of existing topography between quarry and receptor, screening berms and the quarry faces.
- 3.20 Noise assessment for the nearest sensitive receptor locations estimated that the cumulative noise levels arising from excavation and processing activities comply with the daytime noise emission limit value of 55dB(A) (DoEHLG, 2004)/EPA, 2006) and condition No. 2 of Section 261 conditions.
- 3.21 Cumulative noise levels at the residences are likely to have been lower than existing background noise levels arising from traffic on the R347 regional road that adjoins the western boundary of the site and which is located between the site and nearest receptors R1 to R4.
- 3.22 No indirect impacts associated with noise at the existing development. Noise will not adversely impact on the ecological environment in the vicinity (interactive impact).
- 3.23 Current noise mitigation measures include use of screen mounds, use of quietest plant available, location of plant within the void, routing of internal haul roads away from noise sensitive properties, maintenance of haul roads etc.

Based on the impact assessment and existing mitigation measures no remedial measures are proposed.

Landscape and Visual Impacts

- 3.24 Quarry is located in centre of Landscape Character Area 5 – Northeast Galway (Tuam environs), of low landscape value and low landscape sensitivity (Class 1), with pockets of moderate sensitivity (Class 2).
- 3.25 Zone of theoretical visibility shown in Figure 10-2, regarded as a worst case scenario, based on bare terrain. Indicates that site will be visible from a number of areas within 3km to the northwest, west and south, as well as 2km to the north and east. Site survey confirmed that the quarry is completely screened in the vast majority of views from locations throughout the study area due to intervening vegetation. Identifies receptors with views of substitute consent area and groups these into four Visual Receptor Areas (mostly road users).
- 3.26 The main visual effect of the quarry is the visibility of the upper parts of the northeastern quarry faces in views from the visual receptor areas. Visual impacts on the four receptor areas are considered to range from moderate to moderate/minor.
- 3.27 Main direct impact on landscape has been the removal of pasture land and change of the landform, removing a narrow ridge and creating a shallow void with fairly steep but low quarry faces. Having regard to the landscape setting of the quarry, the limited geographical extent of the effects of the development the rEIS considers the quarry to have resulted in a minor level of landscape impact.
- 3.28 Quarry has had no significant impact on the landscape character of the area (Class 1) or listed views or prospects in the current development plan.
- 3.29 Mitigation measures include topography of the site, surrounding landscape and vegetation within the study area. Quarry will be restored on completion of extraction and left to colonise naturally.

Cultural Heritage

- 3.30 Following desk study and field inspection rEIS concludes that there are no designated or non-designated structures of heritage interest situated within the substitute consent site or vicinity that are directly or indirectly impacted by the development.
- 3.31 Quarrying at the site has led to the complete removal of the remains of a rectangular enclosure, Recorded Monument GA043-046, prior to 1995 before the area was placed into the Record of Monuments in 1997 and before the Section 261 conditions imposed by the planning authority. No remaining trace of the Monument was visible when field survey carried out in May 2013.
- 3.32 No indirect impacts on any known items of cultural heritage, archaeology or buildings of heritage interest on quarry site or in area. No remedial measures proposed.

Material Assets

- 3.33 Local material assets in the vicinity of the site include residential dwellings, historic monuments, amenity areas, agricultural lands, road infrastructure and utilities. Impacts on these receptors dealt with under main topic headings. County Development Plan does not indicate any tourist areas within the vicinity of the site.
- 3.34 A range of mitigation measures have been incorporated into the operation of the quarry to eliminate or minimise impacts (set out under main topic headings). No requirement for remedial measures to be implemented in relation to material assets.

Traffic and Transportation

- 3.35 Traffic impact assessment based on worst case scenario of 50 HGV loads per day equating to 100 HGV movements, with an even distribution of trips leaving the quarry travelling north and south. Remedial EIS concludes that the R347 operates well within capacity and development traffic has a minimal impact on traffic flows on the R347.
- 3.36 Sightline to south at entrance from/exit to the site are below preferred standard (a distance of 90m can be achieved compared to standard of 160m). No accidents have occurred in close proximity to the application access site during the seven year study period.
- 3.37 Mitigation measures include operator adhering to a routing policy and employing a policy of safety and environmental awareness for all HGV drivers accessing the site. Considers that the development would have an insignificant impact in respect of traffic and transportation. No additional remedial measures proposed.

Interaction between the Foregoing

- 3.38 Considered in each individual subject heading.

Remedial NIS

- 3.39 The remedial NIS identifies three Natura 2000 sites within 15km of the quarry:
- Lough Corrib SAC (site code 00297), c.620m to the south of the site.
 - Lough Corrib SPA (site code 004042), c.14.8km to the south west of the site.
 - Levally Lough SAC (site code 004042), c.9.0km to the north east of the site.
- 3.40 Lough Corrib SPA and Levally Lough SAC are screened out of the appropriate assessment on the basis that they are sufficient distance from the sand and gravel pit to be outside its potential zone of influence and with no obvious environmental pathways or linkages connecting the quarry to the sites.

3.41 The report describes the extensive Lough Corrib SAC and its 14 Annex I habitats and Annex II qualifying interests. Conservation objectives for the SAC are to maintain or restore the favourable conservation status of the listed habitats and species.

3.42 The report considers that the quarry has had, is having and will have no significant adverse effects on the Lough Corrib SAC or any of the qualifying habitats or species for which the site has been designated. In particular it considers:

- The quarry is removed from SAC and the quarry site itself (and the surrounding area) does not support and has not supported any Annex I qualifying habitats or any suitable habitat for any of the qualifying Annex II species.
- Given the distance of the quarry from the SAC, noise, vibration and visual disturbance during quarrying operations would not have significantly altered, or are likely to alter, baseline environmental conditions with the SAC as to affect the behaviour of any of the Annex II species.
- It is considered highly unlikely given the local climate that dust levels would be above the DEHLG guidance limits of 350mg/m²/day at the extraction site, or would exceed levels where it is considered that vegetation would be affected by any deposition of dust (1000mg/m²/day).
- Quarrying operations have not intersected the water table and no dewatering has been undertaken or will be required. It is therefore considered that no significant changes in groundwater levels around the periphery of the site area likely to have occurred or are predicted to occur.
- There is no abstraction from any watercourse or waterbody outside the site and no surface water discharge. No significant impacts are therefore likely to have arisen or are likely to arise in the hydrological regime of the River Clare and/or Grange River that form components of the SAC.
- There are no dangerous substances used at the quarry, no reported groundwater pollution incidents arising or any measurable deterioration in groundwater quality directly or indirectly attributable to extraction of sand and gravel. No significant impacts are therefore likely to have arisen or are likely to arise on the quality of groundwater to have had or to have a detrimental effect on any qualifying Annex I habitats and/ or Annex II species.
- Similarly, there has been and will be no impact on surface water quality so as to adversely affect the River Clare and/or Grange River that are components of the SAC or any individual qualifying Annex I habitat and/or Annex II species.

3.43 Two additional precautionary mitigation measures are proposed; provision of spill kits and all quarrying operations to continue in accordance with best practice. No in-combination impacts identified.

RECEIVED: 12/08/2022

4 PLANNING HISTORY

Planning Applications

- 4.1 The following planning applications have been made in the vicinity of the site:
- PA Ref. 97/3309 – Planning permission granted for a bagging plant, store and compound at an existing sand-pit in Cloonascragh. Plans attached to application form indicate the site for this development is on land to the north of the substitute consent site.

Enforcement Files

- 4.2 There are no enforcement files on file.

Registration of Quarry under Section 261

- 4.3 On 25th April 2007 the quarry was registered under section 261 of the Planning and Development Act, 2000, as amended, under planning authority reference number QY121. As part of the registration process an Archaeological Assessment of the site was submitted (July 2005). The Report refers to a recorded monument on site (Rectangular enclosure - GA043:046) located to the northern end of the quarry and states that *'today a 12-15m length section of banks and fosses is all that survives of the original enclosure'*. The report recommends that no further quarry activities be undertaken in the northern end of the site to ensure that the remaining traces of the enclosure are not destroyed.
- 4.4 The registration included the imposition of 15 no. conditions on the operation of the quarry. Condition No. 9, requires the monitoring of all topsoil stripping by a suitably qualified archaeologist.

5 PLANNING POLICY CONTEXT

- 5.1 The current development plan for the quarry site is the Galway County Development Plan 2009-2015. The Development Plan recognises that the winning and processing of the county's extensive stone and mineral deposits are key factors in the economic life of the county. Policies of the Plan seek to facilitate the extraction of stone and mineral material from authorised sites having regard to their location in the landscape; to control all new operations and carefully evaluate all proposed developments to ensure that the visual or other environmental impacts of such works will not materially injure the amenities of the area; and to have regard to the Quarries and Ancillary Facilities Guidelines (DoEHLG, 2004) and to the plan's Development Management Standard 36 in the assessment of any applications for extractive developments (see attachments).

- 5.2 The quarry site lies within the East Central Galway Landscape Character Area 5. The landscape within this area has an overall rating of 1. Policies of the plan state that the Landscape Sensitivity Ratings will be an important factor in determining development uses in areas of the County and that in areas of high landscape sensitivity the design and choice of location of proposed development in the landscape will be critical considerations.
- 5.3 Development Management Standard 36 sets out development standards in respect of extractive development (see attachments). It states that the extraction of minerals is fundamental to the continuing economic and physical development of the county and that it is desirable that such materials would be sourced close to the location of new development to minimise the need for long haul routes and potential interference with traffic flows and amenity.
- 5.4 Other policies of the County Development Plan support the preservation, conservation and maintenance of archaeological sites together with the integrity of the setting of these monuments and sites; protect and conserve habitats and species designated under the Habitats Directive, Birds Directive etc.; protect and preserve non-designated habitats and landscapes to conserve biological diversity in the County and implement water protection measures to prevent deterioration of 'good status' waters and to restore sub-standard waters to 'good status' (see attachments).

6 SUBMISSIONS BY PRESCRIBED BODIES

- 6.1 The application for substitute consent was circulated by the Board to prescribed bodies. The following submissions were made:
- Department of Arts, Heritage and the Gaeltacht – The assessment of potential cumulative or in combination impacts should take into account the approved M17/18 Gort to Tuam road scheme, which passes c.1.4km to the west of the quarry. Impact of development on flora/fauna is based on a survey carried out on 5th February 2013, a time of year which is sub-optimal for botanical and vegetation surveys. Restoration plan is limited to a single drawing and general recommendations. Further details on the restoration of the site should be supplied before any decision is made in relation to the current application for substitute consent.
 - Railway Safety Commission – Require consultation with Iarnród Éireann regarding safety matters.
 - EHO, HSE – Recommends background noise levels to be undertaken when the quarry is not in operation and implementation of all mitigation measures to protect groundwater. Also states that the development does not cater permanently for the treatment of wastewater generated.

7 PLANNING AUTHORITY'S REPORT

- 7.1 The planning authority's report of the 10th October 2013 confirms that the site notice was in place on the 21st August 2013 and summarises the planning history and enforcement action taken in respect of the site and relevant development plan provisions. The report refers to two internal reports by Roads and Environment. The report by Roads refers to the location of the entrance to the site close to a bend at an elevated location, to inadequate sight lines and the impact of quarry traffic on the public road.
- 7.2 The report considers that the development is in accordance with the policies and objectives of the County Development Plan and recommends that substitute consent is granted for the development subject to 6 conditions including improvement of sightlines, roadside signage, development contribution in respect of the local road network, refuelling, recycling of waste material and restoration proposals.

8 FIRST PARTY RESPONSE

- 8.1 The first party responds to the issues raised by the DoAHG in their letter to the Board of the 10th September 2013.
- Cumulative/in-combination impacts with M17/18 – The rEIS demonstrates that the quarry has not had and is not likely to have any significant effects on Lough Corrib SAC. Therefore, it is considered that there is not a requirement to assess any in-combination impacts.
 - Timing of ecological survey – Habitat Survey was undertaken outside the optimum period but the timing of the Survey was constrained by the submission date for substitute consent. Given the level of overburden stripping and continuing levels of ground disturbance within the application site, the survey is representative of the habitats present and provided sufficient information to characterise and evaluate the habitat-types present. Further surveys would not materialistically alter the results of the species recorded on the application site or of the findings of the assessment for the site.
 - Restoration – Provide further details on restoration details, including restoration/biodiversity objectives, restoration works, supervision and monitoring.
- 8.2 (This response was circulated to DAHG but no subsequent comments have been submitted by the Department).

9 ISSUES AND ASSESSMENT

9.1 Having regard to the site inspection carried out, the submissions on file and the policies of the County Development Plan, I consider the issues arising in respect of the application for substitute consent comprise:

- The principle of development.
- Environmental effects arising from the development.
- The risk of significant effects on a European site.

Principle of Development

9.2 The Department's Guidelines for Planning Authorities on Quarries and Ancillary Activities (DoEHLG, 2004) acknowledge that extractive industries make an important contribution to economic development in Ireland but that the operation of the same can give rise to land use and environmental issues which require mitigation and control through the planning system.

9.3 Policies of the Galway County Development Plan 2009-2015 recognise the contribution that minerals make to the local economy; facilitate the extraction of stone and minerals from authorised sites having regard to the landscape sensitivity of the site; control all new operations and carefully evaluate all proposals to limit impacts on the amenities.

9.4 Within this current policy context, I consider that the principle of development is acceptable on the site, subject to a satisfactory assessment of environmental effects.

Environmental Impact Statement

9.5 The application for substitute consent is accompanied by a remedial EIS. The Statement is consistent with the requirements of section 177F of the Planning and Development Act 2000 i.e. it contains a statement of the significant environmental effects on the environment which have occurred, are and will occur as a result of the development and it sets out details of remedial measures to be undertaken. The rEIS does not consistently identify a timescale for all remedial measures. However, this matter can be dealt with by condition.

9.6 The rEIS is also generally consistent with the requirements of article 94 of the Planning and Development Regulations, 2001-2013 (contents of an EIS), i.e. it describes the proposed development, sets out mitigation measures to avoid or remedy impacts, includes data to identify and assess the main effects of the development on the environment. Further information is provided by way of explanation or amplification of these matters. The rEIS does not provide information on the main alternatives studied, but having regard to the particular

nature of the development, this is not a significant omission. The remedial EIS also includes a non-technical summary.

9.7 I am therefore satisfied that the rEIS is adequate to enable the Board to make a decision on the application for substitute consent. I comment below on specific issues raised in the rEIS below.

Environmental Impact Assessment

9.8 As the competent authority for decision making, the Board is required to carry out an environmental impact assessment of the application for substitute consent⁴ i.e. to identify, describe and assess the direct and indirect effects of a proposed development, in accordance with Articles 4 to 11 of the EIA Directive, on the following:

- Human beings, flora and fauna,
- Soil, water, air, climate and the landscape,
- Material assets and cultural heritage, and
- The interaction of the foregoing.

9.9 The following assessment of environmental effects has regard to the EIS submitted, the additional information on file and my inspection of the site.

Human Beings

9.10 I note that the quarry provides aggregates for the local, regional and national market, direct employment for 5 people and indirect employment for a further 15. The site is in a rural area and is removed from any centre of population and is generally not visible in the rural landscape except from the public road passing the site. Nearby residential development is located to the northwest and south of the site. The rEIS predicts that noise, dust and visual impacts have not and will not significantly impact on nearby sensitive receptors. For the reasons stated in my report these conclusions seem reasonable.

9.11 I note that there are no observations on file made by third parties on the operation of the quarry and I would therefore conclude that the quarry has had on balance a small positive impact on employment and the local economy. Specific amenity impacts are discussed below.

Fauna and Flora

9.12 The fauna and flora section of the rEIS is based on a desk study and habitat study carried out on 5th February 2013. The owner/operator recognises that this time of the year is not ideal to undertake such a survey, however, he argues that given the level of overburden stripping and continuing levels of ground disturbance within the site the survey is representative of the habitats present

⁴ Section 172 of the Planning and Development Act, 2000, as amended.

and did provide sufficient information to characterise and evaluate the habitat types present.

- 9.13 From the site inspection, it is evident that the vast majority of the substitute consent site is an active working quarry. Only the external faces of the bunding around the site are colonised by plant species and within the site Sand Martin burrows are present in the quarry face (see photographs). I would consider therefore that in this case it is reasonable that the timing of the habitat survey was adequate to characterise and evaluate the habitat types present.
- 9.14 Direct land take has resulted in the loss of, or fragmentation of, habitats that occurred on the site prior to the onset of quarrying. The rEIS considers that the site was previously predominantly agricultural land under permanent pasture and this would be consistent with the historic OS maps of the area (which also show quarrying on part of the site). The rEIS considers that the loss of this habitat would be significant at a 'townland' level and having regard to the likely previous use of the site, the abundance of similar habitat types in the vicinity of the site and the absence of nature conservation designations in respect of the site, this conclusion seems reasonable. Similarly therefore it would seem unlikely that the local population status of any individual or group of species that may have been present on the site and within the wider area would have been adversely affected by the development.
- 9.15 The operation of the quarry gives rise to potential indirect impacts i.e. as a result of disturbance from human activity, noise, dust and interaction with the water environment. The habitat survey found that the quarry site supports a wide range of habitats all of intrinsically low conservation value and found no evidence of any protected, rare or notable species, with the exception of the sand martin (an amber listed species) who use the northern area of the site. It would appear unlikely therefore that the day to day operation of the quarry by way of noise, dust or disturbance would have adversely significantly affect any habitat or species, on or in the vicinity of the site. I note that the sand martin is protected under the Wildlife Act 1976 and the owner/operators proposal to avoid quarrying operations in the vicinity of the pit wall supporting sand martin nest holes, during the breeding season (mid-March through to September). This approach seems reasonable and with an adequate buffer zone would adequately minimise disturbance of the bird during the breeding season.
- 9.16 Given the distance of the quarry from the Lough Corrib SAC, c.620m to the south of the site, the predicted levels of noise and dust effects arising (see pages 4-26 and 4-27 of rEIS) indirect effects arising as a result of disturbance, noise and dust seem highly unlikely.
- 9.17 The owner/operator state that the quarry is worked above water table. However, at the time of site inspection there was considerable surface water on the site in particular at the south of the site and in the vicinity of the ground water pond (and I noted no surface water management system). Whilst I accept that

RECEIVED: 21/08/2012

this is an unusual scenario (see section on Water below), the direct interaction of surface water on the site with groundwater (or a fluctuating water table), raises the risk of contamination of groundwater. For the reasons set out below, I do not consider that there is a significant risk of contamination arising from hydrocarbons etc. However, there is a risk of an increase in sedimentation in groundwater (see photographs) with possible adverse impacts on related waterbodies, habitats and species. The quarry site straddles two sub-catchments of the Grange River and the Clare River (to the south and west of the site respectively). If groundwater flows follow topography, the rEIS states that groundwater in the western part of the site will flow towards Clare River and in the eastern part of the site, easterly/south easterly towards Grange River. Both the Clare and the Grange River form part of the Lough Corrib SAC (site code 000297). The SAC covers a large geographical area and whilst it is centred on Lough Corrib, rivers to the east of the site are included in the designation as they are important for Atlantic Salmon.

9.18 The quarry lies c.0.6km to the north of Grange River and c.1.0km east of Clare River. Over distance, particles forming sediment in water settles out and it is likely at this distance that any fines being carried in groundwater will have largely settled out. I note that the River Basin Management Plan for the Western River Basin (see attachments) does not include the quarry as a significant point sources of pollution (Map 12) and I note that Inland Fisheries Ireland (WRFB) have not made any submissions or observations on the application for substitute consent. For these reasons, I am satisfied therefore that the quarry has not given rise to serious pollution of groundwater. However, in order to reduce the risk of future pollution events arising, in view of the past operation of the quarry, I would recommend that a condition is included in any grant of permission to establish a surface water management system on site and a monitoring programme for groundwater level and quality.

Soil and Geology

9.19 Soil layers have been removed from the quarry site, together with the underlying sand and gravel deposits. Soil has been stored on site and will be re-used in plans to restore the site after extraction has ceased. Impacts on soil are therefore temporary. Extraction of sand and gravel deposits is a permanent and irreversible impact. Figure 5-2 indicates the subsoil geology of the area and relatively limited sand and gravel resource in the area. Therefore whilst the quarry is relatively small in scale, I would consider that it would have a permanent, moderate to significant local impact on this resource.

Water

9.20 The quarry lies within the catchment of River Clare (straddling two sub-catchments) and within the Clare-Corrib-Groundwater Body. Groundwater quality

in the Groundwater Body is categorised as Poor. The underlying bedrock is classified as karstified, Regionally Important Aquifer and aquifer vulnerability is high. Locally the nearest surface water course lies c.0.7km to the east of the site (see attachments). This stream drains into which in turn drains into Grange River to the south of the site. The Clare River runs c.1.0km to the west of the site.

- 9.21 The quarry is stated to operate above water table which is estimated to be within 5m to 10m of the ground surface (paragraph 6.60 of rEIS). The top up pond on site, is stated to comprise groundwater, and has a level of c.32mOD (Drawing 04B, Existing Site Layout). This is stated to be the assumed groundwater level on site. The rEIS also states that surface water falling on the site percolates to ground water through the sand and gravel on site. There is no discharge of water off site and wash water is circulated through a series of lagoons on site (see photographs).
- 9.22 At the time of site inspection (February 2014) there were large areas of surface water ponding on the site, in particular at the very southern part of the site and in the vicinity of the groundwater pond. It is not clear from the information on file if the ponding is caused by an accumulation of surface water, or by a fluctuating water table (or both). Regardless, it would appear that surface water on site connects with groundwater during periods of heavy rainfall.
- 9.23 Based on the above, the quarry is not likely to impact directly on surface water quality or quantity in the vicinity of the site as there is no abstraction or discharge to any surface water body. The extraction of sand and gravel will have no significant impact on the quantity of groundwater. However, with the loss of protective layers on site and the direct interaction of surface water with groundwater on site, in periods of heavy rainfall, the risk of pollution of groundwater increases, for example, from spills and from increased sedimentation (see photographs). As stated in the rEIS I observed no oil storage tanks on site and fuel oils etc. are stored undercover in the workshop. The actual risk of contamination of groundwater from these sources is therefore quite low. With regard to sedimentation, it is possible that in periods of heavy rainfall the quarry has resulted in an increase in sedimentation in groundwater. The extent of this impact is difficult to estimate based on the information available. However, the site inspection took place within a season of unusually high rainfall and the rEIS states that the quarry is worked above the water table and my observations of the site (e.g. how working areas are accessed through currently flooded areas), would support this statement. I would consider therefore that the quarry has resulted in an occasional risk of groundwater pollution arising from increased loading of sediments. I note that whilst the River Basin Management Plan for the Western Basin District (2009-2015) states that quarries can be significant sources of silt which can adversely affect downstream aquatic habitats and species, the quarry site is not identified in the Plan's as a point source pollutant (see attachments). Further, as stated Inland Fisheries Ireland has not raised any

objection to the application. I am satisfied therefore that the operation of the quarry has not given rise to a significant groundwater pollution.

Air and Climatic Factors

- 9.24 The nearest residences to the quarry lie to the north, west and south west of the quarry entrance. A further group of properties lie to the north west of the entrance.
- 9.25 Based on an assessment of potential sources of dust and prevailing wind, the rEIS assesses the likelihood of adverse impacts arising on sensitive receptors as a consequence of dust. For only one sensitive receptor, R5 to the immediate north of the site entrance (see section 8 of rEIS), is a risk of 'slight adverse' impact identified. I note that the assessment does not factor in the large screening berm in place between the site and the receptor (see photographs). Monitoring carried out between May and June 2013, recorded a dust deposition level of 53mg/m²/day at a dust monitoring station, within the quarry site, just north of the entrance road. These measurements would have been taken in periods of drier weather (when dust is more likely to be a nuisance) and the dust deposition level is well within the threshold limit set out in the Departments guidance on Quarries and Ancillary Activities (DoEHLG, 2004). Having regard to the above, I do would consider that the quarry has given rise to only short term, minor dust impacts on nearby sensitive receptors.
- 9.26 With regard to noise, based on a worst case scenario (all noise sources including excavation and processing being active on site simultaneously, 100% of the time), the rEIS considers that the cumulative noise levels arising from the quarry, comply with the daytime noise emission limit value of 55dB(A) as set out Departments guidance on Quarries and Ancillary Activities (DoEHLG, 2004). The rEIS states that the predicted cumulative noise levels at the residences arising from the quarry, are likely to be lower than the existing background noise levels on this road. From my inspection of the site, and observations of traffic on the R347, this conclusion seems to be reasonable.
- 9.27 On the basis of the above and the mitigation measures which are already in place for the operation of the quarry, I do not consider that the operation of the quarry has given rise to significant air, noise or climatic impacts.

Landscape

- 9.28 The quarry at Cloonascragh has resulted in the removal of a narrow ridge of sand and gravel, between lower lying areas of bog. This has no doubt altered the local landscape. However, the quarry is generally well screened and only visible from the public road immediately passing the site and occurs within a wider landscape which is designated as having a low landscape value and low landscape sensitivity. Within this context I do not consider that any significant

adverse landscape or visual impacts have arisen or will arise as a result of the past operation of the quarry.

Material Assets and Cultural Heritage

- 9.29 Material assets are defined as resources that are valued and that are intrinsic to specific places (page 22, 'Guidelines on the Information to be contained in EIS, EPA, 2002). In the vicinity of the site it would include the sand and gravel mineral reserve itself, archaeological heritage and infrastructure.
- 9.30 The impact of the quarry on the sand and gravel reserve at Cloonascragh, has been discussed above. The rEIS refers to presence of a Recorded Monument GA043-046 (a rectangular enclosure) on the site, marked on the 1st edition of the OS 6" map (completed between 1829 and 1841). (No other archaeological monuments, or historical buildings, designated or non-designated) lie within the vicinity of the site or are affected by it). In 1991, the site had been quarried and all that survived was a 15m stretch on the eastern side and a small portion of the interior. By 1995 it appears that the monument had been entirely removed (Appendix 11-A). It would appear therefore that quarrying has resulted in the permanent loss of this monument. The rEIS does not quantify the significance of the loss of the monument, however as the monument was placed on the national record, I would assume it was at least of local importance.
- 9.31 The R347 lies to the west of the quarry site. Access to the site is just north of a bend in the public road. Consequently sightlines to the south are restricted (see photographs). The R347 connects Tuam and Athenry. At the time of site inspection, there was a steady stream of traffic on the road which would be broadly consistent with the traffic levels indicated in the rEIS (section 13). Having regard to existing traffic flows and predicted peak flows, the rEIS estimates that the application site would have a small (2.6%) impact on traffic flows on the R347. Whilst HGV traffic was indicated to have a greater impact, the level of HGV's within the background traffic is minimal (strategic traffic uses the N17 to the west of the site). I note that no accidents have been recorded within close proximity to the site and that there was no accident which the development could be perceived as contributing towards. Based on the above and my inspection of the site, I consider that the traffic arising from the development could have been accommodated within the public road network. However, I am concerned that there is no signage in place warning drivers of the presence of the quarry (in particular in view of the limited sightline to the south). However, this matter could be dealt with by condition.

Inter-relationship between the Foregoing

- 9.32 The main interactive impacts arising from the operation of the quarry are:
- Human beings, visual, noise, dust, material assets and traffic related impacts.

- Water and ecology.

9.33 The operation of the quarry at Cloonascragh takes place in a generally remote area. However, a number of residential properties lie within 500m of the site. Individually, the rEIS has shown that the impacts generated (e.g. visual impacts, noise, dust and traffic), are within acceptable limits and are unlikely of themselves to cause significant environmental effects. Whilst I would agree with these conclusions, no doubt the presence of the quarry with its associated noise, dust and traffic effects in particular, would have impacted on the local area. I consider that this would be a cumulative moderate local impact for the duration of the quarrying activity.

9.34 The inter-relationship between water and ecology has been discussed above under the 'Flora and Fauna'.

Summary and conclusion

9.35 Having regard to the nature and scale of the quarry development at Cloonascragh, potential significant impacts arising relate to human beings, flora and fauna, water, noise, air, landscape and cultural heritage. Having regard to the matters raised above, the mitigation and remedial measures proposed, and subject to conditions in respect of groundwater monitoring and signage, I consider that the impacts which have taken place, and which continue to take place as a consequence of the past development, are not likely to be significant.

10 APPROPRIATE ASSESSMENT

Requirement for AA

10.1 The quarry lies within 15km of three Natura 2000 sites (see Figure 1 rNIS):

- Lough Corrib SAC, site code 00297⁵.
- Levally Lough SAC, site code 000295.
- Lough Corrib SPA, site code 004042.

10.2 The rNIS screens out Levally Lough SAC, a small SAC, c.10km to the north east of the quarry, and Lough Corrib SPA, c.15km to the south west of the site, on the basis that the two Natura 2000 sites are substantially removed from the quarry, outside its potential zone of influence and with no obvious environmental pathways and linkages. This approach seems reasonable for both direct effects (e.g. land take/fragmentation) and indirect impacts arising from the operation of the quarry, such as noise, dust and disturbance. Whilst the risk of water pollution

⁵ First advertised in 13th August 1999 and subsequently in December 2006.

from sedimentation has been identified (above) for the operation of the quarry, these two Natura 2000 sites are significantly removed from the quarry site and any impacts by way of increased sedimentation in groundwater are highly unlikely at these distances.

- 10.3 The European Commission's advice on appropriate assessment⁶ and the Department of Environment's guidance document on appropriate assessment⁷ suggest the following structure for an Appropriate Assessment.

Description of the Project

- 10.4 The operation of the quarry has been described above.

Characteristics of the European Site

- 10.5 Lough Corrib SAC is an extensive SAC, situated to the north of Galway City, centred on Lough Corrib. The SAC comprises the Lough and rivers (including Grange River and Clare River), mainly to the east, which are important for Atlantic Salmon, and adjoining areas of conservation interest including raised bog, woodland, grassland and limestone pavement. The site is important for 14 habitats listed on Annex I of the EU Habitats Directive (six priority habitats) and 9 species listed on Annex II of the Directive.

Identification of Adverse Effects

- 10.6 The quarry at Cloonascragh is physically removed from Lough Corrib SAC and therefore has had and will not have any direct effect on the SAC e.g. by way of land take, fragmentation of habitat. Based on the habitat survey, it is unlikely that the site supported any Annex I habitats or habitats for any of the Annex II species present in the SAC.
- 10.7 Indirect effects by way of noise, dust or disturbance are unlikely primarily due to the distance of the quarry from the Natura site and the low risk of these impacts altering baseline environmental conditions within the SAC to affect the behaviour of any of the qualifying species. Cumulative impacts by way of noise, dust or disturbance are unlikely given the absence of other quarries in the immediate area. (Possible cumulative impacts arising from the proposed M17/M18 Gort to Tuam road scheme are not relevant to the assessment as the application for substitute consent refers to a development which has already taken place).
- 10.8 The quarry lies within the Corrib catchment. There are no discharges from the site to any surface water body. Any pollution of groundwater arising from the quarry could impact on water quality in related groundwater and surface water

⁶ Assessment of Plans and Projects Significantly Affecting Natura 2000 sites, EC, 2001

⁷ Appropriate Assessment of Plans and Projects in Ireland, Department of Environment, Heritage and Local Government, 2009

bodies and dependent species. Ground water flows appear to be from the site towards two rivers falling within the Special Area of Conservation. As stated previously, the risk of contamination of groundwater from hydrocarbons and other potential contaminants on site is quite low. With regard to sedimentation, whilst there is a risk that the quarry has resulted in an increased loading of sediments in groundwater in periods of substantial rainfall, it would appear that the frequency of substantial surface water ponding/flooding on site is limited, with the quarry in practice being worked above water table. As sediment loading reduces with distance from source, and in the absence of the site being identified in the River Basin Management Plan for the Western Basin District as a point source, or raised in observations by Inland Fisheries Ireland, I am satisfied that the quarry has not given rise to a serious increase in sedimentation loading in groundwater to adversely impact on water quality in either the Grange or Clare River.

10.9 No other quarries operating in the immediate vicinity of the site so cumulative impacts are unlikely.

Mitigation

- 10.10 Mitigation measures are and have been in place to mitigate against the risk of pollution of surface or groundwater. These are set out in section 6.111 of the rEIS and are consistent with best practice. A further remedial measure is proposed, that a spill kit is kept on site to prevent the migration of any accidental spills. This measure would also be consistent with best practice.
- 10.11 In order to mitigate any future impacts on water quality, based on the past operation of the quarry, the Board may wish to impose a condition requiring the monitoring of groundwater levels and groundwater quality within the site.

Conclusion

- 10.12 In conclusion, having regard to the nature of quarrying on site, in particular extraction above the water table, the infrequency of substantial surface water ponding/flooding on site, the distance of site from downstream water bodies, including Grange River and Clare River, and the mitigation measures in place, I consider that post 1997 development which did take place on site is unlikely to have had or have a significant effect on a European Site, in particular Lough Corrib SAC, in view of the site's conservation objectives.

11 CONCLUSION AND RECOMMENDATION

- 11.1 Having regard to the nature of quarrying which has taken place on the appeal site, in particular the working of the quarry above water table, the mitigation measures which are in place and the further remedial measures proposed (buffer zone from Sand Martins during breeding season, spill kits), I am satisfied that the

development does not give rise to significant environmental effects or adversely affect the integrity of a European site and is otherwise in accordance with the proper planning and sustainable development of the area. I do not consider therefore that section 177J of the Planning and Development Act 2000 (as amended), is applicable in this case.

11.2 I recommend therefore that substitute consent is granted for the development subject to the conditions set out below.

11.3 In the course of the application for substitute consent the planning authority recommended conditions to be attached to any grant. These included a development contribution of €10,000 to defray the additional maintenance cost of the local road network due to the use of such roads to transport material from the quarry, improvement of sightlines and signage. These conditions generally seem reasonable in particular given the volume of traffic emanating from the quarry over the period of substitute consent application and the current inadequate sightlines. I do not consider that a condition in respect of railways (as proposed by the RSC) is necessary, as the application for substitute consent is retrospective over a period in which the railway line to the east of the site was disused.

REASONS AND CONSIDERATIONS

Having regard to the nature of quarrying which has taken place on the appeal site, in particular the working of the quarry above water table, the mitigation measures which are in place and the further remedial measures proposed, it is considered that, subject to compliance with the conditions set out below, and the acceptability of the environmental impacts arising, the subject development is therefore, in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. (a) This grant of substitute consent shall be in accordance with the plans and particulars submitted to An Bord Pleanála with the application on the 29th July 2013 (including the remedial measures specified in respect of ecology and water pollution control).
- (b) This grant of substitute consent relates only to development undertaken as described in the application and does not authorise any future development.

Reason: In the interest of clarity.

2. A detailed restoration scheme for the site according to the broad principles indicated on Drawing 05 'Proposed Restoration Plan' submitted to the Board on the 29th July 2013, shall be submitted to the planning authority for written agreement within three months of the date of this order. The restoration scheme shall include a timeframe for implementation.

Reason: In the interest of the visual amenities of the area, to ensure public safety and to ensure that the quarry restoration protects and enhances ecology.

3. Within three months of the date of this order, proposals for the following, to include a timeframe for implementation, shall be submitted to the planning authority for written agreement:
- (i) A surface water drainage system to manage surface water flows within the site and to protect groundwater,
 - (ii) A programme for monitoring of groundwater levels and groundwater quality within the site.

Reason: To ensure protection of groundwater quality and to provide for the satisfactory disposal of surface water.

4. Details of road signage, including a timeframe for implementation, warning the public of the entrance to the site, shall be submitted to and agreed with the planning authority within 3 months of the date of this order.

Reason: In the interest of traffic safety.

5. The developer shall pay to the planning authority a financial contribution of €10,000 (ten thousand euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

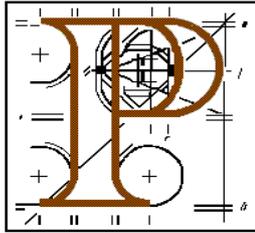
Development Contribution Scheme made under section 48 of the Act be applied to the substitute consent.

6. Within three months of the date of this order, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or 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. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory restoration of the development.

Deirdre MacGabhann
Planning Inspector

10th March 2014



Board Direction

RECEIVED: 12/08/2022

Ref: 07.SU0056

The submissions on this file and the Inspector's report were considered at a further Board meeting held on 9th December 2015. Generally in accordance with the recommendation of the Inspector, the Board decided to grant substitute consent in accordance with the reasons, considerations and conditions set out below.

REASONS AND CONSIDERATIONS

In coming to its decision, the Board had regard to the following:

- (a) Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, as amended,
- (b) the provisions of the Planning and Development Acts, 2000 to 2015, and Part XA in particular,
- (c) the "Quarries and Ancillary Activities, Guidelines for Planning Authorities", issued by the Department of the Environment, Heritage and Local Government (2004),
- (d) the provisions of the Galway County Development Plan 2015 - 2021,
- (e) the nature and scale of the subject development,
- (f) the historical development of the quarry, and its scale prior to 1963, and prior to 1990 in particular,
- (g) the planning, registration and quarry review history of the site,
- (h) the pattern of development in the area, including the distances to houses, the proximity to the national road network, and the adjacent facility,
- (i) the remedial environmental impact statement and remedial Natura impact statement submitted with the application, the revised information submitted to An Bord Pleanála on 29th August 2013, as further amended on 18th October 2013, and the further information submitted on 27th January 2015,
- (j) the report and the opinion of the planning authority, and the submissions on file, and
- (k) the report of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

The Board was satisfied that the information before it was adequate to undertake an appropriate assessment and an environmental impact assessment in respect of the subject development.

Appropriate Assessment Screening

In conducting a screening exercise for appropriate assessment, the Board considered the nature, scale and location of the subject development, the appropriate assessment screening information, the documentation on file generally including the further information submitted, the planning, registration and quarry review history of the site, the submissions on file, and the assessment of the Inspector in relation to the potential for impacts on European Sites. The Board is satisfied that, by itself and in combination with other development in the vicinity, including the neighbouring facility, the subject development did not have and would not be likely to have significant effects on European Sites, with the exception of the Lough Corrib Special Area of Conservation (Site Code 000297). The Board accepted the analysis and conclusions of the Inspector in this regard.

Appropriate Assessment

Having regard to the nature, scale and location of the subject development, the remedial Natura impact statement, the documentation on file generally including the further information submitted, the planning, registration and quarry review history of the site, the submissions on file, and the report of the Inspector, the Board undertook an Appropriate Assessment in relation to the effects of the subject development on Lough Corrib Special Area of Conservation. The Board adopted the report of the Inspector in this respect, and concluded that the quarry, by itself, or in combination with other plans or projects, including the adjacent facility, would not be likely to have adversely affected and would not be likely to adversely affect the integrity of this European Site in the light of its conservation objective.

Environmental Impact Assessment

The Board considered the nature, scale and location of the subject development, the remedial environmental impact statement, the documentation submitted with the application, as amended by the further information submitted, the historical development of the quarry, including its scale prior to 1990, the planning, registration and quarry review history of the site, the submissions on file, and the report of the Inspector. It is considered that the remedial environmental impact statement identifies and describes adequately the direct and indirect effects on the environment of the development that have taken place. The Board completed an environmental impact assessment in relation to the subject development, by itself and cumulatively with other development in the vicinity, including the adjacent facility, and concluded that, in general, the development of the quarry was not and would not be likely to have significant effects on the environment. In doing so, the Board adopted the report of the Inspector. Furthermore, the Board did have some concerns in relation to the national monument GA043-046, located within the quarry. Cassini 6" mapping indicates that much of the fabric of this monument had been removed in the 1800s. The remaining elements of this enclosure were identified in 1990 by the Archaeological Survey of Ireland. While the remedial environmental impact statement indicated that the monument had been removed by 1995, the monument was clearly identified as still being in place in 2005, in an archaeological report prepared at the time of the quarry registration. The Board also noted that aerial photographs since 2005 do not indicate a significant level of change in this location. The Board was not satisfied that this uncertainty was sufficient to merit refusal of substitute consent in these circumstances. The Board also decided to attach a condition to protect the monument.

Conclusions

The Board is satisfied that the subject development did not and does not seriously injure the amenities of the area or of property in the vicinity, and was and would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. (a) This grant of substitute consent shall be in accordance with the plans and particulars submitted to An Bord Pleanála with the application, as revised on 29th August 2013, as amended on 18th October 2013, and as further amended on 27th January 2015, except as otherwise may be required to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be in accordance with the agreed particulars.
- (b) The grant of substitute consent relates only to past quarrying that has been undertaken as described in the application and further information, and does not authorise any structures or any future development on this site, including excavation, unless authorised by a prior grant of planning permission.

Reason: In the interest of clarity.

2. All environmental mitigation measures identified within the remedial environmental impact statement and associated documentation including the further information shall be implemented in full.

Reason: In the interests of the conservation of the environment, of the amenities of the area and of property in the vicinity.

3. Following consultation with the Department of Arts, Heritage and the Gaeltacht, proposals for fencing off and maintaining the security of recorded monument GA043-046 in the northern area of the site, shall be submitted to and agreed in writing with the planning authority, and shall be implemented to the written satisfaction of the planning authority within one month of the date of this order. These proposals shall include the precise identification of its location in accordance with the archaeological report prepared in 2006.

Reason: To protect a national monument.

4. Within six months of the date of this order, proposals shall be submitted to and agreed in writing with the planning authority for the following:
 - (i) a surface water drainage system to manage surface water flows within the site and to protect groundwater, and
 - (ii) a programme for monitoring of groundwater levels and groundwater quality within the site,

Reason: In the interest of the protection of the environment.

5. Implementation-stage details of the restoration of the quarry shall be submitted to and agreed in writing with the planning authority within six months of the date of this order, in accordance with Drawing F11 (Proposed Restoration Plan) and the measures submitted to An Bord Pleanála on 18th October 2013, and Drawing 6 (Proposed Restoration Sections) submitted to An Bord Pleanála on 29th August 2013, and which shall include the following:
- (a) details of any further measures necessary for the protection of recorded monument GA043-046,
 - (b) details of the finished gradients of the quarry faces,
 - (c) details of secure fencing for the boundaries of the site,
 - (d) a scheme of landscaping and tree planting,
 - (c) the control of dust emissions until such time as planting is established,
 - (e) proposals for an aftercare programme of five years, and
 - (f) a timeframe for implementation, including any proposals for phasing of the restoration works.

Reason: In the interest of protection of the environment, landscape and public safety.

6. Within six months of the date of this order, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory restoration of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory restoration of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

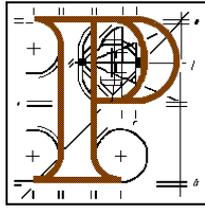
PROVISIONAL DETERMINATION OF COSTS

The Board costs in this case totalled €7,313. An application fee of €6,379 was paid. In accordance with the approach adopted by the Board on 20th March 2014, the Board decided to recover €933 against the costs of considering this application. The Planning Authority's costs were €1,125. Accordingly, the Board determined the costs required to be paid under section 177(k)(2), provisionally, as follows:

To be paid to An Bord Pleanála as a contribution towards the costs of consideration of the application	€933
To be paid to the Planning Authority as a contribution towards the costs of consideration of the application	€1,125

Board Member: _____ Date: 14th December 2015
 Fionna O' Regan

An Bord Pleanála



RECEIVED: 12/08/2022

PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Galway County

Planning Register Reference Number: QSP121

An Bord Pleanála Reference Number: 07.SU.0056

APPLICATION FOR SUBSTITUTE CONSENT by Dan Morrissey (Ireland) Limited care of SLR Consulting Ireland of 7 Dundrum Business Park, Windy Arbour, Dublin in accordance with section 177E of the Planning and Development Act, 2000, as amended by the insertion on section 57 of the Planning and Development (Amendment) Act, 2010, and as further amended by the European Union (Substitute Consent) Regulations, 2011 and European Union (Environmental Impact Assessment and Habitats) Regulations, 2011.

LOCATION OF QUARRY: Cloonascragh, Tuam, County Galway.

BOARD DECISION

The Board, in accordance with section 177K of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, decided to **GRANT** substitute consent in accordance with the following conditions.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

In coming to its decision, the Board had regard to the following:

- (a) Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, as amended,
- (b) the provisions of the Planning and Development Acts, 2000 to 2015, and in particular Part XA,
- (c) the 'Quarries and Ancillary Activities, Guidelines for Planning Authorities', issued by the Department of the Environment, Heritage and Local Government, April 2004,
- (d) the provisions of the Galway County Development Plan 2015 - 2021,
- (e) the nature and scale of the subject development,
- (f) the historical development of the quarry, and its scale prior to 1963, and prior to 1990 in particular,
- (g) the planning, registration and quarry review history of the site,
- (h) the pattern of development in the area, including the distances to houses, the proximity to the national road network, and the adjacent facility,
- (i) the remedial Environmental Impact Statement and remedial Natura Impact Statement submitted with the application as revised by the further information submitted on the 29th day of August, 2013, as amended by the further information submitted on the 18th day of October, 2013 and as further amended by the information submitted on the 27th day of January, 2015,

- (j) the report and the opinion of the planning authority, and the submissions on file, and
- (k) the report of the Inspector, including the examination, analysis and evaluation undertaken in relation to Appropriate Assessment and Environmental Impact Assessment.

The Board was satisfied that the information before it was adequate to undertake an Appropriate Assessment and an Environmental Impact Assessment in respect of the subject development.

Appropriate Assessment Screening

In conducting a screening exercise for appropriate assessment, the Board considered the nature, scale and location of the subject development, the appropriate assessment screening information, the documentation on file generally including the further information submitted, the planning, registration and quarry review history of the site, the submissions on file, and the assessment of the Inspector in relation to the potential for impacts on European Sites. The Board is satisfied that, by itself and in combination with other development in the vicinity, including the neighbouring facility, the subject development did not have and would not be likely to have significant effects on European Sites, with the exception of the Lough Corrib Special Area of Conservation (Site Code 000297). The Board accepted the analysis and conclusions of the Inspector in this regard.

Appropriate Assessment

Having regard to the nature, scale and location of the subject development, the remedial Natura Impact Statement, the documentation on file generally including the further information submitted, the planning, registration and quarry review history of the site, the submissions on file, and the report of the Inspector, the Board undertook an Appropriate Assessment in relation to the effects of the subject development on Lough Corrib Special Area of Conservation (site code 000297). The Board adopted the report of the Inspector in this respect, and concluded that the quarry, by itself, or in combination with other plans or projects, including the adjacent facility, would not be likely to have adversely affected and would not be likely to adversely affect the integrity of this European Site in the light of its conservation objective.

RECEIVED: 12/08/2022

Environmental Impact Assessment

The Board considered the nature, scale and location of the subject development, the remedial Environmental Impact Statement, the documentation submitted with the application as amended by the further information submitted by the applicant to An Bord Pleanála on the 29th day of August, 2013, the 18th day of October, 2013 and the 27th day of January, 2015, the historical development of the quarry, including its scale prior to 1990, the planning, registration and quarry review history of the site, the submissions on file, and the report of the Inspector. It is considered that the remedial Environmental Impact Statement identifies and describes adequately the direct and indirect effects on the environment of the development that have taken place. The Board completed an Environmental Impact Assessment in relation to the subject development, by itself and cumulatively with other development in the vicinity, including the adjacent facility, and concluded that, in general, the development of the quarry was not and would not be likely to have significant effects on the environment. In doing so, the Board adopted the report of the Inspector. Furthermore, the Board did have some concerns in relation to the national monument GA043-046, located within the quarry. Cassini 6" mapping indicates that much of the fabric of this monument had been removed in the 1800s. The remaining elements of this enclosure were identified in 1990 by the Archaeological Survey of Ireland. While the remedial Environmental Impact Statement indicated that the monument had been removed by 1995, the monument was clearly identified as still being in place in 2005, in an archaeological report prepared at the time of the quarry registration. The Board also noted that aerial photographs since 2005 do not indicate a significant level of change in this location. The Board was not satisfied that this uncertainty was sufficient to merit refusal of substitute consent in these circumstances. The Board also decided to attach a condition to protect the monument.

Conclusions

The Board is satisfied that the subject development did not and does not seriously injure the amenities of the area or of property in the vicinity, and was and would be in accordance with the proper planning and sustainable development of the area.

RECEIVED: 12/08/2022

CONDITIONS

1. (a) This grant of substitute consent shall be in accordance with the plans and particulars submitted to An Bord Pleanála with the application as revised by the further information submitted on the 29th day of August, 2013, the 18th day of October, 2013 and on the 27th day of January, 2015, except as otherwise may be required to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be in accordance with the agreed particulars.
- (b) The grant of substitute consent relates only to past quarrying that has been undertaken as described in the application and further information and does not authorise any structures or any future development on this site, including excavation, unless authorised by a prior grant of planning permission.

Reason: In the interest of clarity.

2. All environmental mitigation measures identified within the remedial Environmental Impact Statement and associated documentation including the further information shall be implemented in full.

Reason: In the interests of the conservation of the environment, of the amenities of the area and of property in the vicinity.

3. Following consultation with the Department of Arts, Heritage and the Gaeltacht, proposals for fencing off and maintaining the security of recorded monument GA043-046 in the northern area of the site, shall be submitted to, and agreed in writing with, the planning authority, and shall be implemented to the written satisfaction of the planning authority within one month of the date of this order. These proposals shall include the identification of its precise location in accordance with the archaeological report prepared in 2006.

Reason: To protect a national monument.

RECEIVED: 21/09/2022

4. Within six months of the date of this order, proposals shall be submitted to, and agreed in writing with, the planning authority for the following:
 - (i) a surface water drainage system to manage surface water flows within the site and to protect groundwater, and
 - (ii) a programme for monitoring of groundwater levels and groundwater quality within the site,

Reason: In the interest of the protection of the environment.

5. Implementation-stage details of the restoration of the quarry shall be submitted to and agreed in writing with the planning authority within six months of the date of this order, in accordance with Drawing F11 (Proposed Restoration Plan) and measures submitted to An Bord Pleanála on the 18th day of October, 2013 and Drawing 6 (Proposed Restoration Sections) submitted to An Bord Pleanála on the 29th day of August, 2013, and which shall include the following:
 - (a) details of any further measures necessary for the protection of recorded monument GA043-046,
 - (b) details of the finished gradients of the quarry faces,
 - (c) details of secure fencing for the boundaries of the site,
 - (d) a scheme of landscaping and tree planting,
 - (e) the control of dust emissions until such time as planting is established,
 - (f) proposals for an aftercare programme of five years, and
 - (f) a timeframe for implementation, including any proposals for phasing of the restoration works.

Reason: In the interest of protection of the environment, landscape and public safety.

RECEIVED: 14/08/2022

6. Within six months of the date of this order, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory restoration of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory restoration of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2015.