

An
Coimisiún
Pleanála

Direction
CD-022240-26
ABP-310466-21

The submissions on this file and the Inspector's Memorandum dated 07/05/2026 were considered at a meeting held on 04/06/2026.

The Commission decided to invalidate the application, generally in accordance with the recommendation as set out in the Inspector's Memorandum, for the following reasons and considerations.

Reasons and Considerations

The Commission determined that the application should be considered invalid for the following reasons:

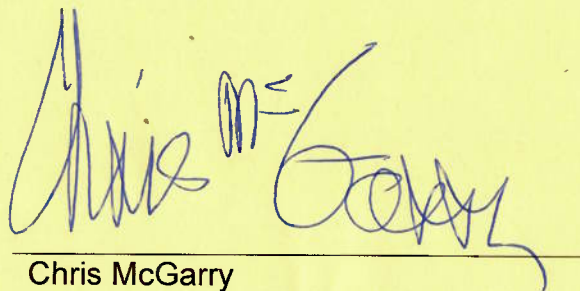
1. Given the nature and extent of development evident on site, with particular reference to the lateral and vertical expansion of the quarrying activities undertaken both within and beyond the confines of the site boundary of the application for Substitute Consent, in addition to the use of a significant proportion of the site area for purposes unrelated to the quarrying activities, as identified in the course of inspection of the land to which the application for substitute consent relates, it is determined that the plans and particulars submitted with the application for Substitute Consent are considered to be substantially incorrect with substantial omissions in that they fail to provide for an accurate depiction and description of both the development site and the development for which Substitute Consent has been sought. On this basis, pursuant to Article 268(4) of the Planning and Development Regulations 2001, as amended, the application is deemed invalid.

2. Having regard to the provisions of Section 37L of the Planning and Development Act, 2000, as amended, whereby the lodgement of an application for Substitute Consent is a precondition for any related Section 37L application, and in the absence of a current valid application for Substitute Consent (the invalidation of ABP-310461-21 refers), the subject application for 'development of land adjoining the land the subject of the application for substitute consent' is deemed to be invalid.

Note: The Commission noted Order of the High Court perfected on 28th August, 2020 in respect of *Behan v. An Bord Pleanála [2018 No. 929 JR]* directed that the application for Substitute Consent be made pursuant to South Dublin County Council's 'Record of Executive Business and Manager's Order' dated 9th August 2012 for PA. Ref. No. SDQU05A/4 which required the submission of a Remedial Natura Impact Statement. The application for Substitute Consent has not been accompanied by a Remedial Natura Impact Statement. In this regard, and noting the reason as set out above for invalidating the current application, the applicant is advised that any subsequent application for substitute consent at this site should take full account of the above mentioned High Court Order and should be accompanied by a Remedial Natura Impact Statement.

Planning

Commissioner:



Chris McGarry

Date: 05/06/2026

