



An
Bord
Pleanála

**Commission Direction
BD-019730-25
ABP-316144-23**

The submissions on this file and the Inspector's report were considered at Commission meetings held on 20/05/2025.

The Commission decided to grant permission for substitute consent having regard to Section 177K(1)(J) of the Planning and Development Act 2000 as generally in accordance with the Inspector's report and recommendation, for the following reasons and considerations, and subject to the following conditions.

Furthermore, having regard to Section 177D (2) of the Act, the Commission considers that exceptional circumstances exist based on the following matters such that it would be appropriate to permit the regularisation of the development:

- (a) The regularisation of the development concerned would not circumvent the purposes and objectives of the Environmental Impact Directive or the Habitats Directive,
- (b) the applicant had, or could reasonable have had, a belief that the development was not unauthorised,
- (c) the ability to carry out an assessment of the environmental impacts of the development for the purpose of an Environmental Impact Assessment or an Appropriate Assessment and to provide for public participation in such an assessment has not been substantially impaired,
- (d) the actual or likely significant effects on the environment or adverse effects on the integrity of a European site resulting from the carrying out or continuation of the development and
- (e) the satisfactory extent to which significant effects on the environment or adverse effects on the integrity of a European site can be remediated.

Reasons and Considerations

The Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the relevant provisions of Ireland's Long-term Strategy on Greenhouse Gas Emissions Reductions 2024, the National Adaptation Framework; Planning for a Climate Resilient Ireland 2024 and the relevant approved sectoral adaptation plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

Having regard to:

- (a) the provisions of the Planning and Development Act, 2000, as amended, and in particular Part XA (Substitute Consent) and the provisions of the Planning and Development Regulations, 2001, as amended,
- (b) the policies and objectives of the Monaghan County Development Plan 2019-2025 that seek to support the Extractive Industry in rural areas of County Monaghan,
- (c) Ireland's 4th National Biodiversity Action Plan 2023–2030,
- (d) National Planning Framework (Project Ireland 2040),
- (e) Regional Spatial and Economic Strategy for the Northern and Western Region
- (f) the Quarries and Ancillary Activities - Guidelines for Planning Authorities 2004,
- (g) the remedial Environmental Impact Assessment Report (rEIAR) submitted with the application for substitute consent, and documentation on file generally,
- (h) the distance to dwellings or other sensitive receptors,
- (i) the report and the opinion of the planning authority under section 177I of the Planning and Development Act 2000, as amended,

- (j) The previous, and continuing, consequences for the environment and the proper planning and sustainable development of the area in which the development is located, and the previous and continuing likely significant effects of the proposed development on European Sites,
- (k) the nature and scale of the development as carried out, as set out in planning application documentation and the pattern of development in the surrounding area,
- (l) the Inspector's assessment as set out in the Inspector's Report;
- (m) the Specialist (Environmental Scientist) Report on file (as included in Appendix 1 of the Inspector's Report),

it is concluded that subject to compliance with the conditions set out below, the development has not resulted in, and will not result in significant adverse effects on the environment, including biodiversity, water, air quality, landscape and cultural heritage, has not seriously injured the residential amenities of the area, in particular with respect to associated noise and dust impacts and is acceptable in terms of traffic safety and convenience. Subject to compliance with the conditions set out below, the development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Environmental Impact Assessment

Having regard to the examination of environmental information contained in the application documents, in particular to the rEIAR and supplementary information provided by the applicant, the report received from the Planning Authority, the Inspector's report, as well as having regard to the Environmental Scientist Report on file, it is considered that the main significant direct and indirect effects of the historic development on the environment and measures to avoid, prevent or reduce such effects are likely to have been as follows:

Water: Monitoring carried out by Monaghan County Council, with the results of same set out in the rEIAR, indicates that there have been localised impacts on surface water, at the point of discharge, as a result of elevated levels of ammonia and suspended solids, as a result of quarrying activities for the period in question. These

localised impacts are not considered to have been significant. More recent monitoring data from points further downstream, which capture the impacts of the ongoing quarrying works within the Permitted Area, show that levels of ammonia and suspended solids decrease to below method detection limits, indicating that no significant adverse impacts on surrounding downstream surface waters from the operation of the quarry within the Substitute Consent area are likely to have occurred, given that the operational activities within the two areas (the Permitted Area and the Substitute Consent Area) are similar in nature and extent (i.e. involve blasting and extraction activities). It is concluded that the quarrying activities for the period in question have not had a significant effect on groundwater quality nor has the activity had a significant effect on the off-site hydrogeologic regime or off-site groundwater abstractions.

Biodiversity: The loss of potential roosting, commuting and foraging habitat, as well as potential impacts from noise, vibration and lighting could have resulted in a potential significant negative direct and indirect impacts on bats in a local context. However, due to the replacement of treelines and hedgerows as part of the permitted development, and the retention of a portion of the existing boundary hedgerows, and due to the likely impacts occurring as a result of the activities within the 'Permitted Area', the residual direct and indirect effects on bats are concluded to have been imperceptible in a local context. With the implementation of the restoration plan it is concluded that there will be significant positive effect on biodiversity at the local level in the long term.

Land, soil and geology: The quarrying activities within the application site have resulted in a permanent loss of a geological resource and loss of land for agricultural purposes. However, such losses are not unacceptable, having regard to the primary function of the quarrying activities to extract the resource which itself brings benefits to the construction sector and the wider economy. The loss of agricultural lands and soil overburden would have been imperceptible in size and scale when taken in context with the available agricultural lands in the area. Mitigation measures to prevent soil and groundwater contamination have been implemented on the site. It can be concluded that there has been no significant effects on land, soil and geology.

Landscape and Visual: While the quarrying activities altered the landscape locally, given the enclosed nature of the site, which is well screened, it is concluded such impacts are slight to imperceptible. It is concluded that the visual impact of the development, when viewed from residences to the northeast, is slightly adverse, but not significant.

Archaeology: The potential impacts on the setting of the Recorded Monument MO21-006, in the absence of mitigation could have been significant, given the proximity of the development to same. However, with the construction of the perimeter planted berm the impact on the setting of the monument has been reduced to permanent, moderate and adverse.

The rEIAR has considered that the main significant direct and indirect effects of the proposed development on the environment were mitigated by environmental management measures, as appropriate. The assessments provided in many of the individual rEIAR chapters are satisfactory and the likely significant environmental effects arising as a consequence of the proposed development have been identified, described and assessed. Therefore, having regard to the foregoing, the Commission is satisfied that the proposed development would not have had any unacceptable significant direct, indirect, or cumulative effects on the environment.

Appropriate Assessment Screening:

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, the Commission concluded that that the development would not have had a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) and a remedial Natura Impact Statement (rNIS) was not required.

This conclusion is based on:

- Standard pollution controls that would be employed regardless of proximity to a European site, and effectiveness of same (at construction and operational phases).
- Distance from European Sites.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

Proper Planning and Sustainable Development

Having regard to the nature, scale and extent of the development and noting the integrity of European Sites would not be adversely affected, in view of the relevant sites' conservation objectives and subject to compliance with the conditions set out below, the Commission is satisfied that exceptional circumstances exist and that to grant substitute consent would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. This grant of substitute consent shall be in accordance with the plans and particulars submitted to An Coimisiún Pleanála on the 24th day of March 2023 and relates solely to the area as outlined in red on the drawings submitted with the application, except as may otherwise be required to comply with the following conditions.

Reason: In the interest of clarity and conservation of the environment.

2. The mitigation measures identified in the Remedial Environmental Impact Assessment Report (rEIAR) submitted, in and other plans and particulars submitted with the application, shall be implemented in full by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this permission.

Reason: To protect the environment.

3. A detailed plan for the restoration of the area the subject of this Substitute Consent application shall be submitted to, and agreed in writing with, the planning authority within six months of the date of this Order, unless, prior to that time, a planning permission has been granted for the further quarry development within the area covered by this grant of substitute consent.

Reason: In the interest of visual amenity and in order to enhance ecological value and to ensure public safety.

4. A programme and timescale for ongoing monitoring of water quality shall be submitted to and agreed in writing with the Planning Authority. It shall include proposals for monitoring to be undertaken to establish a baseline and for the period during the restoration/revegetation works. Reports on the findings should be submitted to the Planning Authority, on an annual basis or as requested by the Planning Authority.

Reason: To ensure protection of water quality.

5. No soils shall be imported onto the lands without required consent of a Waste Permit Licence and/or planning permission.

Reason: In the interest of proper planning.

6. The developer shall lodge with the planning authority, within 6 months of the date of this Order, a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory restoration/revegetation of the site, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory restoration/revegetation 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 Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory restoration of the site.

6. The developer shall pay to the planning authority a financial contribution 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 within 6 months of the date of this permission 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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 permission.

**Commission
Member**


Mick Long

Date: 21/05/2025