

An
Coimisiún
Pleanála

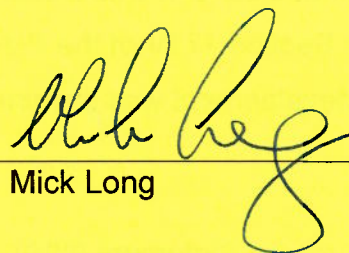
Direction
CD-020365-25
ABP-319224-24

The submissions on this file and the Inspector's report were considered at a meeting held on 29/07/2025.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:



Mick Long

Date: 29/07/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

The Commission made its decision consistent with the Climate Action and Low Carbon Development Act 2015, as amended, the Climate Action Plan 2024 and Climate Action Plan 2025.

The Commission considered that the proposed development would be in accordance with the provisions of the

- Kildare County Development Plan 2023 – 2029,
- the National Planning Framework – Ireland 2040 (NPF),
- the Updated Draft Revised National Planning Framework,
- the Regional Spatial and Economic Strategy for the Eastern and Midlands Regional Assembly 2019-2031,

- the Water Framework Directive and
- had regard for the Quarries and Ancillary Activities Guidelines for Planning Authorities (2004).

Appropriate Assessment Stage 1

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, the Commission concluded that the proposed development has the potential to result in significant effects on the River Boyne and River Blackwater Special Area of Conservation (Site Code 002299) and the River Boyne and River Blackwater Special Protection Area (Site Code 004232) in view of the conservation objectives of a number of qualifying interest features of those sites. It was therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 of the proposed development was required.

Appropriate Assessment Stage 2

The Commission considered the Natura Impact Statement (NIS), and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on the aforementioned sites in view of the sites' Conservation Objectives. Following an examination, analysis and evaluation of the NIS, all associated material submitted and taking into account submissions from the third parties, the Commission considered that adverse effects on site integrity of the River Boyne and River Blackwater Special Area of Conservation (Site Code 002299) and the River Boyne and River Blackwater Special Protection Area (Site Code 004232) could be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

In completing the assessment, the Board considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Sites,

(ii) the likely direct and indirect impacts of construction, operational and restoration arising from the proposed development, both individually or in combination with other plans or projects, and

(iii) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European Sites. In overall conclusion, the Commission was satisfied that the proposed development either alone or in combination with other plans or projects would not adversely affect the integrity of the European Sites in view of the sites' Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment of the proposed development taking into account the following:

- the nature, scale, and extent of the proposed development, which includes the continuation and extension of an existing limestone quarry,
- the Environmental Impact Assessment Report (EIAR), which comprehensively examines potential impacts including on population and human health, biodiversity, air quality, water resources and traffic,
- submission reports from prescribed bodies and the planning authority, which provided relevant environmental and planning considerations, and
- the Inspector's report, which evaluated the environmental and operational impacts, ensuring that all significant issues were addressed.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the developer, adequately considers alternatives to the proposed development and identifies and adequately describes the direct, indirect, and cumulative impacts of the proposed development on the environment. The Commission agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact

Assessment Report and associated documentation submitted by the developer and submissions made during the course of the application and appeal.

Reasoned Conclusions on the Significant Effects

Having regard to the examination of environmental information and in particular to the EIAR and supplementary information provided by the applicant, and submissions from the third-party appellant, planning authority and prescribed bodies in the course of the application and appeal, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

Population and Human Health

Overall neutral / imperceptible impact on human health, due to the location of the proposed development in a rural area remote from population centres and the established quarry use on the site.

Neutral impact to the local economy during the construction and operational phase due to the existing quarry.

The potential for significant effects on human health from noise and vibration, air quality (dust) and water quality during the construction and operational phases can be avoided, managed and mitigated by measures that form part of the proposed scheme.

Serious risks to human health and safety are not envisaged as the quarrying activity would be managed in accordance with all applicable legislation and guidelines, including Safety, Health and Welfare at Work (Quarry) regulations 2008.

Biodiversity

Having regard to the present condition of the site, as a previously active hard rock quarry, a sand and gravel pit and processing plant, with no special concentrations of flora or fauna, the impact of the loss of habitat and disturbance of species during the construction and operational phase is not significant. The potential for effects on biodiversity during the construction and operational phases can be avoided, managed and mitigated by measures that form part of the proposed scheme. The restoration phase would have a positive impact on biodiversity as it would improve the ecological value of the site.

Land, Soils, Water, Air and Climate

Overburden will be reused on the site and although the removal of rock is considered permanent and negative, the effects are local and considered acceptable.

Mitigation measures to prevent the pollution of groundwater or surface water would prevent any negative impacts on the water quality from the proposed development.

Noise, vibration and dust emissions will have a short-term negative impact on adjoining residential and commercial properties although this will be mitigated through the control of stringent measures, such as, inter alia, hours of operation, limits on blasting and the management of dust both within the site and through the movement along the local roads.

Overall neutral / imperceptible impact on climate due to the long-established quarrying activities on site.

Material Assets, Cultural Heritage and the Landscape

Having regard to the previously approved quarrying activities on site, the road improvements forming part of the proposed scheme and the associated vehicular movements, the impact of the proposed development on traffic on the surrounding road network during the construction and operational phase is not significant.

There are no known architectural or cultural heritage features within the site. Previous archaeological testing and monitoring has identified all features / deposits and preserved these by record.

The site is not highly visible from the surrounding area and is not located within any sensitive landscape. Having regard to the surrounding context of the existing facility and adjacent agricultural uses that the proposed development would have no significant direct or indirect effects on the landscape, visual amenity of the area or on any protected view.

The Commission completed an environmental impact assessment in relation to the proposed development and concluded that subject to the implementation of the proposed mitigation measures proposed as part of the EIAR, including proposed monitoring as appropriate, and subject to compliance with the conditions set out

below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would not have any unacceptable direct or indirect effects on the environment. In doing so, the Commission adopted the report and conclusions set out in the Inspector's report. The Commission is satisfied that this reasoned conclusion is up to date at the time of making this decision.

Conclusions on Proper Planning and Sustainable Development

Having regard to the nature and scale of the existing site, which includes the continuation and extension of a hard rock quarry, to the proposed extraction depth being above the water table, the exhausted sand and gravel pit, existing processing plant, new entrance and import of additional material for production use and all associated buildings and structures, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have unacceptable impact on the environment, including biodiversity, water, air quality and landscape and visual amenity, and would not seriously injure the residential amenities of the area, with particular regard to noise and dust impacts and traffic safety and convenience and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 15th day of December 2023, except as may otherwise be required in order 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed

particulars.

Reason: In the interest of clarity.

2. The period during which the quarrying activity hereby permitted may be carried out shall be 10 years from the date of commencement of quarrying activity. Extraction of quarried stone is limited to a maximum of 250,000 tonnes of per annum and the importation of fine aggregate is limited to 35,000 tonnes per annum.

Reason: In the interest of clarity and having regard to the nature of the development, the Commission considers it appropriate to specify a quantum and period of validity of this permission.

3. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) shall be fully implemented.

Reason: To protect the environment.

4. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development.

5. Site development and construction works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

6. The new entrance, the road improvements on the L5001 and L5002 and all associated access works referred to in the Environmental Impact Assessment Report during the construction phase shall be implemented prior to the commencement of quarrying activities. All works shall be at the developer's expense.

Reason: In the interests of road safety and residential amenity.

7. The developer shall comply with the requirements of the planning authority with regard to traffic management and access arrangements and the details of such works, including general road works, shall be agreed in writing prior to the commencement of development. In particular:
 - (a) the developer shall be responsible for maintaining the adjoining public road in a clean state free from mud and debris caused by the extraction of materials from this facility;
 - (b) five and ten years after the commencement of development, or otherwise agreed with the planning authority, the developer shall carry out condition surveys of the L5001 and L5002 between the appeal site and the R148. The surveys shall include a Falling Weight Deflectometer (FWD) Test and a condition survey of the existing pavement, linked to the FWD data analysis. Based on these survey results, the developer shall ensure that the road carriageway remains in good condition to the satisfaction of the planning authority. The results of each survey and proposals to improve the condition of the road shall be submitted to the planning authority for

agreement;

- (c) the developer shall submit details of new advance warning signs to be installed on the public road and at the development access point. These shall be agreed with planning authority and shall be installed prior to commencement of development; and
- (d) all loads of dry fine materials shall be either sprayed with water or covered/sheeted prior to exiting the quarry.

Reason: In the interests of road safety and residential amenity.

- 8. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of sustainable drainage.

- 9. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the following:

- (a) Proposals for the suppression of on-site noise.
- (b) Proposals for the on-going monitoring of sound emissions at noise sensitive locations in the vicinity.
- (c) Proposals for the suppression and monitoring of dust at prior agreed locations.
- (d) All fuels and lubrication shall be stored in fully bunded storage areas and proposals to deal with accidental spillage shall be submitted to the planning authority.

- (e) Details of safety measures for the land above the quarry, to include warning signs and stock proof fencing.
- (f) Management of all landscaping.
- (g) Specification of limits in relation to the following parameters:
 - (i) Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge).
 - (ii) The noise levels generated during the operation of the sand and gravel quarry shall not exceed 55 dB(A) Leq, 1 hour when measured at the boundary of the site during permitted operating hours and shall not exceed 45 dB (a) Leq 15 mins at any other time. When measuring the specific noise, the time shall be any one-hour period during which the sound emission from the quarry is at its maximum level.
 - (iii) Vibration levels from blasting shall not exceed a peak particle velocity of 12 millimetres/second, when measured in any three mutually orthogonal directions at any sensitive location. The peak particle velocity relates to low frequency vibration of less than 40 hertz where blasting occurs no more than once in seven continuous days. Where blasting operations are more frequent, the peak particle velocity limit is reduced to eight millimetres per second. Blasting shall not give rise to air overpressure values at sensitive locations which are in excess of 125 dB (Lin)max peak with a 95% confidence limit. No individual air overpressure value shall exceed the limit value by more than 5 dB (Lin).
- (h) Monitoring of ground and surface water quality, levels and discharges.

- (i) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

Reason: In order to safeguard local amenities.

- 10. The quarry, and all activities occurring therein, shall only operate between 0700 and 1800 hours, Monday to Friday and between 0800 and 1400 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: In order to protect the residential amenities of property in the vicinity.

- 11. (a) Blasting operations shall take place only between 0900 and 1700 hours, Monday to Friday, and shall not take place on Saturdays, Sundays or public holidays. The frequency of blasting shall be agreed with the planning authority. Prior to the firing of any blast, the developer shall give notice of his intention to the occupiers of all dwellings within 500 metres of the site. An audible alarm for a minimum period of one minute shall be sounded. This alarm shall be of sufficient power to be heard at all such dwellings.
- (b) Monitoring of the frequency of blasting, noise and vibration arising from blasting shall be carried out by an independent contractor who shall be agreed in writing with the planning authority. All monitoring records shall be made publicly available.

Reason: In the interests of public safety and residential amenity.

- 12. The site restoration works described in the application shall be undertaken in a phased basis in accordance with the Proposed Restoration Plan (drawing number 7-B) as received by the planning authority on the 2nd day of October, 2023. The developer shall submit annually, for the lifetime of the permission, an

aerial photograph which adequately enables the planning authority to assess the progress of the phases of extraction.

Reason: In the interest of orderly development and to ensure the satisfactory completion of the development.

13. Access to the quarry shall be agreed with the Geological Society of Ireland (GSI) to gather geological information.

Reason: In the interest of research and monitoring.

14. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, a comprehensive landscape masterplan for the site which is to be prepared by a suitably qualified landscape architect. The landscape masterplan shall provide full details of the proposed planting across the site, including the species and size of the hedgerow, evergreen and native planting. The landscape masterplan shall be informed by the Aboricultural Impact Assessment and shall clearly identify the trees which are proposed to be retained, with details provided of appropriate tree protection measures. All landscaping shall be implemented in full prior to the operation of the proposed quarry.

Reason: In the interests of visual amenity and orderly development.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. 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 in the interest of visual and residential amenity.

17. 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 prior to 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. 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.