



An
Coimisiún
Pleanála

Direction
CD-020666-25
ABP-321806-25

The submissions on this file and the Inspector's report were considered at a meeting held on 09/09/2025.

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:

Mary Henchy

Date: 12/09/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

In coming to its decision, the Commission had regard to:

- (a) The Revised National Planning Framework 2025
- (b) The National Biodiversity Plan 2023-2030
- (c) The Regional Spatial and Economic Strategy for the Southern Region

- (d) Whole of Government Circular Economy Strategy 2021
- (e) National Waste Management Plan for a Circular Economy 2024-2030
- (f) Quarries and Ancillary Activities Guidelines for Planning Authorities 2004
- (g) The Kilkenny County Development Plan 2021-2027
- (h) The character of the landscape in the area of the site,
- (i) The pattern of existing and permitted development in the area including the established quarry adjoining the site,
- (j) The separation distances of the extraction area to the nearest dwellings,
- (k) The planning history of the site,
- (l) The Environmental Impact Assessment Report and supporting documents submitted,
- (m) The Appropriate assessment Screening Report and the Natural Impact Statement submitted,
- (n) The submissions and observations made in connection with the planning application and the appeal, and
- (o) The report and recommendation of the Planning Inspector.

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the proper planning and sustainable development of the area.

The Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with the Climate Action Plan 2024 and the Climate Action Plan 2025 and the relevant provisions of the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).

Appropriate Assessment: Stage 1:

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Lower River Suir, Special Area of Conservation (Site Code 002137) is the only European Site in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the site and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on the Lower River Suir, Special Area of Conservation (Site Code 002137) in view of this sites Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

- (a) the site-specific Conservation Objectives for the European Site,
- (b) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and

- (c) 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 Site. In overall conclusion, the Commission were satisfied that the proposed development would not adversely affect the integrity of the European Site in view of the site's 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:

- (a) the nature, scale and extent of the proposed development,
- (b) the environmental impact assessment report, as amended, and associated documentation submitted in support of the planning application,
- (c) The submissions from the planning authority, prescribed bodies, the appellants and the observers in the course of the application, and
- (d) the Planning Inspector's report and recommendation.

The Board considered that the Environmental Impact Assessment Report, as amended and supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's Report, of the information contained in the Environmental Impact Assessment Report (as amended) and associated documentation submitted by the applicant and the submissions made in the course of the application.

Reasoned Conclusions on the Significant Effects

The Board considered and agreed with the Inspector's reasoned conclusions that the main significant direct and indirect effects of the proposed development on the environment are as follows:

Population and Human Health: Potential negative impacts on sensitive residential receptors proximate to the site include emissions of dust, noise and vibration during construction and operation. Potential impacts will be mitigated by measures to reduce and control emissions in the first instance and thereafter by the adoption of specific measures including those forming part of the operation of the development including monitoring proposals.

Biodiversity: The reinstatement and reinforcement of vegetation, as well as the restoration plan, will have a positive impact on biodiversity. There will be minimal loss of habitats.

Land, soils and water: No soils will be removed from the site, but the extraction of rock will result in a permanent negative impact. The design and layout of the project seeks to minimise the extraction area with the focus on the best quality rock and all the topsoil and overburden will be re-used within the site. Extraction will continue below the water table, but no significant effects have been identified to date through internal and external monitoring and there will be no significant increase in groundwater flows. Mitigation includes the pumping of ground water and surface water from the quarry void out into the Flemingstown Stream via two attenuation ponds and a hydrocarbon interceptor.

Landscape: The above ground visual impacts of the proposed quarry extension will be largely confined to the creation of the initial landscaping berms, as the existing quarry is not readily visible due to the fact that the existing pit is below ground level and by natural screening by the existing landscaping berms.

Conclusions on Proper Planning and Sustainable Development

Having regard to the nature and extent of the proposed development and to the acceptability of the environmental impacts as set out above, the Commission considered that, subject to compliance with the conditions set out below, the

proposed lateral extension of the existing extraction area would be in accordance with the provisions of the current Kilkenny County Development Plan 2021-2027, would not seriously injure the visual or residential amenities of the area, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience of road users. 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 10th day of October 2024, 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 development hereby permitted may be carried out shall be 20 years from the date of this Order.

Reason: Having regard to the nature of the development the Commission considered it appropriate to specify a period of validity of this permission in excess of five years.

3. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR), shall be implemented.

Reason: To protect the environment.

4. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

5. A comprehensive plan for the restoration of the entire quarry following the cessation of quarrying works shall be submitted to, and agreed in writing with, the planning authority within six months from the date of this Order. This plan shall include proposals for re-use of the quarry and measures to ensure public safety therein. The developer shall commence implementation of the agreed site restoration plan within the area of the site within one month of cessation of extraction in this area and shall have completed this part of the plan within 12 months of commencement.

Reason: In the interest of public amenity and public safety.

6. The quarry shall be operated in accordance with the following restrictions:
 - (a) No extraction shall take place below a level of -45 metres OD.
 - (b) The maximum rate of extraction within the entire quarry shall not exceed 1,000,000 tonnes of material per annum.
 - (c) The maximum rate of daily trips to and from the entire quarry (including the extension hereby permitted) shall not exceed that permitted under Planning Permission Register Reference number 16/700.
 - (d) Rock to be crushed on site shall be sourced solely from within the overall quarry site.

Reason: To clarify details of this permission and in the interest of residential amenity, road safety and protection of the environment.

7. The developer shall manage drainage in accordance with a drainage management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate a monitoring programme relating to control and management of water on the site. The plan shall provide for the monitoring of ground and surface water quality, levels and discharges on the site and for ongoing sampling of the Flemingstown Stream, upstream and downstream of any licensed discharge and ongoing monitoring of the capacity of the settlement lagoons.

Reason: In order to protect water quality.

8. (a) Surface water run-off from open cut areas shall not be discharged directly to any watercourse. All such water shall be trapped and directed to appropriately sized and temporary settling ponds.
- (b) Prior to commencement of quarrying works on the site, the developer shall have installed on lands within his control, a mechanism to facilitate treatment of all discharges to surface water arising from the entire quarry complex. The specific nature, layout and location of such facility shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect water quality.

9. (a) Groundwater monitoring wells shall be installed around the boundary of the site, at locations to be agreed in writing with the planning authority prior to commencement of development. Water levels in these wells shall

be recorded every month. A log of these levels shall be submitted to the planning authority on a quarterly basis.

- (b) An alternative water supply shall be made available by the developer, at his expense, immediately it becomes evident from the monitoring programme that the quality or quantity of water in the vicinity is being adversely affected. Alternative water supplies may be secured by the deepening of private wells, drilling of new wells or other such alternatives as may be specified by the planning authority.

Reason: To protect and monitor groundwater in the vicinity of the site.

- 10. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply collection network.

Reason: In the interest of public health and to ensure adequate water supply.

- 11. The developer shall implement measures to reduce environmental risks associated with re-fuelling, greasing, and other activities within the site. Such measures may include, but are not restricted to, the use of spillage mats and catch trays. Such measures shall be subject to the written agreement of the planning authority prior to commencement of works.

Reason: To prevent water pollution.

- 12. The quarry, and all activities occurring therein, shall only operate between 0700 hours and 2000 hours, Monday to Friday and between 0700 hours and 1300 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays. No rock-breaking activity shall be undertaken within any part of the site before 0800 hours on any day. 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.

13. (a) Vehicles transporting material to and from the site, and accessing the site, shall use the L7434 running south from the quarry entrance to the N24 only.
- (b) Prior to the commencement of development, the applicant shall submit a maintenance and sweeping programme for this section of the L7434 and the junction with the N24 for the agreement of the planning authority.

Reason: In the interest of traffic safety and in order to mitigate the extent of maintenance and upgrading works to the local road network necessitated by vehicular traffic accessing the site.

14. Details of road signage, warning the public of the entrance and of proposals for traffic management at the site entrance, including a new 'Driver Feedback Sign', shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

15. a) The wheels and undersides of all vehicles transporting aggregate from the site onto the public road shall, prior to the exit of such vehicles onto the public road, be washed in a wheel washing facility, which shall be located a minimum distance of 30 metres from the public road and shall be constructed to the written satisfaction of the planning authority.
- (b) The entrance/access road shall be surfaced using bitumen macadam material or other materials acceptable to the planning authority, between the public road and the wheelwash.

- (c) During dry weather conditions, all roads within the site and the active working face shall be sprayed with water at least three times a day.

Reason: In the interest of traffic safety and convenience, and to protect the amenities of the area.

16. The site shall be screened in accordance with a scheme of screening measures and boundary treatment in respect of the site, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the timeframe, specific locations, and final form and height of proposed screening berms, details of all planting proposed on existing and proposed screen berms, details of the ongoing care and management of such planting, details of a phased programme of landscaping within the quarry and details of an adequate barrier to prevent unrestricted access to the top of the quarry face from adjacent lands.

Reason: In the interest of visual amenity and to safeguard the amenities of residential property in the vicinity during the operating phase of the development.

17. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties in the vicinity.

18. The developer shall engage a suitably qualified archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, within greenfield sections of the proposed development. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the (NMS) National Monuments Service as appropriate a method statement for written agreement.

The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation which may include preservation in-situ or full archaeological excavation.

The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.

Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

19. All topsoil shall be stripped and stored separately from overburden and shall remain onsite unless otherwise agreed with the planning authority. Details of

proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

20. (a) 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). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results, and details of all dust suppression measures.
- (b) A monthly survey and monitoring programme of dust and particulate emissions shall be undertaken to provide for compliance with these limits. Details of this programme, including the location of dust monitoring stations, and details of dust suppression measures to be carried out within the entire quarry complex, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. This programme shall include an annual review of all dust monitoring data, to be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.

Reason: To control dust emissions arising from the development and in the interest of the amenity of the area.

21. All loads of dry fine materials shall be either sprayed with water or covered/sheeted prior to exiting the quarry.

Reason: In order to prevent dust emissions, in the interest of amenity and traffic safety.

22. During temporary site set up works such as the construction of perimeter berms and stripping of soil, the noise level measured at noise sensitive locations in the vicinity shall not exceed a limit of 70dB(A) LAeq 1 hour up to a maximum period of 8 weeks in any year. Details of the noise monitoring locations and methodology for recording noise levels and demonstrating compliance with the above limit values shall be agreed in writing with the planning authority prior to the commencement of development.

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

23. The noise levels generated during the operation of the development shall not exceed 55 dB(A) Leq, 1hr when measured at the nearest occupied house 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.

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

24. (a) 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).

- (b) A monitoring programme, which shall include reviews to be undertaken at annual intervals, shall be developed to assess the impact of quarry blasts. Details of this programme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. This programme shall be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.

Reason: To protect the residential amenity of property in the vicinity.

25. The developer shall provide all landowners within 500 metres of the site with appropriate contact details which may be used in the event that any such landowner wishes to inform the developer of any incident, or otherwise to make a complaint in respect of an aspect of quarry operation.

Reason: In the interest of the protection of residential amenity and planning control.

26. (a) The developer shall monitor and record groundwater, surface water flow, noise, ground vibration, and dust deposition levels at monitoring and recording stations, the location of which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Monitoring results shall be submitted to the planning authority at quarterly intervals for groundwater, surface water, noise and ground vibration.
- (b) On an annual basis, for the lifetime of the facility (within two months of each year end), the developer shall submit to the planning authority five copies of an environmental audit. Independent environmental auditors approved in writing by the planning authority shall carry out this audit. This

audit shall be carried out at the expense of the developer and shall be made available for public inspection at the offices of the planning authority and at such other locations as may be agreed in writing with the authority.

This report shall contain:

- (1) A written record derived from the on-site weighbridge of the quantity of material leaving the site. This quantity shall be specified in tonnes.
- (2) An annual topographical survey carried out by an independent qualified surveyor approved in writing by the planning authority. This survey shall show all areas excavated and restored. On the basis of this, a full materials balance shall be provided to the planning authority.
- (3) A record of groundwater levels measured at monthly intervals.
- (4) A written record of all complaints, including actions taken in response to each complaint.
- (5) In addition to this annual audit, the developer shall submit quarterly reports with full records of dust monitoring, noise monitoring, surface water quality monitoring, and groundwater monitoring. Details of such information shall be agreed in writing with the planning authority. Notwithstanding this requirement, all incidents where levels of noise or dust exceed specified levels shall be notified to the planning authority within two working days. Incidents of surface or groundwater pollution or incidents that may result in groundwater pollution, shall be notified to the planning authority without delay.
- (6) Following submission of the audit or of such reports, or where such incidents occur, the developer shall comply with any requirements that the planning authority may impose in writing in order to bring the development in compliance with the conditions of this permission.

Reason: In the interest of protecting residential amenities and ensuring a sustainable use of non-renewable resources.

27. 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 interests of visual and residential amenity.

28. 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.

29. (a) The developer shall pay a financial contribution of €23,343.00 to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of the cost of ongoing maintenance of the section of the L7434 between the quarry entrance and the N24, including all associated junctions, which shall be based on a proportional calculation based on the volume of quarry HGV traffic compared with the volume of the total HGV traffic on the Local road, which benefits the proposed development.

(b) The applicant shall provide a maintenance condition report every 3 years by an agreed independent and competent third party with suitable experience of road maintenance. This pavement maintenance report shall be submitted to the planning authority and shall include an assessment of the road drainage, structural condition, surface condition and a detailed traffic count. The report shall use mechanical means of testing the road. A visual inspection and photographic record of the route shall be undertaken with the Municipal District Office as part of the assessment report. The applicant shall contribute to the cost of the maintenance, based on a proportional calculation based on the volume of Quarry HGV traffic compared with the volume of the total HGV traffic on the Local Road.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.