



An
Coimisiún
Pleanála

Direction
ACP-324050-26

The submissions on this file and the Inspector's report were considered at a meeting held on 14/09/2026.

The Commission decided, generally as recommended by the Inspector, to dismiss the referral for the reasons and considerations as indicated in the draft Order hereunder.

Planning

Commissioner:

Tom Rabbette

Date: 16/09/2026

Draft Order

WHEREAS questions have arisen as to:

- (a) whether the ongoing extraction of sand, gravel, shale, or other minerals on the land after the expiry of planning permission under planning register reference number PL95/300 in 2001 constitutes development requiring planning permission,
- (b) whether the opening and operation of multiple quarry excavations across the lands, including separate quarry areas outside the footprint of the original

authorised development, constitutes development requiring planning permission,

- (c) whether extraction carried out below the natural groundwater table, including the creation of flooded quarry voids and groundwater lagoons, constitutes development requiring planning permission,
- (d) whether the abstraction and use of groundwater from quarry voids or excavated areas for the washing and processing of sand and gravel constitutes development requiring planning permission and/or is exempted development,
- (e) whether the importation of sand, gravel, or other quarried materials from multiple quarry sites, including from unauthorised quarry excavations, for processing, washing, batching, or manufacture on the lands, constitutes development requiring planning permission and/or a material change of use,
- (f) whether the erection and operation of a new concrete batching plant, along with the installation and use of two silos for storing and mixing fly ash, as well as the processing or incorporation of fly ash and imported sand and gravel into concrete, blocks, or other manufactured products, constitutes development requiring planning permission and/or a material change of use, where such works were not authorised under planning register reference number PL95/300,
- (g) whether the deposit, storage, recovery, treatment, or disposal of waste materials within quarry voids or excavated areas, including concrete waste, cementitious sludge, concrete wash-out, construction and demolition waste, and other industrial waste, constitutes development requiring planning permission and/or is exempted development, including when such waste involves waste concrete and concrete sludge (EWC Code 10 13 14),
- (h) whether the use of quarry excavations or lagoons for the containment, settlement, or discharge of liquid or semi-liquid waste, contaminated run-off, leachate, or waste-derived effluent into ground, surface water, or artificial

drainage channels constitutes development that requires planning permission, and

- (i) whether any of the quarrying, processing, importation, or waste-related activities outlined above may lawfully be carried out without a valid and subsisting planning permission, having regard to the expiry of planning register reference number PL95/300, the absence of any extension or subsequent permission, and the absence of screening for Environmental Impact Assessment or Appropriate Assessment in accordance with relevant legislation,

all at Ballymullen, Abbeyleix, County Laois,

AND WHEREAS Tom McEvoy requested a declaration on these questions from Laois County Council and the Council did not issue a declaration on the matters,

AND WHEREAS Laois County Council referred the questions to An Coimisiún Pleanála on the 23rd day of January, 2026,

AND WHEREAS An Coimisiún Pleanála, having considered the nature of the questions and the Inspector's Report on the questions, is satisfied that the referral should not be further considered by it,

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 138 (1) of the Planning and Development Act 2000, as amended, hereby dismisses the referral under subsection (1)(b)(i) of section 138 of the Act based on the reasons and considerations set out below.

Reasons and Considerations

Having regard to the nature of the referral, the totality of documentation on file, the limit on the Commission's jurisdiction with respect to section 5 of the Planning and Development Act 2000, as amended, as held in Supreme Court judgement *Krikke*

and Others v. Barranafaddock Sustainable Electricity Ltd [2022] SC 2021/133, the insufficiency of the details presented by the requester and the lack of clarity as regards the subject matter of the questions, the Commission is satisfied that, in the circumstances, the referral should not be further considered by it.