

An  
Bord  
Pleanála

**Commission Order**  
**ABP-311893-21**

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**Planning and Development Act 2000, as amended**

**Planning Authority: Carlow County Council**

**Application for Substitute Consent** by Mark Phelan care of Enviroguide Consulting of 3D Core C, Block 71, The Plaza, Park West, Dublin in accordance with section 177E of the Planning and Development Act, 2000, as amended by the insertion on section 57 of the Planning and Development (Amendment) Act, 2010, as amended.

**Location of Quarry:** Maplestown, County Carlow.

## **Decision**

The Commission, in accordance with section 177K of the Planning and Development Act, 2000, as amended, generally in accordance with the Inspector's recommendation and based on the Reasons and Considerations set out below, decided to grant substitute consent in accordance with the following conditions.

## Reasons and Considerations

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

- (a) the provisions of the Planning and Development Act, 2000, as amended, and in particular Part XA and the provisions of the Planning and Development Regulations, 2001, as amended;
- (b) the Climate Action Plan 2024 and 2025;
- (c) the National Planning Framework (Project Ireland 2040);
- (d) the 'Quarries and Ancillary Activities, Guidelines for Planning Authorities', issued by the Department of the Environment, Heritage and Local Government, April 2004;
- (e) the Supplementary Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government, July 2012;
- (f) the applicable national, regional and local planning policy provisions including the Carlow County Development Plan 2022-2028;
- (g) the remedial Natura Impact Statement (NIS) and the remedial Environmental Impact Assessment Report (EIAR) submitted with the application for substitute consent, and documentation on file generally;
- (h) the report and the opinion of the planning authority under section 177I of the Planning and Development Act 2000, as amended;

- (i) the submissions received from prescribed bodies;
- (j) the planning history of the site, as detailed in the Inspectors Report;
- (k) the report and recommendation of the Planning Inspector;
- (l) the pattern of development in the area; and
- (m) the nature, scale, characteristics and location of the historic development, the subject of this application for substitute consent including in relation to potential significant effects on the environment and on the integrity of European sites in the area.

#### **Appropriate Assessment: Stage 1**

The Commission considered the remedial Natura Impact Statement submitted by the applicant, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on related European Sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that the River Barrow and River Nore Special Area of Conservation (Site Code 002162) 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.

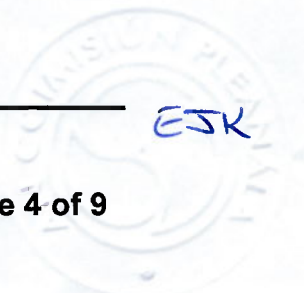
## **Appropriate Assessment: Stage 2**

The Commission considered the remedial 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 River Barrow and River Nore Special Area of Conservation (Site Code 002162) in view of the site's 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 site's Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

- (i) the site specific Conservation Objectives for the European Site,
- (ii) the likely direct and indirect impacts 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 Site.

In overall conclusion, the Commission was 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**

Having regard to the examination of environmental information set out above, to the remedial Environmental Impact Assessment Report and other information provided by the developer, and to the submissions from the planning authority, prescribed bodies and the third party in the course of the application, it is considered that the main significant direct and indirect effects of the historic development on the environment are as follows:

### **Biodiversity**

Historic extraction and infill activities would have led to the loss of improved grassland habitat. This would not have resulted in significant habitat loss for birds and may have led to the creation of habitat for Sand Martins in exposed cliff faces of the quarry. The likelihood of potential significant impacts on aquatic species was imperceptible due to mitigation measures carried out. Overall, it is considered that the potential impacts on biodiversity have been avoided managed and mitigated, such that no significant adverse impacts arise.

### **Land, Soils, Water, Air and Climate**

In terms of water, there was potential for a deterioration of water quality to the River Graney (Lerr)\_010 waterbody arising from silt, dust and sediment pollution. Having regard to the information on file, including details of the mitigation measures undertaken, there is no evidence that adverse impacts of this nature arose on the receiving environment during the period of the historic development. Therefore, no significant adverse direct, indirect or cumulative effects on the water environment, water quality or Water Framework Directive have arisen as a consequence of the existing development.

In terms of impacts on air quality, it has been demonstrated that the risk of dust nuisance on human health during the operational phase has been identified as having no significant direct, indirect or cumulative effects as a consequence of the existing development.

Having regard to the marginal change in traffic volumes and movements during the operational phase, the effect of the existing development on national greenhouse gas emissions was insignificant. Therefore, the existing development has not had a considerable impact on climate.

### **Material Assets, Cultural Heritage and the Landscape**

While the quarrying activities altered the landscape locally, the extraction and infill activities were within a clearly defined and well screened area of the site and it is considered that the historic development will not give rise to significant direct, indirect, or cumulative impacts on the receiving landscape.

### **Conclusion**

The remedial Environmental Impact Assessment Report has considered the main significant direct and indirect effects of the subject development on the environment. The assessments provided in the individual chapters are satisfactory to enable the likely significant environmental effects arising as a consequence of the subject development to be identified, described and assessed, and that subject to the mitigation measures set out in the remedial Environmental Impact Assessment Report, the effects on the environment of the development that has taken place on the environment have been, and would be acceptable.

## Proper Planning and Sustainable Development

Having regard to the nature, scale and extent of the development, to the acceptability of the environmental effects and noting that the integrity of European Sites were not adversely affected in view of the sites' conservation objectives as set out above, and subject to compliance with the conditions set out below, the Commission is satisfied that to grant substitute consent for the development is, therefore, in accordance with the proper planning and sustainable development of the area

## Conditions

1. (a) This grant of substitute consent shall be in accordance with the plans and particulars lodged with the application amended by further plans and particulars received by An Coimisiún Pleanála on the 6<sup>th</sup> day of December 2021 except as may otherwise be required to comply with the following conditions.
  - (b) This grant of substitute consent relates only to past quarrying activities that have been undertaken as described in the application and does not authorise any structures or any future development, including any further quarrying or any further excavation on site. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be in accordance with the agreed particulars.

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

2. A detailed plan for the revegetation and rewilding of the subject site, based solely on the extent of quarry extraction that has taken place to

date, shall be submitted to, and agreed in writing with, the planning authority within twelve 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.

3. Unless permission is granted for further quarry development within the area covered by this grant of substitute consent, the developer shall lodge with the planning authority, within 12 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.

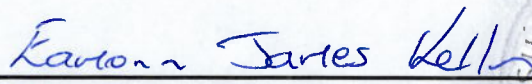
**Reason:** To ensure the satisfactory restoration of the site.

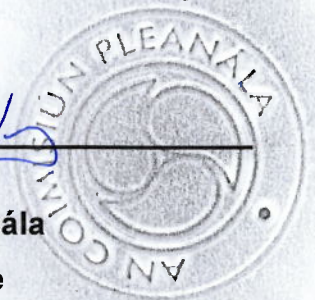
4. A programme and timescale for ongoing monitoring of water quality shall be submitted to and agreed in writing with the Planning Authority. It shall include proposals for monitoring to be undertaken to establish a baseline for the period during the restoration/revegetation works and that reports on the findings should be submitted to the planning authority.

**Reason:** To ensure protection of water quality.

5. 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.

  
**Eamonn James Kelly**  
**Member of An Coimisiún Pleanála**  
**duly authorised to authenticate**  
**the seal of the Commission.**



Dated this <sup>15<sup>th</sup></sup> day of April, 2025.