

An  
Coimisiún  
Pleanála

Commission Order  
ACP-320050-24

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

**Planning Authority: Limerick City and County Council**

**Planning Register Reference Number: N/A**

**Application for Substitute Consent** by O'Carroll Haulage and Crane Hire Limited 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:** Court, Kildimo, County Limerick.

## Decision

The Commission, in accordance with section 177K of the Planning and Development Act, 2000, as amended, decided to **REFUSE** substitute consent based on the Reasons and Considerations set out below.

## Reasons and Considerations

1. Having regard to:

- (a) the provisions of Section 177K(1A)(a) of the Planning and Development Act 2000, as amended, which states that the Commission shall not grant substitute consent (whether subject to conditions or not) unless it is satisfied that exceptional circumstances exist that would justify the grant of such consent;
- (b) the provisions of Section 177K(1J) of the Planning and Development Act 2000, as amended, which sets out certain matters to which the Commission shall have regard to in considering whether exceptional circumstances exist under subsection (1A)(a) of the Act;
- (c) the planning history of the site, in particular application planning register reference number 19/267 which sought planning permission to import soil and stone to raise an agricultural field, which was later withdrawn by the applicant, and which included the submission of a Natura Impact Statement as part of this withdrawn application; and
- (d) the case put forward by the applicant as part of the subject substitute consent application that exceptional circumstances exist due to the applicant's misinterpretation of the relevant legislation regarding exempted development and an initial lack of understanding on their part of the requirement to submit a Natura Impact Statement in this instance,

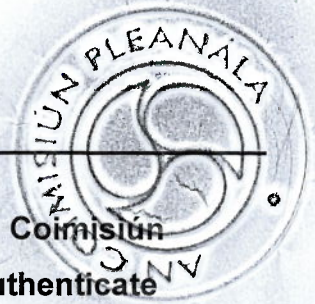
the Commission is not satisfied that exceptional circumstances exist that would justify the grant for substitute consent and that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the scale of the proposed development, and the precedent it would be likely to set for similar types of development in unzoned rural areas, it is considered that the proposed development would conflict with Objective ECON O35 (Rural Development), Policy CGR P4 (Revitalisation of Towns and Villages) and Objective CGR O17 (Development within Level 5 Settlements) of the Limerick Development Plan 2022 - 2028, which seek to provide for industrial/commercial development in or adjacent to settlements where infrastructure can be provided in line with the principle of sustainable development and would, therefore, be contrary to the proper planning and sustainable development of this rural area.

3. Having regard to the rural character of the area and the nature and extent of the proposed development, which includes extensive tree and hedgerow removal, notwithstanding the landscaping proposals submitted with the application and appeal, it is considered that the proposed development would be contrary to the provision of Objective EH O10 (Trees and Hedgerows), as set out in the Limerick Development Plan 2022 – 2028, would detract from the established visual amenities character of this unzoned rural area, and would, therefore, be contrary to the proper planning and sustainable development of the area.

  
Liam McGree

Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.



Dated this 27<sup>th</sup> day of January 2026.