

Planning and Development Act, 2000, as amended

Planning Authority: Wicklow County Council

Application for permission under section 37E of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report and Natura Impact Statement, lodged with An Coimisiún Pleanála on the 13th day of November 2024 by Kilsaran Concrete Unlimited Company care of SLR Consulting Ireland of 7 Dundrum Business Park, Windy Arbour, Dublin, as amended by the further information received by the Commission on the 29th day of October 2025.

Proposed development: The development, within an area of 32.6 hectares, will comprise:

- (a) Installation and operation of a soil washing plant at the former concrete / asphalt yard to produce construction grade sand and gravel aggregate from imported excess soil and stone. The soil washing plant comprises a loading hopper, a number of soil screens in series with connecting conveyor systems, a primary wastewater treatment tank (thickener), a buffer tank holding sludge and recycled water, an elevated plate press and filter cake discharge area;
- (b) Development and operation of a construction and demolition (C&D) waste recovery facility at an existing paved area to the west of the access road. This facility includes an industrial shed (porta frame structure with roof-mounted solar panels) to house crushing and screening equipment and process / recycle

inert construction and demolition waste (principally solid / reinforced concrete, bricks, ceramics and solid bituminous waste mixtures) and the use of external paved and surrounding hardstanding areas for the external handling and storage of both unprocessed and processed construction and demolition wastes;

- (c) Construction and operation of an inert landfill facility to backfill the existing quarry to 80 metres ordnance datum (OD) principally through disposal of approximately 6,500,000 tonnes of imported inert soil and stone waste, residual particulates / fines from the soil washing process and the use of non-waste natural (greenfield) soil by-product for engineering, capping and/or landscaping purposes; and
- (d) Progressive restoration of the backfilled quarry to long-term native woodland habitat.

The proposed development also provides for:

- (i) Continued use of established site infrastructure and services including, site / weighbridge office, staff welfare facilities, surface water run-off and wastewater treatment systems, weighbridge, garage / workshop, wheelwash, hardstand areas, fuel and water storage tanks to service the proposed development;
- (ii) Clearance of vegetation and felling of a number of mature trees to facilitate widening of the internal site access road and make provision for off-road queuing of inbound heavy good vehicles within the application site boundary;
- (iii) Decommissioning of any remaining fixed plant and infrastructure associated with former rock extraction or concrete / asphalt production activities and the off-site removal of any waste materials or bulky wastes associated with former quarrying or production activities;
- (iv) Installation of a new weighbridge along the inbound lane of the quarry access road;
- (v) Installation of an additional wheelwash facility on the eastern side of the former concrete/ asphalt yard;
- (vi) Modification / upgrade of existing drainage channel along the site access road, installation of silt trap and hydrocarbon interceptor to treat run-off and provision of additional pumping capacity to transfer run-off from existing surface water pond at site entrance to quarry sump;

- (vii) Installation of a silt trap and hydrocarbon interceptor at the proposed construction and demolition waste recovery facility to treat run-off prior to being pumped to the soil wash plant or surface water ponds elsewhere on site;
- (viii) Installation of a sub-surface concrete wastewater holding tank (to supplement existing treatment capacity);
- (ix) Construction and establishment of an on-site (passive) wetland treatment system and associated drainage infrastructure to treat / polish water collected from the active backfilling / landfilling cells prior to its discharge off site to the Ballinclare Stream;
- (x) Re-use of an existing storage shed as a dedicated waste inspection and quarantine facility to inspect and store suspect waste consignments as required;
- (xi) Re-alignment, upgrading and ongoing maintenance of internal haul routes across the application site;
- (xii) Temporary stockpiling of topsoil pending re-use as cover material for final restoration of the inert landfill / backfilled quarry void;
- (xiii) Implementation of a series of measures to enhance local biodiversity including the retention of habitats and features of biodiversity value (example ponds, buildings), quarry face retention for nesting peregrine falcon, establishment of an artificial sand martin colony, creation of roost space / deployment of bird boxes for bats and creation of habitat / erection of bird nest boxes for breeding / roosting birds.
- (xiv) Environmental monitoring of noise, dust, surface water and groundwater for the duration of the landfilling and restoration works and construction and demolition waste recovery / recycling activities and for a short period thereafter;
- (xv) All ancillary site works, landscaping and perimeter fencing.

All located in the townlands of Ballinclare and Carrigmore, Kilbride, County Wicklow.

Decision

GRANT permission under section 37G of the Planning and Development Act 2000, as amended, for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Determine under section 37H(2)(c) the sum to be paid by the applicant in respect of costs associated with the application as set out in the Schedule of Costs below.

Reasons and Considerations

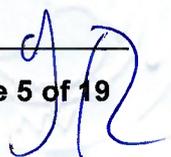
In performing its functions in relation to the making of its decision, the Commission had regard to:

Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and 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.

The Commission also had regard to the following in coming to its decision:

- **European legislation, including of particular relevance:**
 - (a) Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.

- (b) Directive 2011/92/EU (The Environmental Impact Assessment Directive) as amended by Directive 2014/52/EU as implemented by Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning and Development Regulations, 2001, as amended.
- (c) Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive and which achieves or promotes compliance with the requirements of the Directive.
- **National and regional planning and related policy, including:**
 - (a) national policy with regard to sustainable land management and resource efficiency, particularly the National Planning Framework First Revision – April 2025 and National Policy Objectives 67 and 76,
 - (b) the objectives and targets of Ireland’s 4th National Biodiversity Action Plan 2023-2030, and
 - (c) the National Waste Management Plan For a Circular Economy 2024-2030.
- **Regional and local planning policy, including:**
 - (a) the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, and
 - (b) the Wicklow County Development Plan 2022-2028.
- Other relevant national policy and guidance documents.
- The nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity.
- The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites.
- The Environmental Impact Assessment Report submitted.
- The Natura Impact Statement submitted.



- The submissions and observations made in connection with the planning application.
- The further information response received from the applicant on the 29th day of October 2025.
- The report and the recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

Appropriate Assessment: Stage 1

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Buckronev-Brittis Dunes and Fen Special Area of Conservation (Site Code: 000729) is the only European Site in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2

The Commission considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Commission completed an appropriate assessment of the implications of the proposed development for the affected European Site, namely the Buckronev-Brittis Dunes and Fen Special Area of Conservation (Site Code: 000729), in view of the Site's conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Commission considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Site.

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 integrity of the aforementioned European Site, having regard to the Site's conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site, in view of the Site's conservation objectives.

Environmental Impact Assessment

The Commission completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location, and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted with the application,
- (c) the submissions received during the course of the application, and
- (d) the Inspector's report.

The Commission considered that the Environmental Impact Assessment Report, 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 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 applicant and submissions made during the course of the planning application.

Reasoned Conclusions on the Significant Effects:

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Commission to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment.

The Commission is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of European Union Directive 2014/52/EU amending Directive 2011/92/EU. The Commission considered and agreed with the Inspector's reasoned conclusion that the main significant direct and indirect effects of the proposed development, during construction and operation, on the environment are those arising from the impacts listed below.

The main significant effects, both positive and negative, are:

Population and Human Health

- Minor adverse, non-significant, effects are predicted mainly during the operational phase, largely related to noise, dust, and traffic. Any adverse impacts on population and human health will be mitigated by the measures to reduce impacts from air and climate, noise and vibration, land, soils and water, and material assets to acceptable levels.
- Positive impacts on the local economy from long term, direct employment during the operational phase.
- Positive long-term benefits from the restoration of lands to native woodland.
- Positive long-term impacts arising from the recycling, recovery and reuse of construction and demolition waste.

Biodiversity

- The site has been adequately surveyed. Adverse impacts with respect to impacts on water quality, habitat and species can be avoided, managed and mitigated by the proposed measures contained within the Environmental Impact Assessment Report.
- The progressive restoration of the site has the potential to increase the resource value of the site resulting in net positive results for local biodiversity. Monitoring and aftercare are proposed to maintain the value of habitat including the Peregrine Falcon nesting habitat.

Land

- Positive impacts on land from the restoration of a disused quarry and the reinstatement of soil cover. Moderate positive impacts over the medium to long

term on soils from the progressive re-establishment of soil as a growth medium and carbon sink and the establishment of a native woodland habitat.

Water

- Potential negative impacts on ground and surface water could arise as a result of contaminants in imported soil and construction and demolition material and/or accidental leaking of fuels. These impacts will be mitigated through appropriate site management practices, protocols to reduce risk of spills as well as the provision of a clay liner on the sides and base of the quarry to provide an appropriate level of protection to groundwater and the surrounding aquifer, in line with inert landfill design standards.
- The proposed on-site surface water management philosophy will ensure that surface water run-off in contact with the inert waste body is captured and managed separately to that which does not come into contact with it.

Air and Climate

- Potential negative impacts on air from the generation of dust and noise nuisance at nearby sensitive receptors. These will be adequately mitigated through the implementation of effective site management practices.
- Significant impacts from the disturbance of on-site stockpiled material which are known to have naturally occurring asbestos above detectable limits. These impacts will be mitigated by placing such materials above / within the landfill liner in line with detailed protocols and procedures and subject to prior agreement, approval and oversight by both the Health and Safety Authority and the Environmental Protection Agency.

Traffic

- Additional road traffic on local public roads has the potential to give rise to minor to major noise impacts, depending on the proximity of the receptor location to the road. However, the proposed development will generate similar traffic volumes and characteristics to the permitted quarry development on site.
- The elimination of all heavy goods vehicle movements from the L1113 local road and from the western end of the L1157 local road will result in a significant positive impact for residents and road users.

- The two-way haul route along the L1157 will give rise to an intensification in traffic flows on the L1157, which are considered negative but slight, when considered in the context of the extent permission (planning reference 14/2118). Upgrade works to the L1157 should be implemented before commencement of operations on site.

Landscape

- Potential for positive impact on the landscape as the backfilled quarry is restored to native woodland, and the proposed development becomes visually integrated into, and enhances the local landscape.

The Environmental Impact Assessment Report has considered that the main significant direct and indirect effects of the proposed development, during construction and operation, on the environment would be primarily mitigated by environmental management measures, as appropriate. The Environmental Impact Assessment Report has considered the main significant direct and indirect and cumulative effects of the proposed development on the receiving environment. Following mitigation, no residual significant long-term negative impacts on the environment or sensitive receptors would occur.

Having regard to the above, the Commission is satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment. The Commission is satisfied that the reasoned conclusion is up to date at the time of making the decision and that the information contained in the Environmental Impact Assessment Report complies with the provisions of Article 3, 5 and Annex (IV) of European Union Directive 2014/52/EU.

Proper Planning and Sustainable Development

The proposed development comprising a material recycling/recovery facility and inert landfill is an appropriate form of development for a disused quarry where infrastructure is in place and where there is a pre-existing and established use that gives rise to similar impacts. There is an active permission for the quarry, however extraction has ceased due to the presence of naturally occurring asbestos in the rock.

The proposed development allows for compliance with circular economy principles set out in national and regional policy by recycling construction and demolition wastes, recovering sand, gravel and secondary aggregates from soil waste, and by returning the site over time to a native woodland habitat through progressive re-establishment of soil as a growth medium and carbon sink on site.

All waste intake and acceptance will be subject to regulation and control by way of any Environmental Protection Agency Waste Licence issued in respect of the proposed facility. Therefore, the consideration of issues and application of conditions around the management, control and monitoring of emissions to the environment is the preserve of the Environmental Protection Agency when making a decision in respect of any waste licence application in respect of the proposed development.

The Commission considered that the proposed development, subject to compliance with the conditions set out below, would be in accordance with national, regional and local planning policies, including the National Waste Management Plan for a Circular Economy 2024-2030 and Objectives CPO 15.3 and Section 2.3.5 in Appendix 1 as set out in the Wicklow County Development Plan 2022-2028. It is further considered that the need, justification and purpose of the proposed material recycling/recovery facility and inert landfill has been adequately demonstrated, that it is acceptable in terms of its likely effects on the environment and that an approval for the proposed development would be consistent with the strategic objectives of national, regional and local policy on waste management. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. Furthermore, having considered the matters set out in section 15 of the Climate Action and Low Carbon Act 2015 (as amended), the Commission considered that a decision to grant permission for the facility would be consistent with its duties under the said Act and would assist the State in meeting its national climate objective.

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, on the 13th day of November 2024 as amended by the further plans and particulars submitted on the 29th day of October 2025, 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 interests of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. No works pursuant to this Order shall be carried out prior to the issuing of an Environmental Protection Agency Waste Licence in respect of the proposed facility.

Reason: In the interests of clarity and protection of the environment.

3. Inert material only, as described in the plans and particulars submitted with the application, to a maximum of 6,500,000 tonnes, shall be used in the backfilling and restoration of the existing quarry void on the site.

Reason: In the interest of clarity.

4. The period during which the development hereby permitted may be carried out shall be 25 years from the date of this Order.

Reason: Having regard to the nature of the proposed development, the Commission considered it reasonable and appropriate to specify a period of the permission in excess of five years.

5. The mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, and other plans and particulars submitted with the application shall be carried out in full.

Reason: In the interests of clarity and protection of the environment during the construction and operational phases of the proposed development.

6. The mitigation and monitoring measures identified in the Natura Impact Statement submitted with the application shall be implemented in full.

Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health

7. The movement of all types of material to the proposed facility shall be limited to a maximum of 144 trips per day (Monday to Friday) in accordance with the details sets out in the Environmental Impact Assessment Report's traffic assessment.

Reason: In the interest of traffic safety and in order to protect the residential amenities of property in the vicinity.

8. The construction of the proposed development shall not take place outside the hours of 8am to 6pm, Monday to Friday, with the exception of loading and unloading of lorries which can take place from 7am on each working day. No

work shall take place on Saturdays, Sundays and bank holidays.

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

9. (a) Prior to the commencement of development, the developer shall carry out and submit for the written agreement of the planning authority an Invasive Species Management Plan. The plan shall include full details of the eradication of such invasive species from the development site prior to construction or if discovered during operations as soon as is practicably possible.
- (b) The developer shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

Reason: In the interests of nature conservation and mitigating ecological damage associated with the development.

10. A suitably qualified ecologist shall be retained by the developer to oversee the site set up and operation of the proposed development and supervise and monitor the delivery of the mitigation and enhancement measures throughout the operation of the facility. The ecologist shall be present during the works. An ecological report of the site works shall be prepared by the appointed ecologist and submitted to the planning authority on an annual basis.

Reason: In the interests of nature conservation and biodiversity.

11. Prior to commencement of development, the developer shall prepare a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and Environmental Impact Assessment Report and a demonstration of proposals to adhere to best practice and protocols. The construction and operation of the development shall be in accordance with the updated CEMP.

Reason: In the interests of protecting the environment, the landscape, the integrity of European Sites and sensitive receptors and in the interest of public health.

12. (a) All mitigation measures in relation to archaeology and cultural heritage as set out in Chapter 12 of the Environmental Impact Assessment Report shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order.
- (b) The Construction Environment Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in Chapter 12 of the Environmental Impact Assessment Report and by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.
- (c) The planning authority and the Department of Housing, Local Government and Heritage shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. 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.

13. (a) The road improvement works on the local road L1157 shall be carried out in accordance with the details set out in the Environmental Impact Assessment Report and associated drawings. The works shall be

completed prior to the commencement of the importation of any material to the site and to the written satisfaction of the planning authority. The works shall be carried out at the developers own expense.

- (b) The road improvement works shall provide for silt containment measures along the local road L1157 in accordance with the requirements of the planning authority.
- (c) The details and locations of the new advance warning signs to be installed on the public road shall be submitted for the written agreement of the planning authority prior to the commencement of development.
- (d) The developer shall be responsible for maintaining the adjoining public road in a clean state, free from mud and other debris caused by traffic movements to and from the site.

Reason: In the interests of traffic safety, amenity and to ensure the protection of the environment.

14. Prior to the commencement of development, the developer shall submit appropriate plans and details to the planning authority for the proposed road strengthening works on local road L1157 associated with M11 motorway overpass Eirspan Structure number: BM-MII-046.00. The plans and details shall demonstrate compliance with Transport Infrastructure Ireland Publications and shall also ensure the 5.3 metres clearance shall be maintained over the extents of the new road layout on the local road L1157.

Reason: In the interests of traffic safety and the proper planning and sustainable development of the area.

15. The developer shall submit annually, for the lifetime of the permission, a map and aerial photograph of the progression of the phased backfilling and restoration of the quarry void, surveyed against established perimeter beacons, the form and location of which shall be agreed in writing with the planning

authority prior to commencement of works.

Reason: In the interest of orderly development and to ensure the appropriate restoration of the site.

16. (a) The proposed perimeter deer fence shall fully enclose the application site in accordance with the plans and particulars submitted on the 29th day of October 2025.
- (b) Any planting/landscaping that fails within 3 years following the date of completion of landscaping shall be replaced with similar species.
- (c) The clear-zone between the edge of the proposed woodland and the retained cliff face shall be maintained by annual mowing outside of the bird breeding season.
- (d) Following completion of the final restoration works information panels providing details of biodiversity, habitats and geology on site shall be erected.

Reason: To ensure the appropriate restoration of the site.

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.

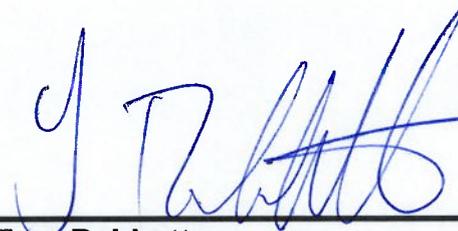
18. The developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory restoration of the backfilled quarry, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion 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.

Schedule of Costs

In accordance with the provisions of section 37H(2)(c) of the Planning and Development Act 2000, as amended, the amount due to be refunded to the applicant is **€23,034**

A breakdown of the Commission's costs is set out in the attached Appendix 1.



Tom Rabbette

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this *19th* day of *FEB* 2026



An
Coimisiún
Pleanála

Commission Order –
Appendix 1

ABP-321255-24

Strategic Infrastructure Development

Costs of determining the Application

Case Number: ABP-321255-24

Proposed Development: Ballinclare Quarry, Proposed Material Recovery / Recycling Facility and Inert Landfill, Ballinclare and Carrigmore, near Kilbride, Co. Wicklow

Commission Costs		
(1)	Cost (calculated based on Inspector's time) Inspector 1 (pre-application consultation) 21hrs x €239 Inspector 2 (application) 323hrs x €239	€82,216
(2)	Costs invoiced to Commission	N/A
	Total chargeable costs	€82,216
Commission Fees		
(3)	Application Fee - €100,000 Pre-application Consultation Fee- €4,500	€104,500
(4)	Observer fees paid	€750
	Total	€105,250
	Net amount due to be refunded to the applicant	€23,034

Tom Rabbette

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

Dated this 19th day of Feb 2026