

An
Coimisiún
Pleanála

Commission Order
ACP-323591-25

Planning and Development Acts 2000, as amended

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 2461079.

Appeal by Roadstone Limited against the decision made on the 13th day of August 2025 by Limerick City and County Council to refuse a permission for the proposed development.

Proposed Development: The construction of an asphalt plant and associated works within the existing permitted quarry extraction area (permitted under Planning Reference No: 05/7023 and An Bord Pleanála Reference number 13.QC.2096), including: • 1 number Asphalt plant • 1 number electrical substation • 1 number standby generator • 1 number Storage shed (1500 square metres gross floor space) and 8 number Storage bays • 1 number gas storage unit, and compound • 1 number settlement tank • Retaining wall within an application area of 3.4 hectares, all at the existing Creeves Quarry in the townlands of Craggs and Ballylin, Limerick. A Natura Impact Statement (NIS) accompanies the planning application.

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Decision

GRANT permission 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.

Reasons and Considerations

The Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, 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.

Having regard to the nature, scale and extent of the proposed development and to the following:

- (a) the planning history of the site, the location of the proposed development within an existing established quarry and to the site itself being located within lands already permitted for extraction, in proximity to the source of raw materials;
- (b) the pattern of development within the vicinity;
- (c) the separation distance of the proposed development to recorded monuments and measures proposed to protect archaeological sites;
- (d) the proximity of the site to the national primary road network as well as the proximity to future permitted transportation projects and infrastructure;

- (e) the nature of the proposed development incorporating the manufacturing of recycled asphalt products (RAP) material being in accordance with circular economy principles;
- (f) the policies and objectives of the Limerick Development Plan 2022-2028;
- (g) the provisions of the National Planning Framework (revised 2025), which recognises the importance of the supply of aggregates and construction materials;
- (h) the Water Action Plan 2024, A River Basin Management Plan for Ireland;
- (i) the targets and objectives of the National Biodiversity Action Plan 2023-2030;
- (j) the climate action objectives of the Limerick Climate Action Plan 2024-2029, and Policies CAF P1 (Climate Action Policy) and CAF P2 (Transition to a Low Carbon Economy) of the Limerick Development Plan 2022-2028; and
- (k) the report and recommendation of the Planning Inspector,

the Commission considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be prejudicial to public health or the environment, would be acceptable in terms of road and traffic safety and would not seriously injure the setting or character of archaeological heritage assets. Accordingly, it is considered that the proposed development would comply with objectives ECON O44 and CAF O16 (Circular Economy), IN O17 (Waste Management and the Circular Economy), EH O22 (Commercial and Industrial Noise), EH O15(a) (Ground Water, Surface Water Protection and River Basin Management Plans), EH O17 (Water Quality) and EH O39 (Protection of the Setting of Archaeological Monuments) of the Limerick Development Plan 2022-2028. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 screening exercise 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 Shannon Special Area of Conservation (SAC) (Site Code 002165) and River Shannon and River Fergus Estuaries Special Protection Area (SPA) (Site Code 004077) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for these sites 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 Lower River Shannon Special Area of Conservation (SAC) (Site Code 002165) and River Shannon and River Fergus Estuaries Special Protection Area (SPA) (Site Code 004077) in view of these 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:

- (i) the site specific Conservation Objectives for the European Sites,
- (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 Sites. In overall conclusion, the Commission were satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

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 6th day of June 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 interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission (Planning Authority Register Reference 05/7023 and An Bord Pleanála Reference no. 13QC2096) unless the conditions set out hereunder specify otherwise.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).



3. The proposed development shall not be sold, let or otherwise transferred or conveyed save as part of the quarry.

Reason: In the interest of clarity and to ensure that the shared utilities remain available to the development.

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

Reason: To protect the integrity of European sites.

5. The mitigation measures contained in the submitted Ecological Impact Assessment (EclA), shall be implemented.

Reason: To protect the environment.

6. The mitigation measures contained in the submitted Planning and Environmental Report, shall be implemented.

Reason: To protect the environment.

7. All construction works shall be supervised by an on-site Ecological Clerk of Works who will report on compliance with the relevant mitigation measures. The Ecological Clerk of Works shall be empowered to halt works where they consider that the continuation of the works is likely to result in a significant pollution or siltation incident or impact on protected habitats or species, and on-site works will cease until authorised to continue by the planning authority. A compliance monitoring report shall be prepared by the Ecological Clerk of Works and shall be submitted to the planning authority at the end of the main construction period.

Reason: To protect the environment.

8. The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance and/or construction works.

The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to, and approval to proceed is agreed in writing with, the planning authority.

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

Reason: To ensure the continued preservation of places, caves, sites, features or other objects of archaeological interest.



9. (a) The development shall operate only between 0700 hours and 1800 hours Monday to Friday, and between 0700 hours and 1400 hours on Saturdays.
- (b) Initialisation/heating of the asphalt plant is hereby permitted to commence at 0600 hours Monday to Saturday. There shall be no HGVs entering or exiting the site between the hours of 0600 and 0700.
- (c) No activity shall take place outside of these hours or on Sundays or Public Holidays, with the exception of exceptional circumstances up to a maximum of 30 recorded occurrences per annum. The working of exceptional hours outside of the times stated in 9(a) above, and within specified hours, shall only take place with the prior written agreement of the planning authority.

Reason: In order to protect the residential amenities of property in the vicinity and to allow for additional working hours in exceptional circumstances as determined by the planning authority.

10. During the operational phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed:
- (a) A rating of LAr, 1 hour value of 55 dB(A) during permitted operating hours.
- (b) An LAr, 15 minutes value of 45 dB(A) at any other time.

Nighttime emissions shall have no tonal or impulsive component. Noise monitoring results shall be submitted to the planning authority on a quarterly basis.

Reason: To protect the amenities of property in the vicinity of the site.

11. (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 site, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any 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.

12. (a) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- (b) Prior to the commencement of development, the developer shall submit to the planning authority for written agreement a stage two – Detailed Design Stage Storm Water Audit. Upon completion of the development and prior to any use, a stage 3 – Completion Stormwater Audit to demonstrate Sustainable Drainage System measures and the proposed surface water system have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health.

13. All overground tanks containing liquids (other than water) shall be contained in waterproof bunded areas, which shall be of sufficient volume to hold 110 per cent of the volume of the tanks within the bund. All water contaminated with hydrocarbons, including stormwater, shall be discharged via a grit trap and three-way oil interceptor with sump to a watercourse. The sump shall be provided with an inspection chamber and shall be installed and operated in accordance with the written requirements of the planning authority.

Reason: In order to protect ground waters.

14. A detailed Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall incorporate details for the following: measures to protect archaeological and cultural heritage, collection and disposal of construction waste, surface water run-off from the site, and environmental management measures during construction including working hours, noise control, dust and vibration control, protection of groundwaters, and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

Reason: In the interest of environmental protection of residential amenities, public health and safety and environmental protection.

15. Prior to commencement of the development, details of the proposed lighting shall be submitted to the planning authority for its written approval.

Reason: In the interest of biodiversity and visual amenity.

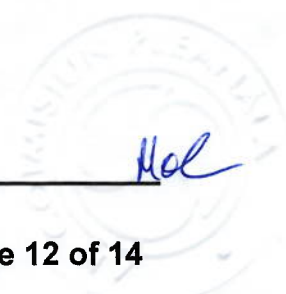
16. The wheels and undersides of all vehicles transporting material from the site onto the public road shall, prior to the exit of such vehicles onto the public road, be washed in a wheelwashing facility.

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



17. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the following:
- (a) Proposals for the suppression of on-site noise.
 - (b) Proposals for the on-going monitoring of sound emissions at noise sensitive locations in the vicinity.
 - (c) Proposals for the suppression and monitoring of dust at prior agreed locations, on site.
 - (d) All fuels and lubrication shall be stored in fully bunded storage areas and proposals to deal with accidental spillage shall be submitted to the planning authority.
 - (e) Monitoring of ground and surface water quality, levels and discharges.
 - (f) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.
 - (g) Monitoring of Noise levels at identified noise sensitive locations.

Reason: In order to safeguard local amenities.



18. In the event of the asphalt plant hereby permitted ceasing to operate for a period of 12 months, all infrastructure associated with the asphalt plant shall be removed and the site shall be reinstated within six months of their removal. Details regarding the removal of the structures and the reinstatement of the site shall be submitted to, and agreed in writing, within 15 months of the structures ceasing to operate, and the site shall be reinstated in accordance with the agreed details at the operator's expense.

Reason: In the interest of the visual amenities of the area.

19. 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.




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20. The developer shall pay a financial contribution 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 road improvement works along the public road L-6063 and L-6063/L-1222 junction, which benefits the proposed development. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

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.


Marie O'Connor
Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 30th day of April 2026.