



An
Coimisiún
Pleanála

Inspector's Report

PL-500902-CW-26

Development

Retention of rock splitter and associated ancillary canopy, and retention of site development works including site levelling, lighting, cabling and ducting.

Location

Powerstown, Milford, Co. Carlow

Planning Authority

Carlow County Council

Planning Authority Reg. Ref.

2560436

Applicant(s)

Milford Quarries Ltd.

Type of Application

Retention

Planning Authority Decision

Grant Retention with Conditions

Type of Appeal

Third Party Normal Planning Appeal

Appellant(s)

George Doyle

Observer(s)

None

Date of Site Inspection

16th June 2026

Inspector

Catherine Dillon

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1.0 Site Location and Description

- 1.1. The subject site is located in a rural area to the north of Leighlinbridge village and is c. 8.4km to the south of Carlow town. The site is located to the east of the R448 and is accessed via an existing vehicular access off this road which leads to an existing quarry and concrete manufacturing plant. The R488 connects to Junction 6 on the M9, c.2km to the north of the site.
- 1.2. The subject site is an irregular shaped circular strip of land with a stated area of c.0.7 hectares and is located centrally within a much larger landholding of 42 hectares which is operating as a manufacturing/processing site associated with a quarry use. There is a pre cast manufacturing plant, block manufacturing yard, readymix plant and sand drying building located within the overall landholding and to the north east of the subject site. There are two settlement lagoons within the quarry site to the east of an existing washing plant.
- 1.3. The Garryhundon river lies within 20m of the southern boundary of the subject site and flows in a south westerly direction before joining the Ballynaboley stream which flows into the River Barrow. The River Barrow is c.500m to the west of the site and c.160m to the west of the R448. The Dublin-Waterford railway line lies to the east of the subject site and is screened by an existing landscaped berm.
- 1.4. The surrounding area is largely agricultural in nature with several one-off houses located within a 1 km radius. The lands are undulating and the entrance into the quarry is not visible from the road. There is an adjacent quarry to the north of the site and a soil recovery facility, and the civic amenity centre located approximately 1.5 km to the north and there are a number of quarries in the immediate area.

2.0 Proposed Development

- 2.1. The proposed development is for the retention of a rock splitter, cabin, washing plant, ESB substation and welding shed at the existing aggregate processing and concrete manufacturing facility at the site. The development comprises the following:

2.2. Rock Splitter and single storey cabin/site office

The shed containing the rock splitter machines has a floor area of 120.75m², with a pitched roof and a maximum height of 7.16m. The rock splitter machines break the larger rock and cobbles within the sand and gravel deposits. It is stated this is achieved by way of a hydraulic ram with a metal wedge or bit at its tip, and the process is undertaken in batches as and when the raw material is available.

It is located centrally within the overall landholding and in the eastern portion of the subject site. The canopy structure under which the machinery is contained has been erected for employee welfare, to protect against adverse weather conditions.

There is an associated cabin used as a site office with a height of 2.8m and width of 2.5m and a floor area of 4.7m² next to this shed for which retention is also being sought.

2.3. Washing Plant

It is stated this plant is ancillary and secondary to an existing washing plant permitted under ABP Ref: 241819 (P.A Ref: 12/199) to the north. The existing washing plant and associated lagoons are not included within the red line boundary of the subject site. The water is harvested within the pre-lined lagoon structure and re-used in the process to wash aggregates. This is a 'closed-loop' system.

Both washing plants are used in the production of concrete and dry mortar sand and are required to produce the necessary raw materials. The plant the subject of this appeal is located centrally within the subject site to the south west of the rock splitter and is 10.7m in height.

It is stated by the applicant that the secondary washing plant was initially installed on a temporary basis to facilitate the maintenance of the main washing plant. However, given the age of the main washing plant and its ongoing reliability issues the applicant has decided to retain the secondary plant.

According to the applicant the main washing plant is a critical element to the overall production process, and is required to be continuously available to produce the necessary raw materials. While these raw materials are stockpiled on site, the quantum of stockpiled material is not sufficient to provide more than 2-3 days production at peak times.

2.4. ESB Substation

This structure is located adjacent to the washing plant and measures c. 13.5m² in area, with a maximum height of 3.2m. It is stated this structure was installed by ESB as the electrical load from the various manufacturing plants was exceeding the previous electrical supply to the site.

2.5. Welding Shed

The welding shed is located to the north of the rock splitter and south east of a permitted sand drying plant. It has a stated floor area of c. 190.2m², and a maximum height of 8.4m and comprises a pitched roof and a stainless steel frame. The shed is used to maintain metal machinery such as conveyor hoppers. The periods when welding can occur outdoors is limited and the welding facility requires to be enclosed.

2.6. Associated works

The planning application form submitted with the planning application states retention is also sought for all associated ancillary site development works, including site levelling, lighting, cabling and ducting. However, there are no details submitted regarding these matters or cross sections regarding levelling.

2.7. The source of water supply is stated as being from an existing private well and wastewater to be disposed off via an existing septic tank. The surface water is collected and used as part of the overall manufacturing process.

2.8. The planning application was accompanied by a planning report by the applicant's agent and an Appropriate Assessment Screening report prepared by Ecology Ireland Wildlife Consultants.

3.0 **Planning Authority Decision**

3.1. **Decision**

On 25th February 2026, Carlow County Council issued a notification of their decision to grant planning permission for the proposed development subject to 15 conditions.

3.1.1. Conditions of note include the following:

Condition 1- Plans & particulars

Condition 2-Permission relates only to the development in public notice. (The public notice included all associated site development works including site levelling, lighting, cabling and ducting.)

Condition 3- Permission shall expire on the same date as the permission granted by ABP Ref: PL01.238351 being 20 years from the date of that order.

Condition 5- Existing EMS shall be updated to make provision for the facilities to be retained and submitted within 3 months from the date of the order (as per condition 7(e) of PL15/121). (P.A condition 5 refers)

Condition 7- Hours of operations between 07.30-18.00 hours Mon-Fri & 07.30-14.00 hrs on Saturdays only.

Condition 8- Noise levels not to exceed 55dB(A) during 08.00-18.00 hrs & 45dB(A) any other time.

Condition 9- no external lighting, unless indicated on drawings shall be erected without a separate application.

Condition 11- Developer to continue to provide an Annual Environmental Report on 28th February every year, as per condition 7 (e) of PL15/121 and include, on site well testing, wastewater plant maintenance, surface water tests, noise, dust, air pollution monitoring results and a surface water management plan.

3.2. Planning Authority Reports

3.2.1. Planning Report dated 24/2/2026

- Considered the development acceptable in principle on unzoned lands within an established authorised quarry and adjacent to existing minerals and machinery.
- Rationale for the retention of the 4 structures as submitted in the planning documentation was noted and it was acknowledged that the structures would improve efficiencies on site and provide a safer work environment for employees.
- The third party submission was considered to relate to non compliance with several conditions concerning the excavation below the water table and intensification of quarrying activities.

- Condition 7(e) of P.A Ref: 15/121 required an Annual Environmental Report to be submitted to the Council to monitor issues relating to noise, dust, water, surface water etc., and the issues raised by the third party would be addressed through this condition.
- No record of existing or unauthorised development on site connected with the quarry, and extent of unauthorised works during the site inspection related to the structures to be retained as part of the current proposal.
- However, it was acknowledged that the current proposal would not regularise all development on site, and it was recommended a condition be attached to the permission noting this and any other unauthorised development to be raised with the enforcement section. (Condition 2)
- Extraction works did not form part of the application and therefore did not meet the threshold for an EIS.
- Overall, it was concluded the development would not result in an intensification of use, would not impact on the River Barrow & River Nore SAC, would not have a negative impact visually on nearby residential amenity and adhered to the policies of the CDP.

The planner's report refers to a submission received from the Dept of Housing, Local Government & Heritage dated 20/2/2026 but this is not on the appeal file. However, based on the planner's report this submission stated that the Department were not in a position to make a specific comment on the application at this time. There is no inference that the Dept., is satisfied or otherwise with the proposed activity. The Dept's submission stated it may make a submission at a later stage in the process.

3.2.2. Other Technical Reports

Municipal District Engineer: Report dated 24/2/2026: No objection subject to conditions relating to road sweeping and signage.

Senior Executive Engineer Environment Section: Report dated 26/1/2026: No objection to development, would not impact on Natura 2000 site and would not require an EIA.

Executive Engineer Environment: Report dated 5/2/2026: No objection.
Recommended surface water conditions.

Fire Officer: Report dated 5/2/2026: No objection subject to conditions.

3.3. **Prescribed Bodies**

Transportation Infrastructure Ireland (TII) report dated 5/1/2026:

This submission states that TII will rely on the planning authority to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning & National Roads Guidelines for Planning Authorities (2012).

Uisce Éireann (UÉ): Report dated 25/2/2026:

Notes the applicant has not included a proposal for a new water/wastewater connection in this planning application. It is anticipated that there will be no adverse impact on any assets or sources belonging to Uisce Éireann. Applicant will be required to comply with WFD, EIA Directive, Groundwater Directive, and Groundwater Protection Schemes with respect to the operation and retained facilities. Recommends conditions to protect UÉ infrastructure.

Waterways Ireland: No submission received.

Inland Fisheries Ireland: No submission received.

3.4. **Third Party Observations**

- 3.4.1. Two third party submissions were received both from George Doyle. I have reviewed these submissions and confirm the issues raised continue to form the basis of the appeal, which are detailed in Section 6 of this report below.

4.0 **Planning History**

- 4.1. **P.A Ref: 04/684**: Planning permission was granted by Carlow County Council on 23/6/2005, to Kilcarrig Quarries Ltd., for the construction of a building and silo for a sand drying system. This permission was subject to 11 conditions and included the overall quarry site (c.41.9 ha). I note from the documentation submitted with this planning application, that sand and gravel was being extracted at the site, there was a washing and screening plant, associated lagoons and concrete batching plant in

the north east of the quarry. There were other structures on the site which were to be regularised through the S.261 process.

- 4.2. **P.A Ref: 07/554 & ABP Ref: 225469:** Planning permission was refused by ABP on 17/4/2008, for retention of extensions to an existing sand drying plant and a new ESB control room. The ground for refusal was on the basis the Board were not satisfied that the permitted existing development on the site has been constructed and operated in accordance with P.A Ref: 04/684, and the proposed development would consolidate and intensify an unauthorised development.
- 4.3. **P.A Ref: 07/556 & ABP Ref: 225913:** Planning permission was granted by ABP on 11/4/2008, for erection of a workshop for the vehicle servicing and maintenance of plant and machinery, subject to 6 conditions to Kilcarrig Quarry Ltd.. In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the established quarrying use on the site and other permitted development on site and considered that the development of a maintenance workshop was a reasonable requirement in that context. It was not considered that the grant of permission for this development would prejudice the other planning applications relating to the site. According to the applicants this was not constructed.
- 4.4. **P.A Ref:10/202 & ABP Ref: 238351:** Planning permission was granted by ABP on 10/04/2012, for a new entrance and wheelwash, retention of weighbridge and weighbridge office, ready mix plant, blockmaking yard, pre-stressed concrete floor production plant and associated concrete making plant, washing plant and lagoons, extension to sand and drying and mixing plant, screening plant, mobile crushers, canteen and toilet block and fuel storage shed for quarry to Kilcarrig Quarries Ltd., subject to 12 conditions.

The Board in making this decision did not consider the development required an EIA and carried out a screening assessment exercise in relation to the potential impacts on natura 2000 sites. The Board considered the Stage 1: Screening Report submitted by the applicant in response to a further information request from the Board. The report, prepared under the Habitats Directive Assessment, reviewed the operation of the development in terms of impacts on the nearby River Barrow and River Nore candidate Special Area of Conservation. The report was accompanied by monitoring reports on the quality of the surface water of the stream which borders the

site and flows into the River Barrow, which included extensive data over a five year period. The Board was satisfied that the development to be retained would not adversely affect the integrity of the European site and would not be likely to have a significant effect individually or in combination with other plans or projects on the European site, in view of the conservation objectives of this site.

Condition no.2 stated that permission was not granted for the retention of following elements of the development:

- The washing plant and associated lagoon,
- Grading (screening) plant and
- Mobile crushers and that these elements were to be removed and the area restored within 12 months.

Condition no. 3 of this permission stated the permission did not provide for quarrying activities on the site.

Condition no. 4 duration of permission was 20 years, after which all plant and machinery items should be removed from the site and land restored to agricultural use unless a subsequent permission has been obtained. The reason for this condition was to enable the rationale for continued operation to be reviewed, taking into account to the availability of locally sourced aggregates in the surrounding area after this time period, in the interest of sustainable development.

This permission would therefore expire in 2032.

- 4.5. **P.A Ref: 12/199 & ABP Ref: 241819:** Retention permission was granted by ABP on 31/10/2013, for a washing plant and associated lagoon, grading plant and mobile crushers, to Kilcarrig Quarries Ltd., subject to 11 conditions.

The Board completed a screening exercise, taking into account the Stage 1 Screening submitted with the application and amended in response to a further information request by the planning authority, the Inspector's report and submissions on file, in relation to potential impacts of the site to the River Barrow and Nore Special Area of Conservation (Site Code: 002162).

Having regard to the nature and scale of the proposed development and the lack of abstraction from or discharge to surface or ground water, the Board concluded on the basis of the information available that the application for consent for the development

proposed to be retained, either individually or in combination with other plans or projects would not be to have a significant effect on a European site and in particular the River Barrow and Nore Special Area of Conservation (Site Code: 002162).

Conditions of note included:

Condition 2 required the development to be carried out in accordance with the terms and conditions of ABP permission PL.01.238351, save as amended by the grant of this permission.

Condition 4 stated the development would expire on the same date as PL01.238351 being 20 years from the date of the order attached to PL01.238351 (and not indefinitely as proposed).

Condition 6 required the EMS to be updated to make provision for the facilities granted.

Condition 7 required inter alia; monitoring boreholes to be installed, bi annual ground water monitoring, annual monitoring of private wells within 500m of the site, and a hydrological report to be submitted within 3 months of the order.

Condition 8 related to surface water, - all soiled water was to be directed to settlement lagoons and the adjacent stream to be monitored upstream and downstream twice per annum.

- 4.6. **PA Ref: 15/121:** Planning permission was granted by Carlow Council on 28/8/2015, for the retention of an extension to erect a further extension along with a curing shed for an authorised pre-cast concrete manufacturing facility and permission was also sought to erect a concrete batching plant all at its manufacturing facility to Kilcarrig Quarries Ltd.. This permission was subject to 18 conditions.

Condition 7 of this permission required inter alia; environmental monitoring in accordance with the Environmental Management System (EMS), biannual noise monitoring, groundwater monitoring and An Annual Environmental Report to be submitted to the Council every year which included site well levels and testing.

Section 5 declarations associated with the site

- 4.7. **P.A Ref: SEC5/25/05:** On 14/3/2025 Carlow County Council determined that the following was development and was not exempt:

- Welding workshop (c.190.2 m²)

- Rock Splitter Shed (c.120m²) & cabin (c.4.7m²)
- Aggregate washing plant
- ESB Sub-station.

4.8. **P.A Ref: SEC5/25/15:** On 21/7/2025 Carlow County Council determined that the following was development and was not exempt:

- Aggregate washing plant.

4.9. **P.A Ref: SEC5/25/16:** On 21/7/2025 Carlow County Council determined that the following was development and not exempt development:

- Development of a sub-station.

4.10. **P.A Ref: SEC5/25/17:** On 21/7/2025, Carlow County Council determined that the following was development and not exempt development:

- Rock Splitter Shed.

4.11. **P.A Ref: SEC5/25/18:** On 21/7/2025 Carlow County Council determined that the following was development and was not exempt development:

- Welding workshop.

4.12. CCC issued a Section 5 on 16th May 2007 which stated the weighbridge, weighbridge office, ready mix plant, block making yard & associated plant, sand drying and mortar making plant, concrete floor production & associated concrete making plant, washing plant, entrance laneway, grading plants, mobile crushers, 2 lagoons, canteen & toilet block and fuel storage shed were development and not exempt. These structures were subsequently granted by ABP under PL01.238351, PL01.238351 and PL01.241819 as outlined above.

4.13. There were a number of incomplete/withdrawn planning applications on the site namely P.A Ref: 07/1095 & 07/1259, relating to the continued use as a quarry and associated structures and retention of structures under the S.261 quarry registration process.

4.14. Section 261 quarry registration

QY12/6: The owner/operator applied for registration in April 2005 under S.261 of the Planning and Development Act, 2000. The total site area and extraction area was

stated to be c.41ha with an annual extraction rate of 450,000 tonnes at that time. Further information was requested by CCC in September 2005 in relation to quarry operations and the information submitted to CCC in January 2006 stated that the site area of the quarry was c.1.027ha and not c.41ha. The owner/operator was subsequently required in February 2006 (under S.261 (7)) to apply for planning permission with an EIS in respect of the continued operation of the quarry but failed to do so following an agreed time extension with CCC.

4.15. Also, of relevance- land immediately to west of subject site

P.A Ref: 14/67: Planning permission was granted by CCC on 9/1/2015, to Kilcarig Quarries Ltd., for a period of 20 years to extract sand and gravel on 19.81 hectares of land to the west of the overall landholding, and west of subject site. This application was accompanied by an Environmental Impact Statement (EIS).

This area is immediately to the west and south west of the subject site and is included within the blue line as submitted in the current appeal. This permission had conditions linking it to the EMS report under planning references PL.01.238351 & PL01.241819.

5.0 Policy Context

5.1. Carlow County Development Plan 2022-2028

The current Development Plan for the area is the Carlow County Development Plan (CDP) which was adopted on 23rd May 2022 and came into effect on 4th July 2022. There have been no variations made to this Plan relevant to the current proposal. The subject site is unzoned and lies within the central lowlands landscape character area.

Chapter 6- Infrastructure & Environmental Management

Policies within this chapter relating to Environmental & Water Management WQP1-WQP4 relating to ground and surface water protection, Waste WMP6, Air Pollution APP1-APP2; Noise Pollution NPP1-NPP4.

Chapter 9- Landscape & Green Infrastructure

The site lies within the western end of the Central Lowlands landscape character area and within the 'Farmed Lowland' landscape type. The central lowlands according to the CDP has the capacity to absorb most types of development subject to the implementation of appropriate mitigation measures. The site has a landscape sensitivity of 2-3 with 1 being the lowest and least sensitive rating. Table 9.2 of this chapter outlines that the Central Lowlands have a moderate sensitivity to the Extractive Industry.

There are no Scenic Routes or protected views in close proximity to the site.

Chapter 10- Natural & Built Environment

Policies NHP1-P9- relate to the natural environment and seek to protect, manage and enhance the natural heritage, biodiversity and landscape of the County.

Chapter 14- Rural Development

Policies E1.P1- P7 and Objectives E1.01 & E1.02 and Section 14.16 relates to the extraction industry and protection of the environment.

Policy EI. P8: Ensure compliance with the overall objectives of the Water Framework Directive in the context of quarry development(s) and extractive industry.

Chapter 16- Development Management standards

Section 16.16.3 of this chapter relates to Extractive Industries and contains Development Management Standards, continuation of use or diversification of activities relating to the extractive industry. An application for planning permission will have regard to the Quarrying and Ancillary Activities (DEHLG 2004) (or any superseding national policy document, Guidelines for Environmental Management in the Extractive Industry (EPA, 2006), Guidance on Biodiversity in the Extractive Industry (NPWS), GSI's Geological Heritage Guidelines for the Extractive Industry (2008), the Archaeological Code of Practice (2009) and the Irish Concrete Federation Environmental Code (2005) and any other relevant superseding policy guidance.

Volume 2b- Appendix VII Landscape Character Assessment

The site lies within the Central Lowlands Character Area which is deemed to be moderately sensitive to development.

5.2. **Relevant National Policy**

National Framework Plan (First edition)

This document acknowledges the importance of the extractive industry for the supply of aggregates and construction material and sees the planning process as providing a key role in realising the potential of the extractive industry sector.

National Policy Objective 30 (NPO 30): Facilitate the development of the rural economy, in a manner consistent with the national climate objective, through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off farm activities, while at the same time noting the importance of maintaining and protecting biodiversity and the natural landscape and built heritage which are vital to rural tourism.

5.3. **Ministerial Guidelines**

Quarries & Ancillary Activities – Guidelines for Planning Authorities, 2004

These guidelines refer to the essential role played by the extractive industry in the economic and social development of the State and recognises that minerals can only be worked where they occur. Sets out guidelines for best practice and mitigation measures in respect of environmental effects.

5.4. **Other Guidelines**

Environmental Protection Agency (EPA) Environmental Management Guidelines Environmental Management in the Extractive Industry (Non Scheduled Minerals) (2006). These guidelines are referenced in the Quarries & Ancillary Activities – Guidelines for Planning Authorities.

They are intended to complement existing guidance and be assistance to operators, regulatory authorities, and the general public, and include best practice with regards to inter alia; ecology, surface water, groundwater, air quality, waste management, requirements for an EMS and guidelines for lagoons. It also sets out Emission Limit Levels (ELVs) for surface and groundwater.

5.5. Natural Heritage Designations

- 5.5.1. The River Barrow & River Nore SAC (site code: 002162) is c.500m to the west of the subject site.

6.0 EIA Screening

- 6.1. I note the third party considers the development should be submitted with an EIA. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Forms 1 and 2 in Appendix 1 of this report). Having regard to the scale and location of the development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

- 7.1. A third party appeal has been submitted by George Doyle. The submission was on the following summarised grounds:
- The sand and gravel being processed in the new washing plant is unauthorised.
 - Sand and gravel is being extracted below the water table with no planning permission, licence or permit.
 - Refers to Google maps of the quarry which indicates a large number of ponds on the site due to extraction below the water table, and he does not consider they are sealed lagoons storing recycled water as contended by Milford Quarries.
 - Finds it difficult to believe that the areas of exposed water are lagoons where recycled rain water is stored, using magic clay.
 - Large amounts of water being used to operate the facility and in this application they have stated the water comes from a private well to supplement the operation.

- The private well should be included in the hydrological report and requires planning permission.
- A full set of drawings are required for the development and that all equipment is safe.
- Washing plant is not a temporary structure and it is misleading to state that only one washing plant can be used at any one time, as there is unlimited quantities of water on site. If both operate in tandem this is an intensification of use.
- Development has been considered against extraction thresholds for EIA purposes.
- Application does not clarify whether stone crushers are part of the new washing plant.
- If there is only one washing plant operating there is no need for an upgrade to the ESB substation.
- An Coimisiún must firstly clarify/establish whether the existing quarry is being extracted below the water table at this quarry, which would make it unauthorised and that would therefore make the new washing plant unauthorised.
- Non compliance with conditions relating to the existing permission are not being dealt with by Carlow County Council & although the planner's report states the concerns raised can be addressed in the AER monitoring, this has never been assessed.
- NIS required regarding impacts on River Barrow SAC, full hydrogeological report to include ground water flow direction and testing, environmental impact report regarding waste, restoration plan for quarry and a new application submitted to enable the public to make submissions.
- Condition 7c attached to PL12/199 requiring a hydrological report to be submitted to review the ground water regime has never been complied with.
- History of past failures to comply with planning conditions.

- Reference to policy within the CDP regarding the extractive industry and that they should not impact on important aquifers, ground water resources and comply with the WFD.
- P.A Ref: 12/199 & ABP Ref:241819, it was considered the development would not impact on SAC as it was stated that there would be no abstraction from or discharge to surface or ground water and this should be clarified in this application.
- A substantial amount of additional information was attached to this appeal submission relating to unauthorised development at the quarry and to Milford/Kilcarrig Quarries in general relating to the water table including correspondence with compliance with P.A Refs:12/199, 14/67 & 15/121 to Kilcarrig Quarries Ltd from Carlow County Council. Other planning references are cited relating to the former quarry site to the north of the L3045.
- A copy of an enforcement notice dated 31/1/2011, and substantive correspondence between the third party and Carlow County Council regarding compliance with conditions and waste facility permit details is attached to the submission going back to 2022.

7.2. Applicant Response

7.2.1. The applicant's response is summarised as follows:

- Request an Coimisiún dismiss the appeal on the basis that it is frivolous and vexatious, the appellant has a history of submitting objections lodged by Kilcarrig Quarries, and that the matters raised do not relate to the actual structures which are being sought to be retained.
- The appeal is of little substance and relates primarily to enforcement issues which are outside the remit of An Coimisiún Pleanála, and contend the appellant is abusing the planning process with the intention of delaying the business operation of the operator.
- Appellant's claims of unauthorised development solely relates to the extraction of material below the water table, which is washed by the washing plant and processed by the rock splitter.

- Applicant contends that the only unauthorised development is that which is being sought for retention. Local Authorities are legally mandated to investigate all claims of unauthorised development.
- Planner's report explicitly confirms there is no enforcement on the subject site, and that the issues raised by the third party would be addressed by way of condition 7(e) of PL15/121.
- Confirms applicant have been submitting their Annual Environmental Reports in accordance with the aforementioned condition 7 (e) of PL15/121, to both the Environment and Planning Sections of the Council and these can be made available to the ACP upon request.
- The applicant would welcome the inclusion of condition 11 attached to the grant of permission by the Planning Authority from An Coimisiún, requiring an AER.
- Applicant regularly undertakes hydrogeological testing and submits them to Carlow County Council and also complied with 7(c) of P.A Ref:12/199 regarding the submission of a hydrological report reviewing the groundwater regime.
- Appellants argument that the use of rubber liners in the ponds is unfounded, and details of the lagoons and the water management system are provided in the Appropriate Assessment Screening Report, and the use of naturally occurring silt to line the ponds is more sustainable than the use of rubber liners.
- The Appellant has never visited the site and the areas of ground water on the aerial photography do not relate to the subject site.
- No quarrying or extraction works forms part of the subject site and the areas of groundwater referred to by the appellant lie outside the site.
- Applicant could use the retention structures to process material off site as per (P.A Ref: 10/202 & 12/199).
- Conclude that the arguments raised in the third party submission are not relevant to the development the subject of the appeal.

7.3. Planning Authority Response

7.3.1. A submission was received from Carlow County Council in which they made the following summarised submission:

- The planner's report assessed the key aspects of the development which included, intensification of use, access and traffic, residential amenity, water, drainage, hydrology, hydrogeology, Appropriate Assessment and EIA.
- The planning application was referred to the Council's internal Departments and there were no concerns or objections raised to the development and an Appropriate Assessment was not required.
- With regards to non compliance with conditions and excavation under the water table, it is noted that there are no existing or recent unauthorised development cases on site or within the surrounding quarry site.
- Considers the concerns raised by the third party are addressed through Condition 7(e) of PL15/121, which requires an Annual Environmental Report every year to address/monitor concerns in relation to noise, dust, water, surface water etc..
- The extent of unauthorised development noted during the planner's site inspection related to the structures being retained as part of the planning application.
- Issues relating to non-compliance with several conditions of the existing permission, excavating/quarrying below the level of the water table and intensification of quarrying activities on site should be raised with the Council's enforcement section.
- The development being retained under PL25/60436 does not regularise all development on site to which condition No.2 of the Council's permission states.
- Council are satisfied the development does not lead to an intensification of use/quarrying activities on site, does not impact on the SAC and would not negatively impact on the amenities of nearby residents.

- Development seeking retention adheres to the policies in the Carlow County Development Plan and is therefore acceptable.

7.4. **Observations**

None

8.0 **Assessment**

8.1. **Introduction**

8.1.1. I have examined the application details and all other documentation on the appeal file, including the appeal submission, relevant local and national policies and inspected the site. Overall, I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The main issues under consideration are as follows:

- Background to planning history associated with the site,
- Principle of development,
- Surface water and ground water impacts,
- Residential amenity & visual impact,
- Other issues

8.2. **Background to planning history associated with the subject site**

8.2.1. A substantial number of issues raised by the third party relate primarily to the historical non-compliance of planning conditions associated with the quarry use at the site, including the extraction of sand and gravel below the water table and impact on wells. Whilst it is acknowledged the matter of enforcement falls under the jurisdiction of the planning authority, and the planning authority have stated there is no record of enforcement at the site, I consider it is necessary to briefly outline the planning background of the site, in order to establish the various permissions on the site and planning conditions attached. For ease of reference, I have outlined this in table form below.

Table 1: Permitted planning permissions on the overall site with attached conditions summarised

Planning Ref	Development sought	Granted /Refused	Conditions
P.A Ref:04/684	Construction of a 250m ² building & silo for a sand drying system on site area of c.42ha.	Granted by CCC on 26/6/05	11 no. conditions, of note including: No.4- bunding of fuel oil tanks & best practice for waste storage.
P.A Ref: 07/554 & ABP Ref: PL01.225469	Retention & extension to an existing drying plant on a site of c.39ha.	Refused by ABP on 17/4/08 for 1 reason relating to non-compliance with terms and conditions of P.A Ref: 04/684.	
P.A Ref: 07/556 & ABP Ref: PL01.225913	Erection of maintenance workshop	Granted by ABP on 11/4/08	6 no. conditions of note including: No.3-location of point of discharge of surface water & waste water to be agreed & water supply to be in accordance with P.A.
P.A Ref: 10/202 & ABP Ref: 238351	New entrance & wheel wash Retention of weighbridge & weighbridge office Ready mix plant Block making yard Concrete floor production plant Extension to sand drying & mixing plant Canteen & toilet block Fuel storage shed for quarry	Granted by ABP on 10/4/12, subject to development being modified (condition 2).	12.no conditions. Conditions of note included No.2- permission was not granted for washing plant, lagoon, screening plant or mobile crushers & these elements were to be removed. No.3- Permission did not provide for quarrying activities. No. 4- 20 year permission No.5- Hours of operation No.6- EMS to be submitted No.7-Monitoring and recording of groundwater, surface water, dust, noise etc.

	Washing plant & lagoons Screening plant Mobile crushers		
P.A Ref: 12/199 & ABP Ref: 241819	Retention of – Washing plant & associated lagoon Grading plant Mobile crushers Vary the duration of permission	Granted by ABP on 31/10/13. This permission was for the structures which were removed in condition 2 of ABP 238351 above.	11 no.conditions. Conditions of note include: No.2- development to be carried out in accordance with terms & conditions of PL.01.23851-extension of duration of permission not granted. No.3- permission did not authorise past, present or future quarrying works. No.4- permission to expire 20 years from the date of PL.01.238351 order, & all machinery to be removed from site and land restored to agricultural use No.6- EMS to be updated to include development. No.7- Monitoring boreholes to be installed to monitor bedrock & gravel aquifers, private wells to be monitored within 500m, hydrogeological report to be submitted, appropriate remedial measures in the event of private wells being impacted. No.8-Lagoons to be maintained to standards set out in the Extractive Industry guidelines, monitoring of adjacent stream upstream & downstream.

P.A Ref: 15/121	Retention for – extension & to erect a further extension along with a curing shed for an authorised pre cast concrete manufacturing facility Erect a concrete batching plant	Granted by CCC on 27/4/15	18.no.conditions Conditions of note: No. 6-protection of ground & surface waters No.7- EMS No.8- record of complaints regarding site operations received to be kept and provided to P.A upon request No.9 -programme to make available to members of the public information regarding emissions from the activity.
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- 8.2.2. There is no evidence that the extraction works were covered by a pre-1964 use or authorisation or permission was ever granted for the quarry, and I note that it was stated by the applicant's agent in P.A Ref: 04/684, that all existing structures would be regularised through the upcoming planning application required as part of the Section 261 process. I can find no record that the quarry use of the site (c.41ha) was regularised through the Section 261 process. Planning permission was granted in 2014 (P.A Ref:14/67) for further excavation to the west and south portions of the landholding.
- 8.2.3. I note from the first record of planning permission for development on the overall landholding (P.A Ref: 04/684), it was accepted that sand and gravel was being extracted at the site for a considerable time, and from the permissions outlined above the manufacturing of products from the aggregates associated with the quarry since 2005, were considered ancillary to the quarry use. Planning application P.A Ref: 04/684 included a ground water assessment report for the sand drying plant, and from the planning report a washing and screening plant and associated lagoons were on the site at this time. From the planning history there have been numerous conditions attached to the planning permissions at the site which requires regular monitoring of ground and surface water in addition to wells within 500m of the subject site. I note the applicant states that they have submitted Annual Environmental Reports (AERs) in accordance with Condition 7(e) of P.A Ref:

15/121 to both the Environmental and Planning Sections of the Council and regularly undertake hydrological testing upstream and downstream of the Garryhundon River, and this has not been disputed by the Planning Authority in their response to the appeal.

- 8.2.4. The conditions attached to the various planning permissions associated with the manufacturing processes at the site are required to be managed in accordance with an Environmental Management System (EMS), which includes details regarding the suppression of dust, and the monitoring of noise, surface and groundwater.

Conclusion

- 8.2.5. It is clear from the planning history that that there has been incremental development on the site for the past 21 years, and it would appear that the regularisation of the structures associated with the manufacturing process on the site has occurred in the main retrospectively. Nevertheless, the planning authority's response to the appeal states that there are no existing or recent unauthorised development cases on site or within the surrounding quarry site. I consider the past planning decisions made by both the planning authority and the Commission have accepted the principle of the manufacturing of concrete on the larger landholding.
- 8.2.6. Compliance with previous planning permissions falls within the remit of the Planning Authority under Section 8 of the Planning and Development Act 2000, (as amended). It is not a function of the Board and will not be addressed as part of this appeal. However, regular environmental monitoring is required to be carried out by the operator and submitted to the planning authority as part of the planning permissions outlined above and the overall landholding which includes the appeal site.

8.3. Principle of the development the subject of this appeal

- 8.3.1. The subject site is on unzoned lands within a rural area in the central lowlands character area. The central lowlands according to the Carlow County Development Plan (CDP) has the capacity to absorb most types of development subject to the implementation of appropriate mitigation measures. Table 9.2 of chapter 9 of the CDP outlines that the Central Lowlands have a moderate sensitivity to the Extractive Industry. There are no protected views that would be impacted by the development.

- 8.3.2. There are a number of policies within the CDP outlined in Section 5 of this report which support the aggregate industry in the rural area, and recognises the industry is resource based. The appeal development is seeking to retain 5 structures on site which include a rock splitter building, an additional washing plant to that granted in (PL01.241819), an ESB substation, site office, and welding shed. These structures are described in the appeal submission as being required to support the existing manufacturing process and quarry use within the overall landholding.

Rock Splitter structure and associated single storey cabin/site office

- 8.3.3. The rock splitter machine breaks the larger rock and cobbles within the sand and gravel, which are then placed in bags before being sold. I recognise the benefit of having this building close to the aggregate source. I consider this process is minor in nature to the overall manufacturing facility.
- 8.3.4. There is an existing cabin next to the rock splitter structure which is being used as a site office which has an overall floor area of 4.7m². This is a small structure and is temporary for the duration of the development and would be ancillary to the overall manufacturing process.

Washing Plant (New Issue)

- 8.3.5. The washing plant the subject of this appeal is described as being smaller and secondary to the washing plant granted in ABP Ref: PL01.241819 and is located to the south of the primary (older) plant. Both plants are required in the production of concrete and according to the submitted documentation the quantum of stockpiled material is not sufficient to provide more than 2-3 days production at peak times.

The rationale for the second washing plant is that it allows for longer maintenance periods as well as unplanned shutdowns in the event the older plant breaks down or needs repair works. The applicant has stated that it is not possible to use both plants in tandem, due to the water supply, waste water piping and electrical load and that the capacity of the secondary plant is significantly less than the main plant.

Water is recirculated for reuse within the pre-existing lined settlement lagoons next to both plants, and is a 'closed loop' system. The applicant has not provided any details regarding the mechanics of the water system, the capacity of the existing

lagoons or the discharge from the washing plants, other than to state the lagoons operate at a nett loss.

When the main washing plant was granted planning permission (ABP Ref: PL01.241819) it included 2 lagoon areas to the north east within the red line boundary. I note the applicant's comments regarding the inability of both washing plants to operate simultaneously however, in the absence of any details regarding the capacity of the existing lagoons on site serving the main plant, and the location of the lagoons serving the secondary plant, there is a concern if both plants operated simultaneously that it could result in a rapid drawdown of water in the lagoons. It is not clear whether the secondary washing plant connects to the existing lagoons to the east of the main (older) plant or whether it would connect to new lagoons, which have not been detailed. The Board may wish to seek further information in this regard.

In the event that planning permission is granted for this element of the development, I would recommend a condition is attached restricting both plants operating in tandem for the reasons outlined.

ESB station building

- 8.3.6. The ESB station was installed according to the applicant to facilitate the various manufacturing plants which had previously been exceeding the electrical supply on site. Although this could suggest as raised by the third party, an intensification of activity on the site, I consider in principle this structure ensures the overall manufacturing process can continue to operate in a safe manner.

Welding Shed

- 8.3.7. The welding shed is used to maintain the metal machinery associated with the manufacturing process. I recognise the benefit of having this structure on the site to repair machinery associated with the manufacturing process, rather than being taken to another facility, and being contained within an enclosed building for the safety of the workers during inclement weather.

Minor works

- 8.3.8. The planning application form refers to retention also being sought for all associated ancillary site development works, including site levelling, lighting, cabling and

ducting. However, these have not been detailed on the drawings or in the planning report submitted with the planning application. I further note condition 9 of the P.A's decision on this development prohibited any external lighting without the prior grant of a separate application unless indicated on the submitted drawings, to limit light pollution and protect residential amenities. In the event of planning permission being granted I would recommend these elements are excluded, as it is not clear whether they are within the red line boundary or beyond this boundary. Furthermore, it is not clear the extent of levelling that has occurred.

Conclusion

- 8.3.9. There are policies at both national and local level that support the continuing need for aggregate processing and that the aggregate industry is an important infrastructure provider and for employment in the rural economy. Having regard to the planning history associated with the larger landholding, the established manufacturing plant and processes carried out on the site, I consider the retention of the structures would be acceptable in principle and would be ancillary to an established manufacturing facility within the larger landholding, which has been granted planning permission.
- 8.3.10. I do however have concerns that there is insufficient information submitted with the appeal to enable a thorough assessment to be made of the secondary washing plant and how it interacts with the adjoining lagoons. I would therefore recommend in the event the Coimisiún are minded to grant planning permission that this element of the development is removed.

8.4. Surface and ground water

- 8.4.1. The third party claims that the sand and gravel is being processed at below the water table and is unauthorised and there is a risk of groundwater being contaminated. Reference is made to a number of planning conditions not being adhered to in past permissions such as a hydrogeological report, AER and monitoring of ground and surface water associated with the larger landholding with the current appeal. The appellant also refers to a quarry in Carricruit next to his dwelling and that his well has become contaminated with high levels of manganese, due to this quarry operation. This quarry does not form part of the current appeal.

- 8.4.2. The applicant in their response confirm that they have been submitting AERs in accordance with Condition 7(e) of P.A Ref: 15/121 and would welcome a similar condition as no.11 of the P.A's grant of the current appeal proposal. I note the planning authority had no concerns regarding non compliance with previous planning conditions associated with the site, and in Carlow Council's assessment of the AA they were satisfied that the facility operates within an authorised water management system and the applicant submits annual environmental audits and quarterly reports that include the monitoring of ground and surface water quality.

Surface water

- 8.4.3. Condition 8 (c) of PL.01.241819 required monitoring to be carried out biannually upstream and downstream at the adjacent stream (Garryhundon). It is stated within the Appropriate Assessment (AA) screening there are no surface water drains within the facility and no discharges to surface waters. All surface water according to the AA is managed through the existing water collection systems/lagoons and is recycled by the washing plant. The AA screening attached biannual surface water monitoring results for the years, 2021, 2022 and 2024 both upstream and downstream of the manufacturing facility (Appendix of this document). These monitoring results indicate there is no discernible difference between the upstream and downstream quality of the water, which would indicate the existing facility is not impacting on the water quality of the Garryhundon river. Furthermore, the Emission Limit Values (ELVs) specified upstream and downstream are below the appropriate levels specified in the EPA guidelines relating to ph, BOD, Nitrate and COD levels.
- 8.4.4. There is an EPA monitoring station to the south west of the subject site (Ballynaboley Stream Orchard br) just before the Ballynaboley stream/Garryhundon river enters the River Barrow which recorded a Q value score of 3-4 (moderate rating) and 'slightly polluted' at this location in 2023.
- 8.4.5. The EPA website (accessed 25/6/2026) records the Ballynaboley stream as having a WFD status of 'poor' with significant pressures being primarily from nutrients, agriculture and unknown sources. Mining, quarrying or industry are not included within significant pressures on this waterbody. Based on the monitoring results submitted in the AA Appendix, all surface water being directed to and collected in the lagoons, and the EPA data, and there is no discharge to the river, it is unlikely

that the development the subject of this appeal would impact on the surface water quality of the neighbouring river. Furthermore, I note the Council's environment section had no objections to the development and raised no issues in this regard.

Groundwater

- 8.4.6. The subject site is underlain by a single regionally important and highly vulnerable aquifer and does not lie within a public or group water scheme supply. The AA report states there is no abstraction from or discharge to groundwater from the activities associated with the appeal development. Long term ground water monitoring has occurred at the site in relation to PL.01.241819 for the older washing plant and lagoon development granted by the Coimisiún on 31/10/13. Although the subject site does not lie within the red line boundary of the main washing plant or its associated lagoons, it lies within the overall landholding which remains the same as that in PL.01.241819.
- 8.4.7. Condition 7 (a) of PL.01.241819, required twin boreholes to be installed and these were to monitor both the bedrock and gravel aquifers at biannual intervals at the site. Condition 7 (b) of the same permission required all private wells to be monitored on an annual basis within 500m of the site to ensure the development did not affect water quality or yields. Results from the boreholes were submitted in the Appendix of the AA screening on 2 days in 2024 and 2 days in 2021. The results indicate the ground water is within drinking water standard. The deep boreholes indicate high levels of nitrates, which I consider would not relate to the processes for the development to be retained and is not replicated in the shallow borehole readings.
- 8.4.8. The upstream and downstream readings include silt pond readings which indicate the Deisel Range Organics (DRO) are below the EPA limits, which would suggest that the petrol interceptors on site are working.

Conclusion

- 8.4.9. I am satisfied that activities on the wider landholding ancillary to the subject development, are being monitored with regards to surface and ground water as required in previous permissions. The snapshot of monitoring on the wider landholding submitted in the AA screening would suggest that the activities on site are not impacting on surface or ground water quality.

- 8.4.10. The applicant in their response to the appeal state they can make the Annual Environmental reports (AERs) associated with the wider activities on site available to the Coimisiún upon request, however, I do not consider this is necessary in this instance, as according to the applicant they are made available to the Council. Furthermore, in the Planning Authority's submission to the appeal, they have no environmental concerns regarding the current development.
- 8.4.11. I note the appellant's concern about the use of a private well by the operators on site, and I have raised concerns about the water capacity for the washing plant in the preceding section in this regard. However, based on previous planning permissions regarding the overall landholding in the operator's ownership, and in particular condition 7(a-e) of PL.01.241819, there is a requirement for regular monitoring of private wells within 500m of the site, water level monitoring every 6 months for contaminants and the adjacent Garryhundon river monitored biannually. With the exception of the washing plant, I am satisfied that the development the subject of this appeal, would be monitored with regard to impact on wells within the area and that there are several planning conditions attached to the overall landholding activities to monitor water quality.

8.5. Residential and Visual Amenity

Residential Amenity

- 8.5.1. The structures the subject of retention are located within the central area of the existing manufacturing facility. Although there have been no details provided in the current development regarding noise or dust emissions from the structures for retention, namely the rock splitter, washing plant and welding shed, conditions have been attached to previous planning permissions on the overall landholding site regarding dust, noise and hours of operation. I am satisfied these conditions would apply to the subject site and given the limits would not impact on residential amenity in this regard.
- 8.5.2. The rock splitter is partially enclosed and is located close to the eastern boundary of the overall landholding separated from the railway line by a high landscape berm. It is located c.800m to the nearest residential property to the east. The welding shed which is an enclosed structure is set back further from the eastern boundary. The washing plant is positioned c.400m to the nearest residential property to the west. I

therefore do not consider these structures giving their height and distance from residential properties are visible or would impact in terms of noise on nearby residential properties. I do not consider the structures for retention would result in an increase in traffic levels to and from the site as they are ancillary to the main use and note the Council's engineer had no concerns in this regard.

Visual Amenity

- 8.5.3. The subject site is in a rural area with no specific CDP designations. The subject site is set back at its closest point c.400m from the R448. There are no scenic routes, protected views, recorded monuments or protected structures identified within the site in the CDP. The site lies within the Central Lowlands Character Area which is deemed to be moderately sensitive to development. According to the CDP this character area has the capacity to absorb most types of development subject to the implementation of appropriate mitigation measures and has a moderate sensitivity to the extractive industry.
- 8.5.4. The structures to be retained are contained within the central area of the existing quarry, and given the overall height and size of the structures, I consider the structures are set back sufficiently from the road and are screened from the surrounding area by existing berms to the south and south east of the site and are not therefore visible from the surrounding area.

Conclusion

- 8.5.5. I consider the development would not have an adverse effect on the residential or visual amenities of the area. Conditions attached to previous permissions for development at the site would ensure noise levels and dust emissions are maintained at an acceptable for the area.

8.6. Other Issues

Vexatious and frivolous

- 8.6.1. The applicant requested the Coimisiún to dismiss the third party appeal under Section 138(1) of the Planning and Development Act 2000, due to the frivolous and vexatious nature of the appeal, and the delaying tactics of the appellant. Section 138 (1) of the Planning and Development Act 2000, states the Coimisiún has

absolute discretion to dismiss an appeal if they are of the opinion it 'is vexatious, frivolous or without substance or foundation'.

- 8.6.2. Although the Planning Authority granted planning permission for the development, it was for the retention of structures on the site, so I do not therefore consider the appellant has delayed the development in this regard. However, I note the appellant's grounds of appeal relate to material planning considerations, which I have addressed in the preceding paragraphs. Therefore, having regard to vexatiousness, I am unable to advise an Coimisiún to dismiss this appeal under the said Section of the Act.

Enforcement matters pertaining to the overall landholding

- 8.6.3. I note the third party's substantial information attached to their appeal regarding non compliance and lack of enforcement action by the Council with previous planning permissions within the overall landholding, and to other quarries in the area and the applicant's and planning authority's response in this regard. The current appeal is seeking retention for 5 structures on the subject lands. As stated elsewhere within this report compliance with previous planning permissions falls within the remit of the Planning Authority and enforcement issues are not a matter for an Coimisiún.

Drawing details

- 8.6.4. The third party consider a full set of drawings is required for each of the 5 structures seeking retention. The drawings which were accepted by the P.A in their validation of the planning file, and following my site inspection, I am satisfied the drawings of the structures as presented provide adequate information in which to assess the structures.
- 8.6.5. As mentioned elsewhere the planning application form refers to other works but there have been no details submitted in this regard. I do not consider these aspects could be agreed by way of a prior to commencement condition. However, I am satisfied that the details regarding the structures and the appropriate assessment screening as submitted do not prevent an Coimisiún from making a decision on the 5 structures.

9.0 AA Screening

- 9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development would not result in likely significant effects on any European Site, namely the River Barrow and Nore SAC, or any other European Site and is therefore excluded from further consideration. An Appropriate Assessment is not required. (Appropriate Assessment screening is attached to Appendix 3 of this report).
- 9.2. This determination is based on:
- The nature, scale, and water management of the development,
 - The separation distance to a European site,
 - The lack of a direct hydrological connection between the development and a European site.

10.0 Water Framework Directive

- 10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive. Having considered the nature, scale, and location of the development, it is concluded that the development will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

- 11.1. On the basis of the above assessment, I recommend a split decision for the development.

11.2. **Grant permission** for the retention of the following elements of the development:

- Rock splitter, site cabin, ESB substation and welding shed for the reasons and considerations set out under Schedule 1 below together with the conditions thereunder.

11.3. **Refuse permission** for the retention of the following elements of the development:

- Washing plant and associated works including site levelling, cabling and ducting for the reasons and considerations set out under Schedule 2.

Schedule 1

11.4. **Reasons and Considerations**

Having regard to the planning history relating to the site and overall landholding, the nature and extent of the development to be retained, it is considered that, subject to compliance with the conditions set out below, the retention of the rock splitter, site cabin, ESB substation and welding shed would not be prejudicial to public health, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

11.5. **Conditions**

1. The development shall be retained in accordance with the plans and particulars lodged with the application on 23rd day of December 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 within 3 months of the date of this order and the development shall be carried out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This rock splitter, welding shed, ESB substation and site cabin shall be retained and carried out in accordance with the terms and conditions of the planning permissions granted by An Bord Pleanála under PL01.238351 and PL01.241819, save as amended or otherwise by the terms and conditions of this grant of permission.

Reason: In the interest of clarity and the proper planning and development of the area.

3. The developer shall include the structures hereby retained in the Annual Environmental Report to the Council each year in accordance with condition 7 of PL.15/121.

Reason: In the interest of environmental protection and safeguarding local amenities.

4. 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.

Schedule 2

11.6. Reasons and Considerations

The Coimisiún is not satisfied, on the basis of the documentation submitted with the planning application and appeal that sufficient information has been provided to permit a complete assessment of the water mechanisms associated with the secondary washing plant and the absence of detailed drawings regarding site levelling, cabling and ducting, and in particular water mechanism of the lagoons associated with the washing plant. Accordingly, the Coimisiún cannot conclude that the washing plant would not impact on public health in this regard and would not constitute proper planning and sustainable development.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Catherine Dillon
Planning Inspector

7th July 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PI-500902-CW-26
Proposed Development Summary	Retention of a rock splitter, washing plant, ESB substation and welding shed at the existing aggregate processing and concrete manufacturing facility and retention of site development works including site levelling, lighting, cabling and ducting. Refer to Section 2.0 of this report for a full description of proposal.
Development Address	Subject site is located within an existing quarry site associated with the manufacturing and processing of aggregate materials and occupies a total area of approximately 0.7 hectares, within an overall landholding of c. 42 hectares at Powerstown, Milford, Co.Carlow.
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	N/A
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	<i>Class 13. Changes, extensions, development and testing</i> (a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:- (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and (ii) result in an increase in size greater than – - 25 per cent, - or an amount equal to 50 per cent of the appropriate threshold, whichever is the greater. The subject site would have a site of 0.7 ha and a total floor area of 329m² and is therefore below the stated threshold.
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	500902-CW-26
Proposed Development Summary	Retention of a rock splitter, washing plant, ESB substation and welding shed at the existing aggregate processing and concrete manufacturing facility and retention of site development works including site levelling, lighting, cabling and ducting. Refer to Section 2.0 of this report for a full description of proposal.
Development Address	Subject site is located within an existing quarry associated with the manufacturing and processing of aggregate materials and occupies a total area of approximately 0.7 hectares, within an overall landholding of c. 42 hectares at Powerstown, Milford, Co.Carlow. The closest surface waterbody, the Garryhundon River is located approximately 20m at its closest point to the east of the subject site. This river flows in a westerly/south westerly direction and joins the Ballynaboley stream before it enters the River Barrow and River Barrow & River Nore SAC (002162), c.500 to the west of the site.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Retention sought for Rock splitter shed floor area 120.75m² & associated cabin 4.7m². Secondary Washing plant -c60.1m long & max height c11m. ESB substation- floor area 13.5m² Welding Shed-floor area -190m² Total area = 329m² The washing plant is a critical element in the production of washed aggregates for concrete and dry mortar sand. Water from the process is recirculated for reuse within the pre-existing lined settlement lagoons and is a 'closed loop'

	system. There are no surface water drains within the facility or discharges to surface waters. Water monitoring has been conducted both upstream and downstream of the overall subject site as required under PI.01.241819. The attached surface and ground water testing results submitted as appendix to the AA screening report indicate there is no ongoing contamination through the use of the washing plants. It is stated only one washing plant can operate at a time, and the water supply and associated piping does not allow both to operate at the same time. There is no discharge to the river. The development has a modest footprint, compared to the overall landholding, does not require demolition works, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, the site is not subject to flooding or is not vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The site is located in a rural area c.4km north of Leighinbridge village. The immediate area surrounding the site is populated with a number of rural one off housing on the local roads surrounding the site. It is adjacent to an existing quarry and the structures the subject of this appeal would be ancillary to an existing concrete manufacturing plant, which has been granted planning permission. The development is removed from sensitive natural habitats, and designated sites and landscapes of identified significance in the County Development Plan. There are no cultural or archaeological sites of significance within the vicinity of the site. Having regard to the scale of the development to be retained, the continuous environmental monitoring associated with the overall site including dust, noise, surface & ground water, well monitoring and the submission of an Annual Environmental Report regarding the overall site, it is

	considered there would be no impacts on the ecological sensitivities of the River Barrow & River Nore SAC.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the modest nature of the development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA Given the relatively small scale of the development and its location, cumulative impacts are considered to be slight and neutral.
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	No

**There is a real
likelihood of
significant
effects on the
environment.**

No

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 3: AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: ACP PL-500902-CW-26	
Step 1: Description of the project and local site characteristics	
Brief description of project	The proposed development is seeking retention of an unauthorised development including a rock splitter, aggregate washing plant, welding shed and ESB sub station. Retention is also being sought for all associated ancillary works including site levelling, lighting, cabling and ducting. Refer to Section 2 of this report. There are currently 2 washing plants on the site, which includes the one for retention as part of this application. The AA screening report states that the 2 plants cannot operate simultaneously and that water from the process is circulated for reuse within the pre-existing lined settlement lagoons. It is not stated where the secondary washing plant obtains its water.
Brief description of development site characteristics and potential impact mechanisms	The subject site is c.0.7 hectares and forms part of a larger landholding area comprising c.42 hectares. The main habitats that occur within the site are not considered to provide suitable habitat for any rare plant species and the subject site does not currently support habitats of ex-situ ecological value for potential qualifying interests. The closest surface waterbody, the Garryhundon River is located approximately 20m to the east of the subject site. This river flows in a westerly direction and joins the Ballynaboley stream before it flows into the River Barrow. The River Barrow is c. 500m to the west of the development and is part of the River Barrow and River Nore SAC (002162). It is stated there is no abstraction from or discharge to ground or surface water from the development and all surface water is collected in lagoons and recycled by the washing plants.

	The subject site is located within the River Barrow surface water catchment and Hydrometric Area 14 of the Southeastern River Basin District. The site is underlain by a regionally important bedrock aquifer with high ground water vulnerability.
Screening report	Yes- with attached surface water, ground water and waste water monitoring results dated 2021,2022, & 2024.
Natura Impact Statement	No
Relevant submissions	Third party submission considers that the AA screening report is based on a desk top survey only and an adequate assessment of environmental impacts, particularly on the River Barrow & River Nore SAC have not been adequately addressed and an NIS is required.

Additional Information:

The AA screening report states a site walkover (undated) was carried out in addition to reference to various databases.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

There are 2 Natura 2000 sites located within the zone of influence of the subject site boundary, the River Barrow & River Nore SAC (002162) and Slaney River Valley SAC (00781). The Slaney River Valley SAC was screened out by the Applicant, as it lies within a different surface water catchment to the site. Refer to Table 4.1 of the AA document which also includes 1 NHA and 6pNHAs. I note that no further range of European Sites is necessary for consideration in relation to this development.

European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
River Barrow & River Nore SAC (002162)	CO002162.pdf (6/6/2025 Version 2)	c.0.5km to the west of the site	Hydrologically connected via Garryhundon river	Yes

			Potential for surface water run off to SAC.	
Slaney River Valley SAC (00781)	CO000781.pdf (21/10/2011 Version 1)	c.13.9km to the east of the site	No hydrological connection	No

¹ Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³ if no connections: N

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

Given the proximity of the site to the Garryhundon River to the east and south of the subject site which flows west into the Barrow River and River Barrow & River Nore SAC which is c.500m to the west of the appeal site, potential effects could occur due to surface run off from the structures and the movement of material on the site to and from the rock splitter shed and washing plant, and collection and abstraction of water from the lagoons on site associated with the washing plant.

Potential impacts to the Slaney River Valley SAC have been ruled out due to the separation distance and absence of connections.

AA Screening matrix

The development the subject of this appeal has been carried out, impacts generated during the construction of the structures cannot be assessed but the operation phase of the development can be considered.

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: River Barrow & Nore SAC (002162)	Direct: No direct impact with SAC Indirect: Potential impacts could occur due to impacts on water quality from	Negative effects on habitat quality & function could undermine conservation objectives related to water quality.

Conservation Objectives	surface water run off, noise and dust during the operational phase.	
(M) Maintain		
(R) Restore	Significant impact on habitat loss, foul water discharge and spread of invasive species, have been ruled out during operational phase.	
1016 Desmoulin's Whorl Snail (M)		
1029 Freshwater Pearl Mussel (R)		
1092 White-clawed Crayfish (M)		
1095 Sea Lamprey (R)		
1096 Brook Lamprey (R)		
1099 River Lamprey (R)		
1103Twaite Shad (R)		
1106 Salmon (R)		
1355 Otter (R)		
1130 Estuaries (M)		
1140 Mudflats and sandflats not covered by seawater at low tide (M)		
1170 Reefs (M)		
1310 Salicornia & other annuals		

colonising mud and sand (M) 1330 Atlantic salt meadows (R) 1410 Mediterranean salt meadows (R) 1421 Killarney Fern (M) 3260 Water courses of plain to montane levels (M) 4030 European dry heaths (M) 6430Hydrophilous tall herb fringe communities (M) 7220 Petrifying springs with tufa formation (M) 91A0 Old sessile oak woods (R) 91E0 Alluvial forests (R)		
	Likelihood of significant effects from proposed development (alone)? Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A	
Step 4: Conclude if the proposed development could result in likely significant effects on a European site		

The subject site and adjacent watercourse are not located within the River Barrow & River Nore SAC and there will therefore be no direct impacts on the SAC or its QI habitat or species.

Potential impacts could arise from any deterioration in water quality as a result of uncontrolled or unmitigated release of sediments and pollutants to the adjacent water course., which in turn could have localised impacts on QI species within the River Barrow & Nore SAC.

The development has already been carried out, and it is stated in the AA screening report that the development was carried out in accordance with best practice standards, and controls were implemented as part of the project to protect surface water quality of the nearby Garryhundon river. These control measures are stated as being part of the overall EMS associated with the larger manufacturing facility. Notwithstanding these concerns, the development has taken place within the boundaries of the site and are small in scale. Previous water monitoring has indicated that to date no discernible difference in water quality downstream of the site compared to upstream.

The SAC does have species dependent on water quality, but the development as described would not have any surface water discharge during the operational phase of the development.

Map 7 of the Conservation Objectives for this Natura site indicates the presence of crayfish to the south west of the site along the River Barrow. The conservation objective for this species is to maintain its favorable conservation condition and it is dependent on water quality of at least Q3-4.

However, there are no surface water drains within the site and no discharge to surface waters which could act as pathways to any Natura 2000 site. The surface water from the buildings are collected on site and directed to the lagoons which are part of a 'closed loop' system and the gravel sub grade across the site provides a permeable surface to filter surface water run off.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the River Barrow & River Nore SAC in view of the conservation objectives of this site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature, scale, and water management of the development,
- The separation distance to a European site,
- The lack of a direct hydrological connection between the development and European site.

Appendix 4: Water Framework Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	500902-CW-26	Townland, address	Powerstown, Milford, Co. Carlow
Description of project		Retention of rock splitter, washing plant, welding shed & ESB sub station associated with an existing quarry and manufacturing plant. The washing plant is a secondary plant to an existing washing plant permitted under (PL01.241819). The washing plant washes the aggregates for concrete and dry mortar sand. The water is harvested within the lagoons and reused in the process to wash aggregates.	
Brief site description, relevant to WFD Screening,		Regionally important bedrock aquifer that is capable of supplying regionally important water supplies. Site lies on highly vulnerable aquifer with characteristics that make it highly vulnerable to contamination by human activities. Site does not lie within a Public Supply Source Protection Area.	
Proposed surface water details		It is stated the surface water from the overall landholding is transferred to existing lagoons on the site which is in turn is used as a water source for the washing plants on site.	
Proposed water supply source & available capacity		Not stated, although the application form states existing well. Uisce Éireann commented on the application and had no objections as the development the subject of this appeal was not connecting to any of UE's infrastructure. In P.A Ref: 14/67 adjacent quarry was to avail of lagoons on site to east.	

Proposed wastewater treatment system & available capacity, other issues			Not applicable.			
Others?			The third party submission to the extraction below the water table associated with the quarry on the larger landholding and a number of quarries in the area. His well has high levels of manganese as a result of proximity to Carricruit quarry- not the subject site.			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	c.430m to south of subject site	Ballynaboley Stream _010 IE_SE_14B080700	Poor	At risk	Nutrients, Agric & unknown impact type	Potential surface water run off
River waterbody	c.20m to east &100m to south	Garryhundron River IE_SE_14B080700	As above	As above	As above	As above
Ground waterbody	Underlying site (east)	Bagenalstown Lower IE_SE_G-157	Moderate	Not at risk	No pressures	Infiltration & seepage Hydrocarbon spills

Ground Waterbody		Underlying site (west)	Athy-Bagnelstown Gravels IE_SE_G_160	Poor	At Risk	Ag, Nutrients	As above
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE –							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if ‘screened’ in or ‘uncertain’ proceed to Stage 2.
1.	Surface	Ballynaboley Stream _010/ Garryhundon river	Via Garryhundon river into Ballynaboley stream via drainage and uncontrolled run off during works	Siltation, pH (Concrete), hydrocarbon spillages	Works have already been carried out. AA states Standard Best Practice measures were carried out during construction.		Works already carried out

2.	Ground	Bagenalstown Lower IE_SE_G-157	Drainage	Spillages	As above		Works already carried out
3.	Ground	Athy-Bagenalstown Gravels IE_SE_G_160	Drainage	Spillages	As above		As above
OPERATIONAL PHASE							
3.	Surface	Ballynaboley Stream _010/ Garryhundon river	No direct pathway	Hydrocarbon spillage	Surface water collected on site into lagoons	No	Screened out- No discharge to surface water
4.	Ground	IE-SE-G-157 & IE_SE-G16	No direct pathway	Spillages	No abstraction or discharge to ground water	No	Screened out- closed loop system
DECOMMISSIONING PHASE							
5.	NA						