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An Bord Pleanala,
64 Marlborough Street
Dublin 1

12th April 2019

**Re: Section 261A (Substitute Consent) application in respect of a sand and gravel pit
located at Roscat, Tullow Co. Carlow**

An Bord Pleanala Ref: ABP-303084-18; Carlow Co. Co Ref: QY12/28

Dear Sir/Madam,

Earth Science Partnership Ltd. (ESP), Consulting Engineers, Geologists and Environmental Scientists, were commissioned by Kilcarrig Quarries Ltd. to prepare a Substitute Consent application for an existing sand and gravel pit development located at Roscat, Tullow, Co. Carlow. The Substitute Consent application is for an area of 4.7 hectares and is accompanied by a remedial Environmental Impact Assessment Report (rEIAR) and a remedial Natura Impact Statement (rNIS).

Substitute Consent is a special provision made for quarries/gravel pits under Section 261 A of the Planning and Development Act 2000 (as amended) whereby for a limited period quarries/pits would be allowed (and in fact required) to apply for Substitute Consent which essentially requires submitting a planning application with either a remedial Environmental Impact Assessment Report and/or a remedial Natura Impact Statement An Bord Pleanala.

By Order dated 22nd August 2012, Carlow County Council issued a notice pursuant to Section 261A, with a decision under Section 261A (4) (a) and that the Council intended to issue an Enforcement Notice under Section 154 of the Planning and Development Act 2000, requiring the cessation of operations at Roscat Sand and Gravel Pit and the taking of such steps as the Authority considers appropriate.

Following this decision, a review was lodged with An Bord Pleanala (APB) by SLR Consulting Ireland on behalf of the then previous pit owner on 11th September 2012.

An Bord Pleanála reviewed the Local Authority Section 261A (2) (a) Determination and Section 261A (4) (a) Decision and confirmed the Local Authority Determination and set aside the Local Authority Decision. In setting aside the decision, the Board stated that:

- a) Permission was granted in respect of this quarry (Planning Authority Reg. CW7850) under Part IV of the Local Government (Planning and Development) Act 1963, and*
- b) The requirements in relation to registration under Section 261 of the Planning and Development Act, 2000 (as amended) were fulfilled.*
- c) Therefore it is considered that the requirements of Section 261A(3)(i) and Section 261A(3)(a)(ii) had been met.*

This was detailed in the An Bord Pleanála Order dated 10th October 2013.

As such, in accordance with Section 261A (10) of the Planning and Development Act 2000 (as amended), the owner/operator should be instructed by the Planning Authority to submit an application for Substitute Consent and the application should be accompanied by a rEIS (now rEIAR) and rNIS. However, although this recommendation was made in October 2013, the Planning Authority only issued direction to apply for Substitute Consent on 25th October 2018, possibly as the site was not in use since 2008 and the previous owner was in receivership in 2012. As such, no application for Substitute Consent was submitted in the meantime. It is noted that the current owner (applicant) requested the Section 261A (10) notice as soon as the title to the land was clear i.e. as the first point of legal entitlement.

This present application is being made in compliance with this the direction to apply from Carlow County Council.

Please see the attached documents and drawings relating this development. Enclosed are copies of the necessary documents as requested as part of the application. These are as follows:

- A cheque for the application fee;
- 6 copies of the signed application form;
- 6 copies of the newspaper notice (including 1 original);
- 6 copies of the site notice;
- 6 copies of all drawings to the required/agreed scales;
- 6 copies of the Remedial Environmental Impact Assessment Report (rEIAR);
- 6 copies of the Remedial Natura Impact Statement (rNIS);
- 6 copies of the email regarding to the EIA Portal Conformation Notice.
- 1 CD containing all of the documents listed above.

I trust that this is to your satisfaction, however, should you have any queries or any further requirements in relation to the attached please do not hesitate to contact me. My contact details are listed above.

Yours sincerely,

A handwritten signature in black ink, reading "Patrick O'Donnell". The signature is fluid and cursive, with the first name "Patrick" and the last name "O'Donnell" clearly distinguishable. The signature is written over a thin horizontal line.

Patrick O'Donnell. C Eng, BSc.Eng, Dip Eng, MIEI IEI