

Lita Clarke

De RB

From: Appeals <Appeals@kildarecoco.ie>
Sent: Wednesday 19 March 2025 14:49
To: Appeals2
Subject: ABP 321578-24 Substitute Consent Report to ABP 19-3-2025
Attachments: ABP 321578-24 Substitute Consent Report to ABP 19-3-2025.pdf

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Hello

Please see Kildare County Council response to ABP 321578-24 Substitute Consent Report under section 177E to ABP 19-3-2025

Thanks and regards,

Catherine

Asst Staff Officer,

Planning Department,

Kildare County Council, Áras Chill Dara, Devoy Park, Naas, Co.Kildare.

W91 X77F

Contact: 045 980467: cehoward@kildarecoco.ie



Tá an ríomhphost seo príobháideach agus ní ceadmhach úsáid an ríomhphoist seo d'éinne ach don té ar seoladh chuige é. D'fhéadfadh go mbeadh eolas ann atá faoi phribhléid agus rúnda de réir an dlí. Munar duit an ríomhphost seo, déan teagmháil leis an seoltóir chomh luath agus is féidir. D'fhéadfadh nach iad tuairimí Chomhairle Contae Chill Dara na tuairimí atá curtha in iúl sa ríomhphost seo. Déanann Comhairle Contae Chill Dara iarracht ríomhphoist a chosaint ó víris. Mar sin féin, moltar duit gach ríomhphost a scanadh, mar ní ghlacann an Chomhairle aon dliteanas i leith damáiste do do chórais. Le haghaidh eolas ar do chearta príobháideachta agus ar conas a bhainistimid sonraí pearsanta, logáil isteach ar <https://kildarecoco.ie/YourCouncil/GovernanceandCompliance/DataProtection/> Chun do chuid sonraí pearsanta a nuashonrú cuir ríomhphost chugainn ag customercare@kildarecoco.ie Caithfidh tú deis a thógáil don Chomhairle cé thú féin a chinntiú trí cruthúnas céannachta agus/nó seoladh a sholáthar, sula ndéanaimid aon athruithe.

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Kildare County Council

**Planning Department.
045-980845.**

**Date: 19th March 2025
Your Ref: ABP-321578-24.**

EMAIL
appeals@pleanala.ie

**Application for substitute consent for quarry
Re: Quarry Development at Hempstown Commons, Blessington Co. Kildare.**

Dear Sir/Madam,

I refer to your letter dated 08/01/2025.

This is a report pursuant to Section 177I (1) of the Planning and Development Act in relation to the application for substitute consent. Planning permission is being sought by Shillelagh Quarries Ltd. for a substitute consent under Section 261A of the Planning and Development Act 2000 (as amended) for a quarry. ABP Case number 321578-24 refers.

1. Description of development and background information

Substitute consent is being sought for a quarry located within the townland of Hempstown Commons, Blessington, Co. Kildare.

The applicant, owner and operator of the quarry is Shillelagh Quarries Ltd. (SQL).

The application seeks substitute consent for the following:

- Continuance of quarrying operations following the expiry of permission on 29/12/2019;
- Pumping of collected waters from the quarry void space to soakaways located within the south of the site – the soakaways on site comprise 1 no. primary soakaway and 1 no. smaller soakaway used to manage overflow of surface water from the primary soakaway as required;
- The upgrade of an existing closed-system wheelwash through the installation of dry grate and a larger capacity tank.

The substitute consent application is made concurrent with an application to further develop the quarry at this location under Section 37L of the Planning and Development Act 2000 as amended.





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The development consists of a quarry over an area of 5.1ha with a final floor of 210mAOD. The reserve consists of greywacke which is extracted by blasting. Blast rock is broken, crushed and graded at the working face or adjacent to the quarry area, by mobile plant.

The quarry has existing staff welfare facilities, 1 no. weighbridge control room, 1 no. weighbridge, 1 no. wheelwash and 1 no. abstraction borehole. The quarry has 1 no. diesel generator and 1 no. pump and 2 no. soakaways. The substitute consent application site area is 10.05ha.

The quarry is accessed via a privately owned lane-way connecting to a local road (L6030) which connects to the N81.

The existing quarry has been in use since the 1940s and has been registered under Section 261 of the Planning and Development Act 2000 with Kildare County Council under Quarry Ref QR39. Subsequent planning permission for continuance of quarrying operations was granted by Kildare County Council under reg ref 07/443, ABP PL09.233338 in October 2009 and which expired on 29/12/2019.

Site Location / Context.

The site is located approximately 3.5km north of Blessington on the western side of the N81 within the rural town land of Hempstown Commons. The site is located wholly within County Kildare. However, the north-eastern boundary of the site marks the county boundary between County Kildare and County Wicklow.

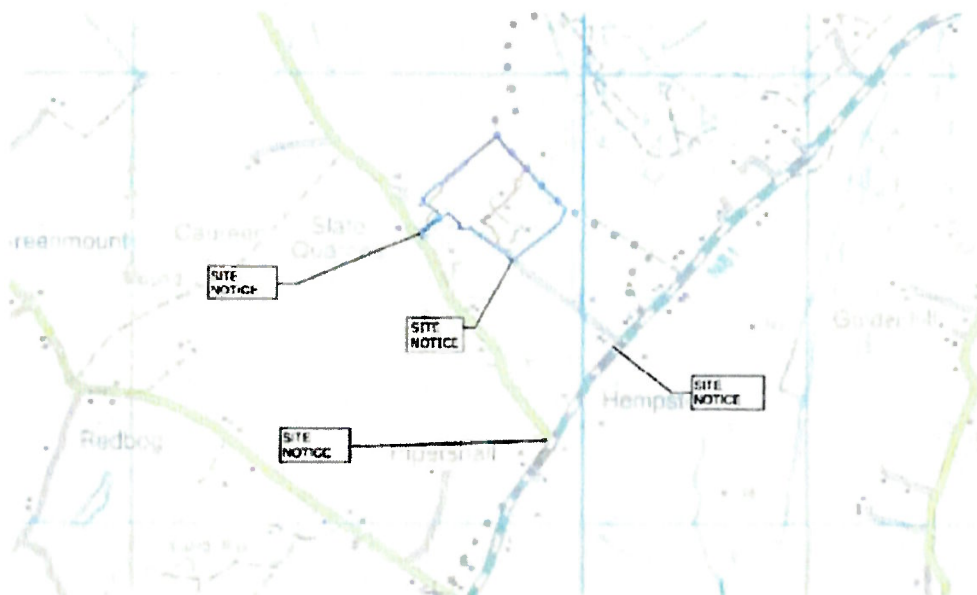
The site comprises an existing operational quarry over an area of approximately 5ha, located within a wider area characterised by a mix of other quarrying operations, agricultural uses, and rural housing located along the approach roads to the site.





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Access to the site is via the local road (L6030) to the south-west of the site, connecting to the N81 to the south-east. A network of internal roads/tracks traverses the site for the purposes of the operations taking place on site.



Site location map extract from application



Approximate site location of lands of retrospective EIAR

KCC GIS System

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Site location – substitute consent area within retrospective EIA site area – extract from application

Operations on site include extraction of rock within an area of approximately 5ha, through drilling, blasting and mechanical breaking of greywacke (and shale) rock, mobile crushing and screening of the rock into specific aggregate sizes, temporary stockpiling of screened aggregate in an area to the south and west of the quarry void space and loading aggregate materials onto road trucks for sale and distribution. Periodic drilling and blasting is undertaken by a third party to extract rock.

Mechanical equipment on site includes 1 no. rock breaker, 2 no. excavators, 1 no. primary crusher, 1 no. secondary crusher, 1 no. tertiary crusher, 2 no. screeners 0.5, 2 no. wheel loading shovels, 2 no. 26T articulated haulers. In addition, the site also contains a wheelwash, weighbridge, office, staff facilities, mobile plant and associated infrastructure. An on site "office cabin" container contains the welfare facilities and the weighbridge control room and site office.

There are no naturally occurring watercourses on site. A soakaway pond and overflow pond are located close the south western boundary.

Built / Natural Heritage

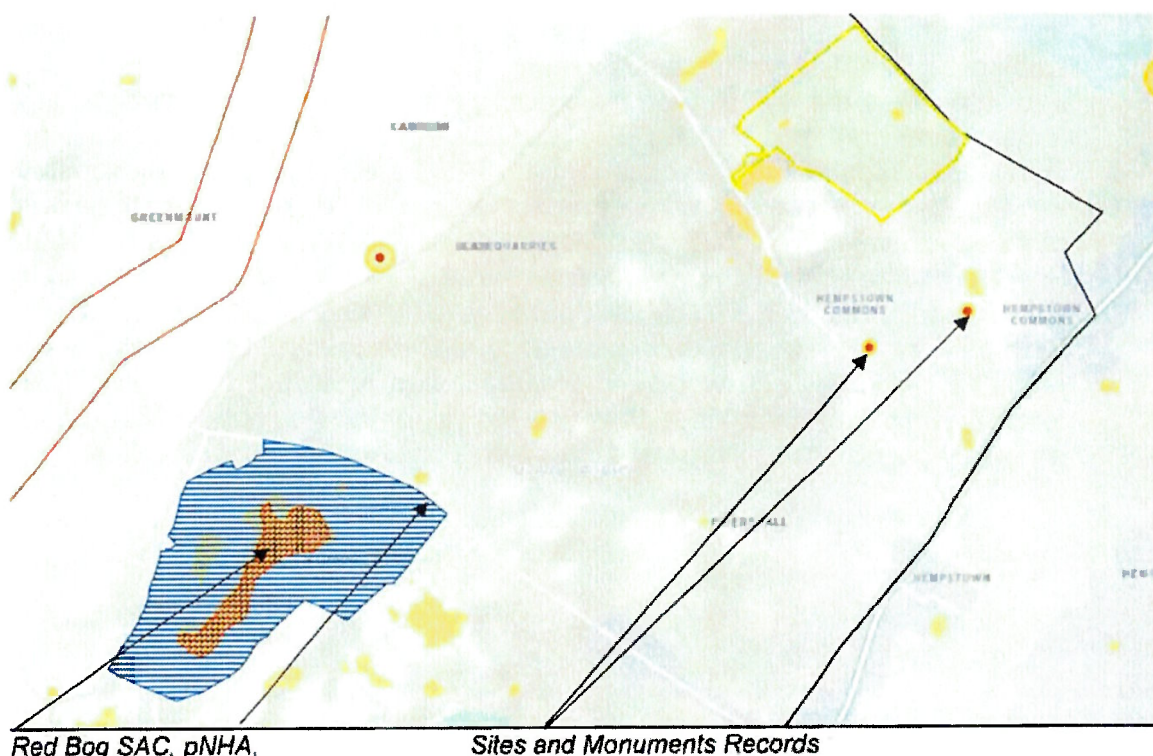
There are no records from the National Inventory of Architectural Heritage, the Kildare County Council Record of Protected Structures or the Wicklow County Council Record of Protected Structures located within 1km of the site.



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There are approximately 6 no. features from the National Monuments Service Record of Monuments and Places located within 1km of the site, the closest 2 no. of which are referred to as a cist (KD020-016) and rock art (KD020-015002) and are situated approximately 350m south of the site.

The site is located approximately 1.5km north east of Red Bog Special Area of Conservation and pNHA. Red Bog is of ornithological significance and breeding birds recorded from the site include Mute Swan, Mallard, Tufted Duck, Coot, Moorhen, Snipe and Black-headed Gull. Red Bog 000397 SAC Qualifying Interests include Transition mires and quaking bogs.



Landscape Character.

The site is located in the Eastern Uplands Landscape Character Area – a Class 3 high sensitivity landscape character area described as:

'Areas with reduced capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape having regard to prevalent sensitivity factors.'

In addition to the East Kildare Uplands Landscape Character Areas and the sensitivity of these areas to development, there are certain special landscape areas within the county, some of which overlap with sensitive landscapes. These areas have been identified as Areas of High Amenity.

The East Kildare Uplands is identified at Section 13.4.12 of the Kildare County Development Plan 2023 – 2029 as follows:





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"The Eastern Uplands are located in the east of the county and are part of the Wicklow Mountain complex. The topography rises from the lowland plains, through undulating terrain to the highest point of 379m above sea level (O.D.) at Cupidstownhill, east of Killeel. The elevated nature of this area provides a defined skyline with scenic views over the central plains of Kildare and the neighbouring Wicklow Mountains which further define the skyline and the extent of visibility. The East Kildare Uplands are rural in character with a number of scenic views from elevated vantage points. The general land use on the uplands is pasture, with some tillage, quarrying and forestry.

Along a number of roads, which cross the upper and lower slopes of the uplands, there are long-distance views towards the Kildare lowlands and the Chair of Kildare. The sloping land provides this area with its distinctive character and intensifies the visual prominence and potential adverse impact of any feature over greater distances. Public roads traversing the slope provide an increased potential for development to penetrate primary and secondary ridgelines when viewed from lower areas and in a few areas the recent pattern of ribbon development obscures views across the plains of Kildare. In the Eastern Kildare Uplands, nearly all ridgelines are secondary when viewed from the lowland areas, as the Wicklow Mountains to the east define the skyline (i.e. form primary ridgelines). Gently undulating topography and shelter vegetation provided by conifer and woodland plantation can provide a shielding of built form. Views of the River Liffey Valley as well as of the Poulaphouca Reservoir are available from the hilltops and high points on some of the local roads."

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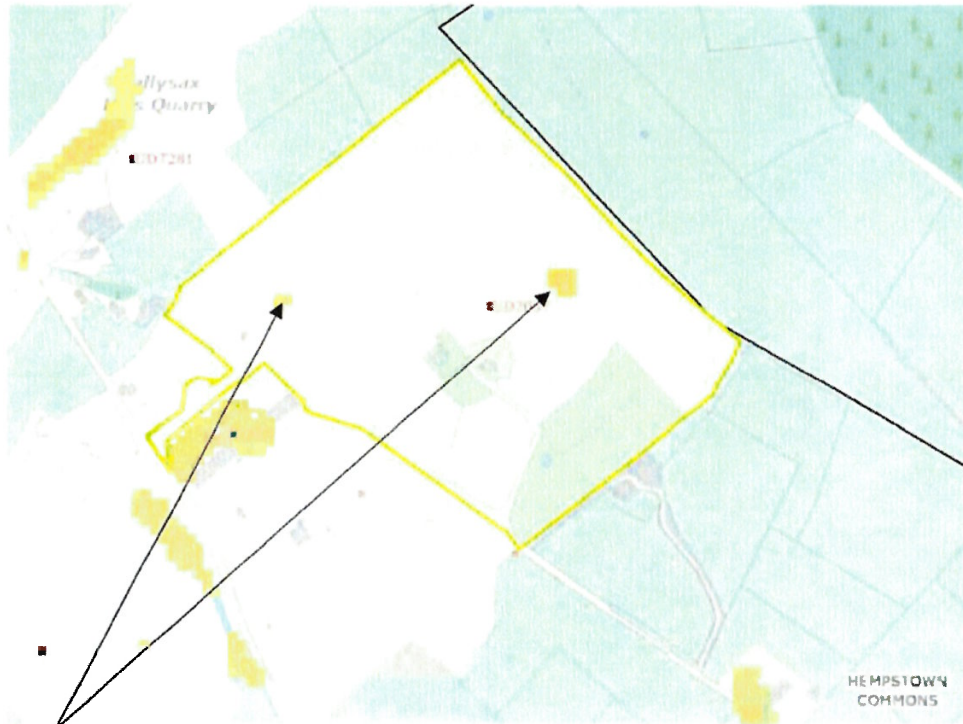
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Flood data

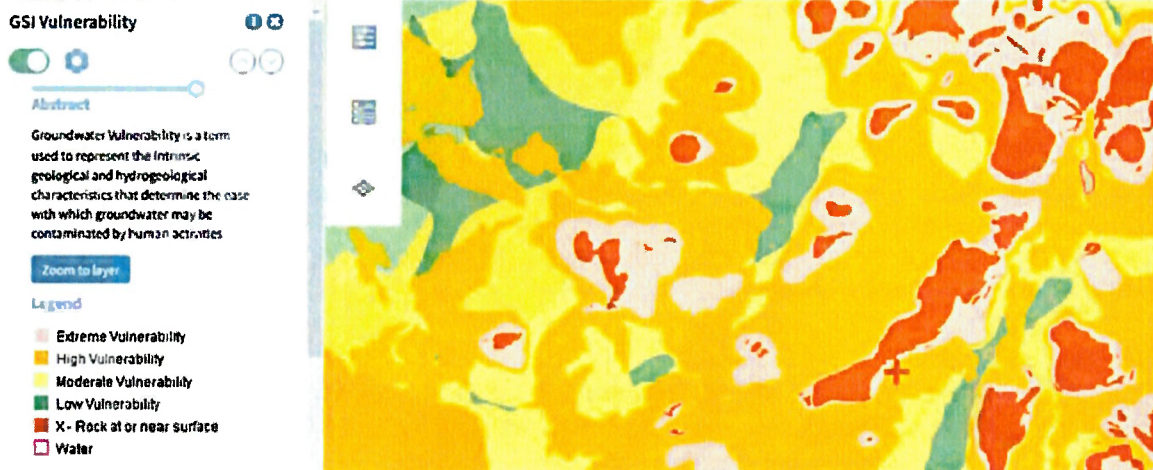
The site is not located within any designated flood zone. There is some evidence of pluvial flooding on site as can be seen from the GIS Mapping.



Pluvial flood data

Groundwater.

The site is located within an area of high groundwater vulnerability as per EPA online mapping and data sets.



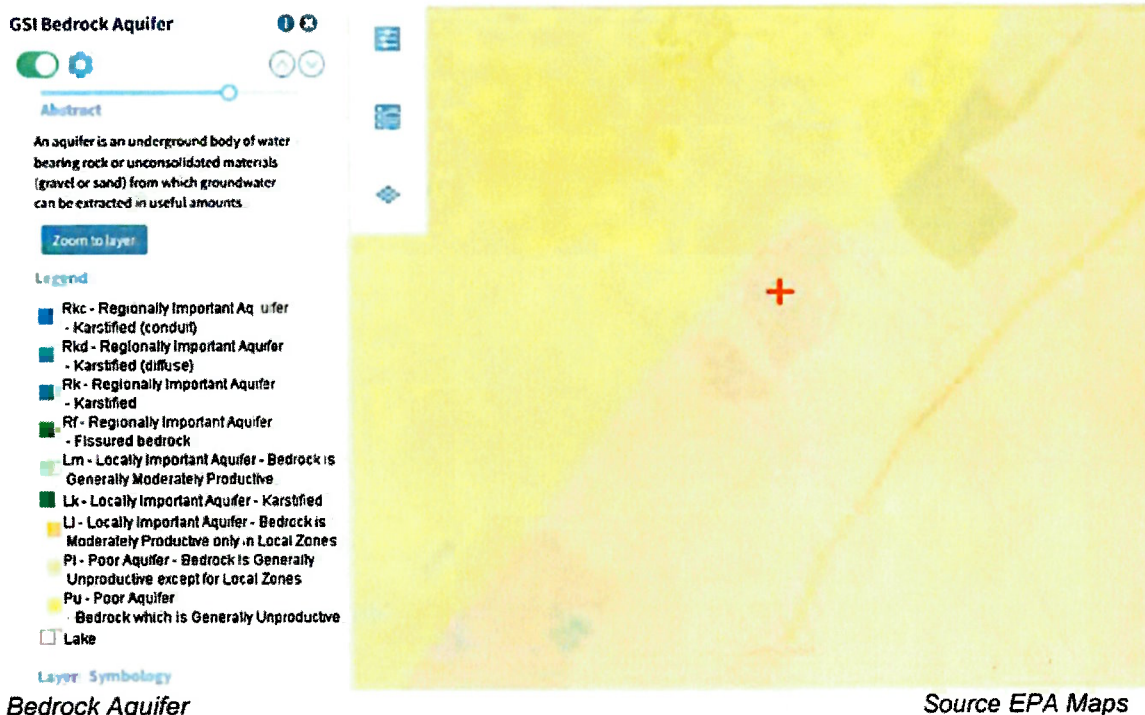
Groundwater Vulnerability

Source: EPA Maps

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The GSI bedrock aquifer data set identifies the site as being located within a poor aquifer where bedrock is generally unproductive except for local zones. Furthermore, the site is not located on a locally or regionally important gravel aquifer.



Geological Heritage.

The site is identified as an audited site on the Geological Survey of Ireland Spatial Resources. Described as Slate Quarries – a series of quarries on the hillside.

The GSI report identifies the following:

Main Geological or Geomorphological Interest

The Townland of Slate Quarries in east Kildare, near Blessington is notable for its Slate Quarries. These slates can be seen in a range of quarries. Kearney Seal Quarries is the most northerly, Stresslite operate in the middle quarry and Frank Murphy Ltd. has the lower quarry and the workings to the south of the road through the site. Although the original small quarries were probably for poor quality roofing slates, modern extraction is concentrated in three quarries run by different companies. Their output is for aggregate and concrete products, no longer for slates, which nowadays are generally imported.

Site Importance.

The link between the name of the Townland, and the history of use of a natural earth resource is a strong reason for marking this area as a County Geological Site (CGS), and a good place to actually see the rocks well exposed.

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Management/promotion issues.

The proposal to include these working quarries as a CGS in no way is intended to limit the operations, but simply to mark their value as a place to see local geology well exposed, and to make the powerful connection between geology and people's everyday lives.

Link to report below:

https://gsi.geodata.gov.ie/downloads/Geoheritage/Reports/KE004_Slate_Quarries.pdf

2. Relevant Planning History.

See KCC details already submitted.

ABP PL09.233338 – ABP decision amended conditions of 07/443.

Permission granted for 10 year period. Permission EXPIRED 29/12/2019.

Planning Application.

Quarry Registration Section 261A.

QRA 20-003 – KCC decision = application for substitute consent

Referred to **ABP 09.QV0130** – ABP decision = set aside the determination of the planning authority.

07/443 – permission granted to Stresslite Tanks Ltd for continued operation of a sand, gravel, stone and rock quarry on 14.4 hectares of land. The permission is sought for a period of 30 years. The development is for the provision of aggregate materials by extraction, for construction purposes.

Quarry Registration – Section 261.

QR 39 – Planning Authority decision = submit planning application with EIS.

Enforcement.

UD7057 – Warning Letter re: non compliance with conditions of 07/443.

UD7850 – (supersedes UD7057) – continued operation of quarry after permission expired – current High Court Section 160 proceedings 2024/630.

Planning Applications.

ABP-317649-23 – Shillelagh Quarries sought leave to apply for substitute consent.

Application deemed **withdrawn**.

19/1438 – Application by Shillelagh Quarries for continuance of the following development previously permitted under Kildare County Council (KCC) Reg. Ref. 07/443; ABP Ref. PL09.233338 for the operation of a sand, gravel, stone and rock quarry extraction including rock blasting, processing (crushing and screening) of aggregate and ancillary activities on 6.87 hectares with an overall development area of ca. 18.35 hectares for a period of 10 years with a further two years to complete site restoration to agriculture. The development will consist of: (1) continued use of the

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existing entrance from the L6030, (2) internal access routes, (3) over-burden storage and screening areas/mounds, (4) relocation of weigh-bridge and site office cabin (5) continued use of the existing wheel-wash, (6) aggregate processing (crushing and screening) using mobile plant (two mobile crushing plants and mobile screen, (7) staff welfare facilities and carparking facilities, and (8) the progressive and phased restoration throughout the life of the development. Permission is also sought for (9) the demolition of a residential dwelling within the Application Site boundary. An Environmental Impact Assessment Report (EIAR), and Natura Impact Statement (NIS) will be submitted to the Planning Authority with the application. Determination: KCC determined that the application was **Invalid**.

KCC determination was subject to Judicial Review – decision = **Planning Authority decision stands**.

18/1584 – Extension of Duration Refused to Stresslite Tanks LTD. for Extension of duration 07/443 continued operation of a sand, gravel, stone and rock quarry on 14.4 hectares of land. The permission is sought for a period of 30 years. The development is for the provision of aggregate materials by extraction for construction purposes.

3. Relevant Policy/Guidance Provisions.

There are multiple National Policy Objectives relating to water, protected areas, cultural heritage landscape character, air quality and noise. The following is noted regarding extractive industry.

NPO23

Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.

Regional and Spatial Economic Strategy for the Eastern and Midland Region.

There are multiple Regional Policy Objectives relating to water, noise pollution, air quality, light pollution habitats directive and landscape character. The following is noted regarding extractive industry.

RPO 6.7: Support local authorities to develop sustainable and economically efficient rural economies through initiatives to enhance sectors such as agricultural and food, forestry, fishing and aquaculture, energy and extractive industries, the bio economy, tourism, and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage.

Quarries and ancillary activities- Guidelines for Planning Authorities April 2004.

These guidelines note the economic importance of quarries and the demand for aggregates arising from the needs of the construction industry with particular reference to house building and infrastructure provision. It is further noted that aggregates can only be worked where they occur and that many pits and quarries tend to be located within 25km of urban areas where most construction takes place.

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Chapter 2 of the Guidelines identifies appropriate development plan policies and objectives with regard to the development of quarries.

Chapter 3 identifies the potential environmental issues associated with the development of the extractive industry / quarries and recommends best practice / possible mitigation measures in respect of:

- Noise and vibration
- Dust deposition / air quality
- Water supplies and groundwater
- Natural heritage
- Landscape
- Traffic impact
- Cultural heritage
- Waste management

The Guidelines also recommend Environmental Management Systems (EMS) as a quality assurance system to measure a company's operations against environmental performance indicators.

Chapter 4 of the Guidelines refers to the assessment of planning applications and Environmental Impact Statements. It provides guidance on the information to accompany an application and the inclusion of possible planning conditions.

Chapter 5 refers to the implementation of the registration procedures set out in Section 261 of the Act.

Environmental Management Guidelines, Environmental Management in the Extractive Industry (Non-Scheduled Minerals), EPA, 2006.

These guidelines are intended to complement existing national guidance and to be of assistance to operators, regulatory authorities, and the general public (They are also complemented by the 'Environmental Management in the Extractive Industry – Guidelines for Regulators'). The guidelines provide general advice and guidance in relation to environmental issues to practitioners involved in the regulation, planning, design, development, operation and restoration of quarry developments and ancillary facilities.

The environmental management guidelines also represent a summary of current environmental management practices for quarries and ancillary facilities (including manufacturing of concrete and bituminous mixes/asphalt products, and processing of dimension stone). They are based on a review of current environmental management practice in Ireland, the UK and Europe. Under each of the key environmental issues, good environmental practice is summarised together with recommendations for the use of environmental management systems (EMSs), and emission limit values (ELVs), where appropriate.

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Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018.

The guidelines coincide with the making of the European Union (Planning & Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018) and the coming into operation of the Regulations on 1st September, 2018 in order to transpose the Directive into Irish law. The Guidelines replace *Guidelines for Planning Authorities and An Bord Pleanála on carrying out environmental impact assessment* issued by the DoECLG in 2013.

The purpose of the guidelines is to give practical guidance on procedural issues and the EIA process arising from the requirements of Directive 2014/52/EU.

Kildare County Development Plan 2023-2029.

Chapter 9 – Our Rural Economy.

Section 9.9 Mineral Resources and Extractive Industry.

The Kildare County Development Plan 2023-2029 notes that mineral resources are generally located within the rural area. Reserves of suitable material are finite, and the nature of the extractive industry is such that the industry must be developed where the resource occurs.

Whilst the environment must be protected, it is also important to ensure the availability of adequate supplies of aggregates and to facilitate the exploitation thereof to meet the future needs of the county and region in line with the principles of sustainable development and environmental management. Aggregate resources are important to the general economy.

Extractive industry can have damaging environmental effects and permission will only be granted where the council is satisfied that residential and natural amenities will be protected, pollution will be prevented, and aquifers and ground water safeguarded.

It is the policy of the Council to:

RD P8	Support and manage the appropriate future development of Kildare's natural aggregate resources in appropriate locations to ensure adequate supplies are available to meet the future needs of the county and the region in line with the principles of sustainable development and environmental management and to require operators to appropriately manage extraction sites when extraction has ceased.
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The following objectives are also noted:

RD 042	<p>Ensure that development for aggregate extraction, processing and associated concrete production does not significantly impact the following:</p> <ul style="list-style-type: none"> - Special Areas of Conservation (SACs) - Special Protection Areas (SPAs) - Natural Heritage Areas (NHAs) - Other areas of importance for the conservation of flora and fauna. - Zones of Archaeological Potential. - The vicinity of a recorded monument. - Sensitive landscape areas as identified in Chapter 13 of this Plan. - Scenic views and prospects. - Protected Structures. - Established rights of way and walking routes. - Potential World Heritage Sites in Kildare on the UNESCO Tentative List, Ireland.
RD 043	<p>Consult with the Geological Survey of Ireland (GSI), with regard to any developments likely to have an impact on sites of Geological Importance listed in Chapter 12 of this Plan.</p>
RD 044	<p>Require applications for mineral or other extraction to include (but not limited to):</p> <ul style="list-style-type: none"> - An Appropriate Assessment Screening where there is any potential for effects on a Natura 2000 site (see Chapter 12). - An Environmental Impact Assessment Report (EIAR). - An Ecological Impact Assessment may also be required for sub-threshold developments to evaluate the existence of any protected species / habitats on site. - A detailed landscaping plan to be submitted indicating proposed screening for the operational life of the site. The predominant use of native plant species in the proposed landscaping plan will be expected. - Detailed landscaping and quarry restoration plans. Habitats and species surveying shall be carried out and shall influence the restoration plan for the site. - Comprehensive Site Restoration Plan and/or After-Use Strategy having regard to the principles of 'Rehabilitation Ecology' - Transport Impact Assessment
RD 045	<p>Require, where permission is granted for quarrying / extraction of aggregates, the submission by the developer of a bond (cash deposit, bond from an insurance company or other security acceptable to the planning authority) to ensure the satisfactory completion and restoration of the site.</p>

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RD O46	Require road re-instatement work to be on-going during operations in the interests of road and traffic safety. Works undertaken to re-instate/improve the public road should be undertaken by the quarry developer or paid by them and completed by the Council.
RD O47	Protect and safeguard the county's natural aggregate resources from inappropriate development.
RD O48	Manage the finite aggregate resources being mined by the extractive industries in the county to supply the future needs of our region while working towards our climate change targets.
RD O49	Have regard to the following guidance documents (as may be amended, replaced, or supplemented) in the assessment of planning applications for quarries, ancillary services, restoration and after-use: <ul style="list-style-type: none"> - Quarries and Ancillary Activities: Guidelines for Planning Authorities, DEHLG (2004). - Environmental Management Guidelines – Environmental Management in the Extractive Industry (Non-Scheduled Minerals), EPA (2006). - Archaeological Code of Practice between the DEHLG and ICF (2009). - Geological Heritage Guidelines for the Extractive Industry (2008). - Wildlife, Habitats, and the Extractive Industry – Guidelines for the protection of biodiversity within the extractive industry NPWS (2009).
RD O50	Ensure the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas shall be informed by an assessment of the specific site/lands and shall be subject to an ecological impact assessment or other environmental assessments as appropriate. Where it is proposed to reclaim, regenerate, or rehabilitate old quarries by filling or re-grading with inert soil or similar material, or to use worked-out quarries as disposal locations for inert materials, the acceptability of the proposal shall be evaluated against the criteria set out in Section 15.96 of this Plan. The Council will resist development that would significantly or unnecessarily alter the natural landscape and topography including land infilling/ reclamation projects or projects involving significant landscape remodelling unless it can be demonstrated that the development would enhance the landscape and / or not give rise to adverse impacts.
RD O51	Require that quarry remediation plans provide for environmental benefit, biodiversity and re-wilding in all instances. The 80% requirement for environmental/biodiversity may be waived at sites close to urban areas where a significant portion of the site is being provided for sports, recreation, and amenity.

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Chapter 12 Biodiversity and Green Infrastructure.

The plan sets out to protect, manage and enhance the County's biodiversity for future generations, including sites designated at national and EU level, protected species and habitats outside of designated sites and to promote the development of an integrated Green Infrastructure network in order to improve our resilience to climate change and to enable the role of Green Infrastructure in delivering sustainable communities.

The following is relevant in the context of the application.

It is the policy of the Council to:

BI P10	Maintain and protect the conservation value of geological sites of national or local importance and seek the sustainable management of the county's geological heritage resource as listed in Table 12.7.
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It is an objective of the Council to:

BI O60	Consult with the Geological Survey of Ireland regarding any development proposals within or likely to have an impact on Sites of Geological Importance set out in Table 12.7.
BI O61	Contribute towards the protection from inappropriate development of Geological Natural Heritage Areas that become designated during the lifetime of this Plan.
BI O62	Promote, encourage, and support the provision of access to geological and geo-morphological features of interest in cooperation/consultation with landowners (where appropriate/practicable).
BI O63	Where appropriate support the restoration of Sites of Geological Importance (identified in Table 12.7).

Section 12.14.8 The Corridors (Connections).

12.14.8.9 The East Kildare Uplands Corridor

This corridor builds on the South Dublin County Council corridor (refer to the South Dublin County Development Plan 2022-28) that runs south to Saggart Hill (close to the Kildare County border) and continues it southwards to Blessington and the Poulaphouca Reservoir – following the ridge line that generally divides parts of Kildare to the west and Wicklow to the east.

It includes some of the most elevated areas of the County with significant views over the plains of Kildare to the west and views of the Wicklow Mountains and Poulaphouca Reservoir to the east. This proposed GI Corridor includes, for example Cupidstown Hill - Kildare's highest point, Rathbane, Caureen (public right of way along the ridge line) and leads southwards to incorporate the Red Bog SAC (including ponds – a wildlife hotspot) and links up with the Glending Wood/Deerpark (County Wicklow). Subject to the cooperation of Wicklow County Council, the GI Corridor could then follow the local stream and associated ponds that run to the east of Blessington, through Kilmalum (Kildare) before entering Poulaphouca Reservoir (SPA). From Glending Wood, the corridor so is proposed to run through the elevated townlands of Newtown Park, Slieveroe, Glenmore, Carrigeen, Russborough Demense and reconnecting again with Poulaphouca Reservoir.

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In addition to the features highlighted above, this GI Corridor includes a number of woodland and commercial forestry areas as well as a significant number of active and disused quarries, where after use activity should promote uses compatible with Green Infrastructure Strategy.

Chapter 13 – Landscape, Recreation and Amenity.

It is an Objective of the Council

LR 08	Ensure that all quarrying activities and projects associated with the extractive industry comply with all relevant Planning and Environmental Legislation and the Guidelines for the Protection of Biodiversity within the Extractive Industry document 'Wildlife, Habitats & the Extractive Industry'.
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Chapter 15 – Development Management Standards.

Development management standards are set out in Chapter 15 for a range of topics including car parking requirements, access arrangements and surface water management etc. Section 15.9.6 refers to extractive industry and sets out the following:

When assessing planning applications for quarry and ancillary developments, the Council will have regard to;

- Section 261 and Section 261A of the Planning and Development Act, 2000 (as amended);
- the Quarries and Ancillary Activities Guidelines 2004 and any amendments to the Guidelines which may be made, and
- the Environmental Protection Agency's (EPA) publication 'Environmental Management in the Extractive Industry (non-scheduled minerals)' 2006.

4. Planning Authority's opinion.

The principle of a quarry is supported at national, regional and local level. However, this is subject to environmental impacts such as noise, dust, landscape etc.

The development consists of a quarry over an area of 5.1ha with a final floor of 210mAOD. The reserve consists of greywacke which is extracted by blasting. Blast rock is broken, crushed and graded at the working face or adjacent to the quarry area, by mobile plant.

The existing operational quarry has been in use since the 1940s and has been registered under S.261 of the Planning & Development Act 2000 with Kildare County Council under Quarry Ref. No. QR/39.

Much of the extraction area has previously been permitted under reg. ref. 07/443 ABP PL09.233338. However that permission has since expired. There is a current application under Section 37L of the Planning and Development Act (as amended) with An Bord Pleanála to further develop the site as a quarry.

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The application for substitute consent is accompanied by a Retrospective Environmental Impact Assessment. As the competent authority for the assessment of the application, it will be necessary for the Board to conduct a robust Environmental Impact Assessment of the proposal including an assessment of the direct, indirect and cumulative impacts of the development on the receiving and wider environment. Appropriate mitigation of impacts may be necessary and these should be addressed sufficiently within the EIA of the development.

With regard to the **European Sites**, a Remedial Stage 1 Screening for Appropriate Assessment, has been submitted with the application in which it is concluded that significant effects on European Sites arising from the activities at the existing development site are deemed to be unlikely. The report indicates at Table 5.2 AA Screening that there is no hydrogeological connectivity between the application site and Red Bog SAC. **It is noted however that Table 4.1 of the Screening Report that a potential groundwater connectivity exists between the site and Red Bog SAC.** This would need to be further explored in the Board's assessment and determination on the acceptability of the Screening Report. *Note: the planning application submitted under reg ref 19/1438 (deemed invalid) was accompanied by a Natura Impact Statement.*

Blasting occurs on site at periodic intervals. Having regard to the depth of the quarry, vis a vis the topography of surrounding area, the impacts of blasting on the amenity and integrity of residential dwellings in the vicinity of the site should be carefully considered in the assessment.

Restoration of the quarry at the end of life should be undertaken in conjunction with the Council's Green Infrastructure Strategy as set out at Chapter 12 of the Kildare County Development Plan 2023-2029. The East Kildare Uplands Corridor, within which the site is located, includes a number of woodland and commercial forestry areas as well as a significant number of active and disused quarries, where after use activity should promote uses compatible with Green Infrastructure Strategy.

Restoration and after care proposals for the site (plans and section drawings), including long-term quarry face stability, long-term water pollution potential and control, removal of buildings, plant and machinery, fencing and security is required at application stage. Remediation plans should also provide for environmental benefit, biodiversity, and re-wilding rather than simply re-grassing and reverting back to agricultural use / sheep grazing. Native woodland planting should be considered.

Section 9.9.1 of the Kildare County Development Plan 2023-2029 sets out the Council's requirements regarding post closure of extractive industry. These requirements should be met with regard to the development.

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5. Conclusion.

The remit of any Planning Authority is to balance the needs of economic activity in the County with environmental and social considerations. As set out previously, the Kildare County Development Plan 2023-2029, as well as policy at national and regional level all support the principle of such mineral extraction and processing proposals, subject to environmental protection.

Therefore, having regard to the policies and objectives of the Kildare County Development Plan 2023-2029, the nature and design of the proposed development, and the character of adjoining development, it is considered that the principle of the development is acceptable.

The development must be subject to careful examination of the potential environmental impacts of the development, including satisfactory assessment of the impact of the development on European sites, as referred to in the foregoing.

Subject to the Board's satisfaction in terms of EIA and AA as presented in the application and, combined with the implementation of the mitigation measures contained within the EIAR, it is considered that development would be in accordance with the proper planning and sustainable development of the area.

Comhairle Contae Chill Dara
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6. Conditions.

Suggested conditions include, but not limited to the following:

1. Development to be in accordance with documentation received by the Planning Authority (ABP).
2. Life of the permission where appropriate including restoration.
3. Activities to be restricted to the excavation, processing, storage and haulage of rock, sand, gravel and to restoration works in accordance with the details as per public notices.
4. Development to be in accordance with the mitigation measures as set out in the EIAR accompanying the application;
5. Condition regarding European sites.
6. Hours of operation on site including strict restriction of blasting to specific time periods due to impact on residential amenity.
7. Access/Egress arrangements including lines of sight, safety, haul routes.
8. Car and other vehicle parking on site.
9. Staff welfare.
10. CEMP.
11. Lighting.
12. Signage.
13. Environmental monitoring – noise, dust, air quality, water quality, groundwater etc
14. Surface water treatment.
15. Wastewater treatment.
16. Water supply connection.
17. Post closure removal of equipment off site.
18. Appropriate restoration condition.
19. Levies, Bonds, Financial Contributions – as appropriate.

Yours sincerely,


Senior Executive Officer,
Planning Department.