

Suzanne Cleary

From: Appeals <Appeals@kildarecoco.ie>
Sent: Wednesday 23 July 2025 10:17
To: Appeals2
Subject: ABP-322722-25 Section 37L Report 23-7-2025 Further Development
Attachments: ABP-322722-25 Section 37L Report 23-7-2025.pdf

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Hello,

Please find attached Kildare County Council report for ABP-322722-25 Section 37L Report 23-7-2025 Further Development

Thanks and regards,
Catherine



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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Planning Department.
045-980845.

Date: 23rd July 2025.
Your Ref: ABP-322722-25.

EMAIL
appeals@pleanala.ie

Re: Development of land pursuant to Section 37L
Quarry Development at Coolsickin or Quinsboro, Monasterevin, Co.
Kildare.

Dear Sir/Madam,

I refer to your letter dated 11th June 2025.

This is a report pursuant to Section 37L of the Planning and Development Act in relation to the application restoration of lands through import of soil and stone to infill disused historical quarry.

Bison Quarries Ltd.

Case number ABP-322722-25

1. Description of development and background information

Bison Quarries Ltd are seeking to regularise the Development that has taken place prior to their purchase of the lands at the Application site in 2022. It is stated that BQL were not the operator of Ballykelly Quarry during its operational lifetime (c. 2000-2006), and all extraction and associated works within the quarry had ceased prior to BQL purchasing of the lands. BQL has not undertaken, and do not intend to undertake, extraction activities at the application site.

The application for substitute consent is accompanied by a remedial Environmental Impact Assessment Report (rEIAR) and remedial Stage 1 Appropriate Assessment Screening Report. This Section 177E application for substitute consent will be accompanied by, and concurrent with, an application for further prospective development of the existing quarry under section 37L of the Planning AND Development Act, 2000, as amended, which will also be accompanied by an EIAR and Natura Impact Statement.

Bison Quarries Ltd are seeking to regularise the Development that has taken place prior to their purchase of the lands. This application is now made to regularise development deemed unauthorised at the site.



It is stated by BQL that the ability to carry out an EIAR or appropriate assessment in this case has not been compromised. Although limited data is available with regard to specifics of the operational life of the quarry, the operation and design of the quarry during its active life has been determined from various sources including KCC reports (including the 261A report), topographical assessment, and ariel imagery. Where assumptions have been made with regards to the development these have been set out in the rEIAR. Any assumptions regarding the operation of the project have been based on development of a similar nature and scale from the co-current period (2000-2006), available information, and professional judgement to allow for a precautionary assessment of the Project throughout its lifetime.

The development consists of a quarry over an area of 7.87 ha. with a quarry void space of approximately 2.3 ha, and a final floor of approximately 55m AOD. The reserve consisted of sand and gravel which was extracted by mechanical means, and limestone rock which was extracted by blasting and mechanical means. Crushing, grading and processing was carried out by mobile plant.

The development included:

- Grading and processing of excavated sand and gravel,
- Crushing, grading and processing of blast rock,
- Stockpiling of sand, gravel and rock,
- Export of sand, gravel and aggregate (limestone) to market via the lands under the control of a third-party quarry located to the east of the subject quarry, and,
- Pumping of collected waters from the quarry void and subsequent discharge to ground.

The quarry was in use between 2000-2006 and has been disused since 2006. The Site has been registered under Section 261A of the Planning & Development Act 2000 with Kildare County Council and assigned quarry registration number QRA-21-002. Development of the lands has previously been the subject of three planning applications deemed to be incomplete or invalid by Kildare County Council (planning application references: 06/741, 06/855, and 06/1155).

The substitute consent application is made concurrent with an application to restore the disused quarry to agricultural lands through importation of clean, uncontaminated soil and stone at this location under Section 37L of the Planning and Development Act 2000, as amended. The substitute consent application is accompanied by a remedial Environmental Impact Assessment Report (rEIAR) and remedial Stage 1 Appropriate Assessment Screening Report. The rEIAR is for an EIA project unit over 10.6 ha. that encompasses the area of the substitute consent application and the concurrent further development application which provides for restoration of the quarry under Section 37L of the Act.



The application indicates that the extraction direction of lands is likely to have begun on the eastern boundary from the access point from the adjoining pit. Extraction appears to have continued in the west and north with most extraction occurring in the north and some expansion to the southwestern edge of the site, giving rise to an application area of c.7.87 ha, which includes topsoil storage areas and buffer zones. There is an observed current average working depth of ca. 55m AOD from topographical survey of carried out in 2024.

The volume and type of plant and vehicles onsite has been estimated on the basis of comparison with similar development or similar scale from the early to mid-2000s. 1 No. excavator, 1 No. loader; 2 No. haulers (18T), 1 No. mobile crusher, 1 No. mobile screen. Planning documents available from KCC do not indicate if blasting was carried out on the site. Given the nature of the bedrock at the application site it is considered likely that blasting was carried out periodically (1-2 times a month) to produce blast rock for further processing on the site.

Site Location / Context.

The application site is located in the townland of Coolsicken or Quinsborough, which is situated ca. 2.7km north of Monasterevin and ca. 9 km southwest of Kildare Town. The site comprises a quarry void area which has been used for sand and gravel and limestone rock extraction between the years 2000-2006. The site is accessed off the L7049 which runs south-west to east.

The L7049 joins the R414 to the northeast and the R424 in the southwest. The R414 is a regional road linking Monasterevin and Rathangan and the R424, also a regional road, linking Monasterevin to Portarlinton. The application site is located within the rEIAR unit (i.e. lands within the EIA Boundary) which extends to 10.62 ha.

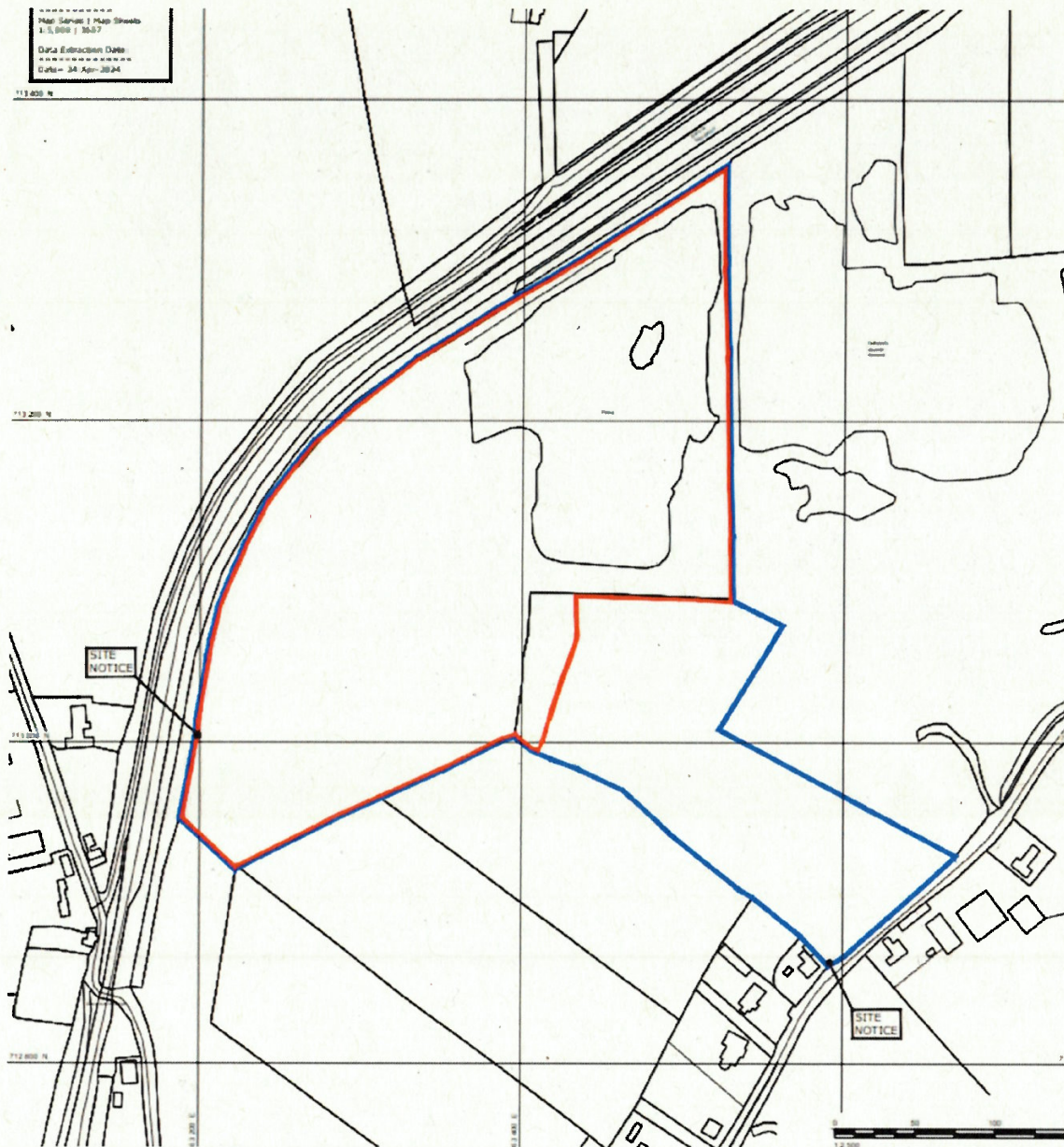
The EIA Boundary is extended to the south within the rEIAR to include an agricultural field to the south of the application site (owned by the applicant) to provide continuity with the EIAR prepared for the 37L application that addresses proposed future development. The quarry void area consists largely of a quarry pond that currently extends to ca. 2.3 ha lying northeast of the application site and is groundwater fed.

Figs 1-3 Site Location and Context.



Site location map extract from application.

Comhairle Contae Chill Dara
Kildare County Council



Site location map extract from application.



Substitute consent application boundary and EIA boundary.

Built Heritage.

There are approximately 4 no. features from the National Monuments Service Record of Monuments and Places located within 1km of the site:

RMP: KD021-016- Enclosure: Situated in grassland, Quinsborough House 160m to the west, and townland boundary with Coolatogher 130m to east. Cropmark of a circular-shaped area (approx. diam. 45m) defined by a single ditch are visible on ESRI aerial imagery. No surface remains visible.

RMP: LA005-003- Mound: Roughly oval flat-topped mound (max. dims. c. 42m north-south, c. 28m East-West, max. H c. 3.5m) situated in low lying area on west bank of the Black River. Parts of north and west sides quarried away. Defined by shallow fosse (Wth c. 2.5m, D 0.5m) on all but the river side, and a slight external bank from southeast- south southwest.

RMP: KD021-011- Enclosure: Visible on an aerial photograph (GSI N 414-5) as the cropmark of a small, circular enclosure. In open, level, well drained, improved pasture. The cropmark was not visible at ground level in 1986 (SMR file).

RMP: KD021-003- Enclosure: Visible on a 1971 aerial photograph (CUCAP BGH 71) as the cropmark of a small circular enclosure, apparently defined by a fosse. In open, level, well-drained, improved pastureland. No visible surface trace survived in 1986 (SMR file).



There are 6 no. structures on the National Inventory of Architectural Heritage NIAH within a 1km radius of the subject site:

NIAH: 11902105: Small Wonder- House: Detached three-bay single-storey lobby entry thatched house with dormer attic, extant 1837, on a rectangular plan.

NIAH: 11902106: Canal Cottage- House: Detached four-bay single-storey direct entry thatched house, extant 1837, on a rectangular plan with singlebay single-storey projecting windbreak.

NIAH: 11902104: Macartney's Bridge and Locks- Bridge and Locks: Single-arch dressed stone hump back road bridge over canal, dated 1784, with dressed stone voussoirs, keystone and coping to parapet wall. Canal lock, c.1785, to north comprising sections of stone ashlar retaining walls with stone bollards and timber lock gates over incorporating integral pedestrian footbridge.

NIAH: 11902103: Ballykelly Malthouse- Mill (water): Detached eight-bay seven-storey double-pile rubble stone mill, dated 1801, with fourbay seven-storey side elevation to north having four-bay three-storey lean-to projecting bay.

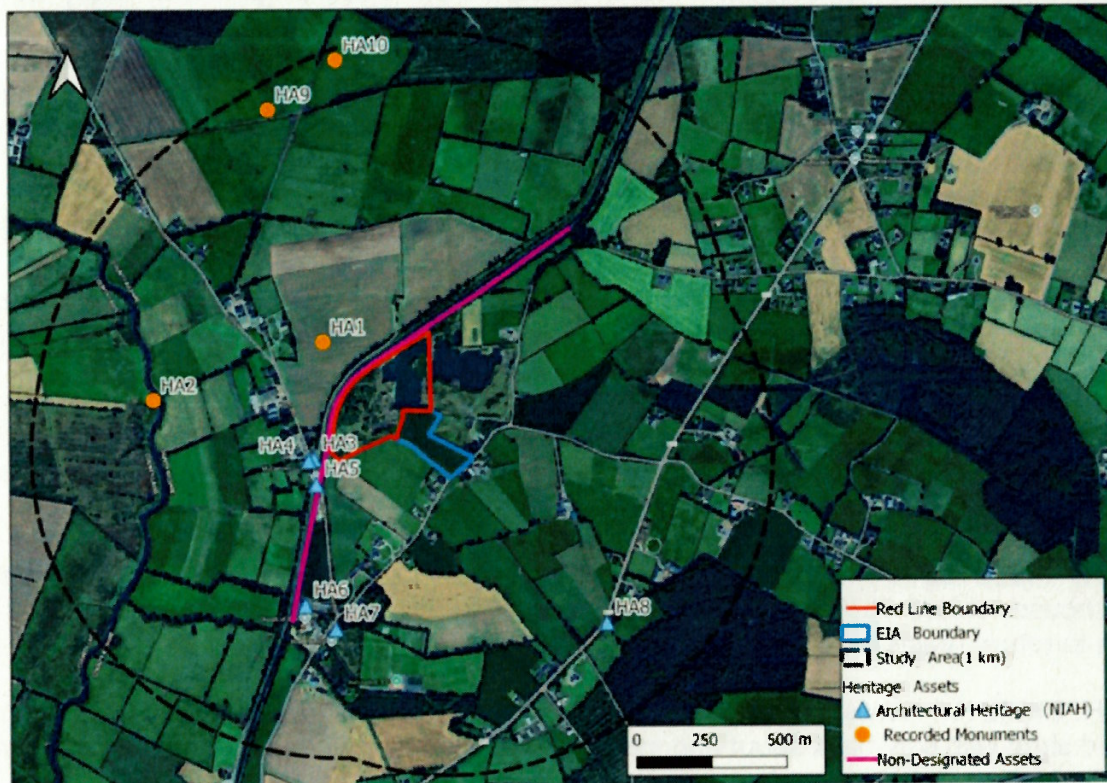
NIAH: 11902102- Farm house: Detached six-bay single-storey lobby entry thatched farmhouse, extant 1837, on a T-shaped plan; two-bay (single-bay deep) single-storey lean-to return (east). Now disused.

NIAH: 11902114- Water pump: Freestanding cast-iron water hydrant, c.1880, comprising fluted shaft with lion mask spout and moulded necking having handle with ball finial. Now disused with capping now missing. Set back from line of road on gravel verge.

The Barrow Blueway is a towpath along the River Barrow. It is a popular walking route and is also used by cyclists. The route is 120km long. It starts in Robertstown, Co. Kildare following the Barrow Line to Athy where it joins the River Barrow tow path. The site is located c.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 all the way to St. Mullins in south Carlow. The Barrow Way passes through the towns of Rathangan, Monasterevin, Athy, Carlow, Leighlinbridge, Muine Bheag, Goresbridge, Borris and Graiguenamaniagh.



Fig 4 Location of the application site, EIA Boundary and the 1km Study area with heritage assets identified.



In terms of heritage assets within the study area, the EIAR indicates that they are located at a distance ranging from 60m to 940m from the edge of the site. The embankments around the quarry effectively cut off views to the quarry from the surrounding area, ensuring that there are no direct views into the quarry. Furthermore, as the quarry has not been in operation since 2006, and the quarry void is currently filled with water, it contributes to and helps retain the overall rural setting of the heritage assets and their surroundings. It is found that there have been no impacts identified on archaeological, architectural or cultural heritage and no remedial mitigation is required.



Natural Heritage.

The Grand Canal pNHA is located adjacent to the northwest of the site boundary. The River Barrow and River Nore SAC is classified as a European designated site. The SAC is c. 2km downstream of the site within the River Figile. Any hydraulic connectivity between the Site and the SAC would be through groundwater. The contribution of groundwater to the River Figile is likely to be minimal, with further dilution before the downstream SAC. It is unlikely that there is groundwater connectivity beneath the Site and the Old Grange stream, considering the likely groundwater flow directions based on topography and catchment. The AA Screening report submitted with the application indicates that given the nature, scale and duration of the Project, with reference to its low potential for connectivity to River Barrow and River Nore SAC, it has been concluded that the Project did not give rise to a likelihood of significant effects on this European site, alone or in combination with other plans or projects divides. ACP is the Competent Authority regarding Appropriate Assessment.

Landscape Character.

The site is located in the Southern Lowlands Landscape Character Area – Class 1- a low sensitivity landscape character area described as:

'Areas with the capacity to generally accommodate a wide range of uses without significant adverse effects on the appearance or character of the area'

Table 13.3 of the Kildare County Development Plan 2023-2029 specifies the likely compatibility between a range of land-uses and Principal Landscape Areas. It indicates that sand and rock extraction as a use which has a high compatibility with the landscape character.

Flood Data.

The site is not located within any designated flood zone.

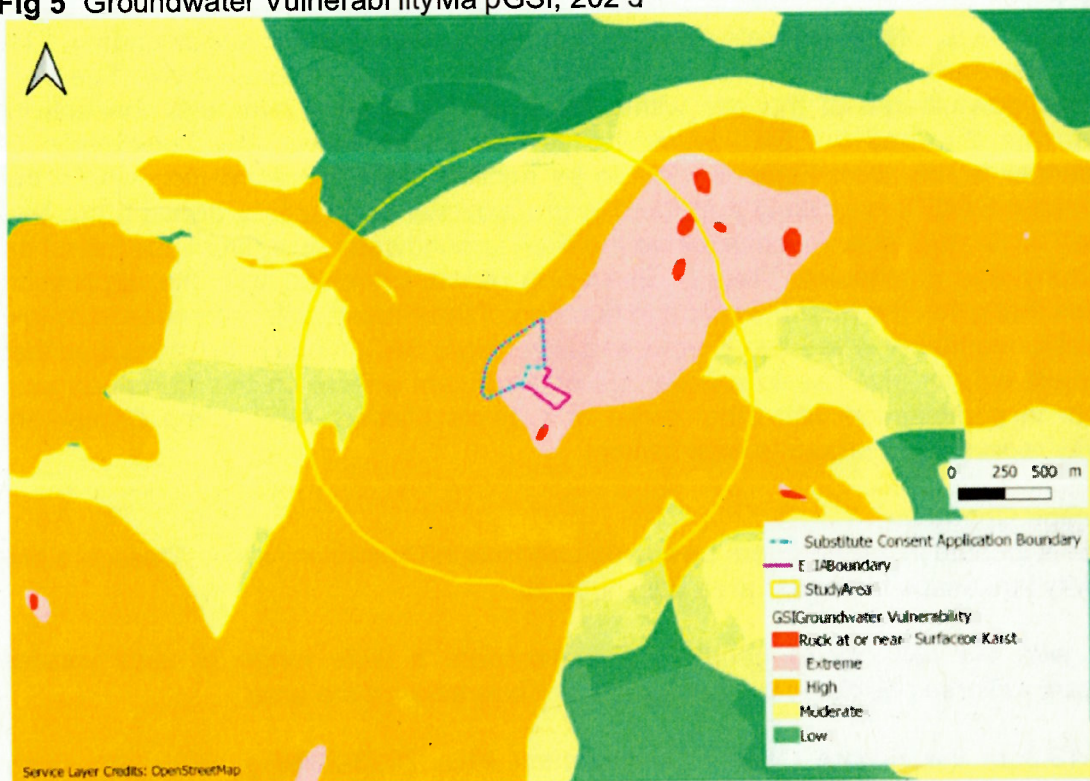
Groundwater.

The site is located in the WFD (Water Framework Directive) Bagenalstown Upper Groundwater body (which is generally described as regionally important). The WFD (Water Framework Directive) designations has the site situated within the River Sub-Basin Figile_080. It is stated in the EIAR that based on a review of borehole logs and published information, it is understood that one main hydrogeological unit underlies the site; permeable limestone of the Allenwood Formation – Regionally important Aquifer – Karstified. The lower topographies to the northwest of the site are characterised as having 'Moderate' to 'High' vulnerability, associated with a thickening sequence of superficial deposits, which offer increased protection, towards the River Figile. Chapter 6 of the EIAR states that the present-day water levels appear to be seasonal, with groundwater highs in March and April 2024 and a decline in water levels during drier months of May and June 2024. The greatest water level fluctuations are seen in Borehole 3 and Borehole 4 and both show a similar trend. It is stated that the smallest fluctuations are seen in Borehole H2 of 0.57 m.





Fig 5 Groundwater Vulnerability Map GSI, 2023



Geological Heritage and Soils.

The underlying geological formations comprise a bedrock geology of Allenwood Formation, which is described as consisting of pale-grey generally massive shelf limestones and their dolomitised equivalents. The Allenwood Formation is Carboniferous in age. The subsoils underlying the site are composed of gravels derived from Limestones and till derived from Limestones. In the northern section of the study area GSI mapping indicates there is cut over raised peat. To the west of the study area there are areas of alluvium and lacustrine sediments.

Historical land use of the Application Site was considered in the Section 261A Quarry Assessment (KCC 2012) using a desktop assessment of historical maps and ariel images. However, KCC records do not indicate if a site-specific archaeology, architecture and cultural heritage assessment has been carried out for the Application Site or Project.



Soils: GSI (2025) data indicates that the subsoils underlying the Site are composed of gravels derived from Limestones and till derived from Limestones. In the northern section of the study area GSI mapping indicates there is cut over raised peat. To the west of the study area there are areas of alluvium and lacustrine sediments. The GSI Bedrock Geology 1:100,000 map indicates that the Site is underlain by the Allenwood Formation, which is described as consisting of pale-grey generally shelf limestones and their dolomitised equivalents. The Allenwood Formation is Carboniferous in age. The area to the west of the study area is underlain by the Lucan Formation, which consists of dark-grey to black, fine-grained, occasionally cherty, micritic limestones that weather paler, usually to pale grey. The Lucan Formation is Carboniferous in age. There are no designated County Geological Sites located within the study area.

2. Relevant Planning History.

On Site.

UD 4203- File closed in 2017.

06/1155 was received on the 08/06/06 from Roadfill Ltd for 'extension to and existing rock quarry for 2.14 ha and for retention permission for 2.62 ha of rock quarry for development'. This application was deemed Invalid.

06/855 was received on the 04/06/06 from Patrick Kinahan and William Condren for 'extraction of rock for the production of aggregates, the erection of one mobile portacabin, crusher and ancillary works'. Incomplete/ Invalid Application.

06/741 was received on the 18/04/06 from William Condren and Pat Kinahan for 'quarrying and extraction of rock etc'. Incomplete/ Invalid Application.

Quarry site to the east

18/1237: Permission refused to John Behan for Extension of Duration of planning Ref. No. 06/2729 - continued use of an existing stone quarry at a site of 9.82ha in the townland.

QR10: Permission granted to Humphrey Dowling T/A Abbeyleix Sand & Gravel for continued use of an existing stone quarry, which included the continuation of extraction of rock by means of blasting, and all associated site works including mobile crushing screening and washing plant, settlement lagoons, the construction of a new wheel wash, improved site entrance, car parking area, temporary site office portacabins and all other associated, operational works. The applicant also included the provision of all onsite development works including landscaping topsoil/overburden storage areas and screening berms onsite. The application was sought for 15 years. An Environmental Impact Statement (EIS) accompanied the application. Permission granted on 27/11/2008.



Condition No. 3 of Reg. Ref 06/2729 states:

3. This permission shall expire on a date ten years from the date of the final grant of permission and all plant and machinery items shall be removed from the site and the lands shall be restored to agriculture use prior to that date, in accordance with site restoration plan submitted to the Planning Authority 10/08/2007.

Reason: In order to allow the impact of this development on this sensitive rural area to be reassessed at the end of a reasonable period of time, in the light of the circumstances existing at that time, and in the interest of the proper planning and sustainable development of the area.

05/1794: Permission sought by Humphrey Dowling for landfill earth tip (i.e. subsoil and topsoil) and raise levels of existing field returning to agricultural use and all associated site works DEEMED WITHDRAWN.

Other sites to the east.
UD4221.

22/684: Planning permission granted to Michael Callanan & Emma Hartigan for a single storey dwelling with attached garage, wastewater treatment system, new recessed entrance from existing access road & all associated site works.

23/268: Planning permission granted to Michael Callanan & Emma Hartigan for modifications to previously granted planning no. 22684. Modifications to consist of alterations to previously granted single storey style dwelling consisting of provision of red roof cladding/sheeting to part of proposed dwelling, detached garage in lieu of attached garage, omission of part of condition no. 3 relating to red colour roofing materials and all associated site works.

04/406: Planning permission refused to E & E Cullen for 7 no storey & a half dwellings, garages with ancillary services including sewerage treatment system and to demolish existing uninhabited cottage.

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.

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.

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 O42	Ensure that development for aggregate extraction, processing and associated concrete production does not significantly impact the following: - 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 O43	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.



RDO44	Require applications for mineral or other extraction to include (but not limited to): - An Appropriate Assessment Screening where there is any potential for effects on a Natura2000 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 O45	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.
RD O46	Require road re-instatement works 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 to reach 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: - 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 15.9.6 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 closer to urban areas where a significant portion of the site is being provided for sports, recreation, and amenity.



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 P 0	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).

Chapter 13 – Landscape, Recreation and Amenity.

It is an Objective of the Council

LR O8	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. There is a current application under Section 37L of the Planning and Development Act (as amended) with An Coimisiún Pleanála to further develop the site as a quarry.

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 An Coimisiún Pleanála 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.

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.

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 An Coimisiún Pleanála'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.

6. Conditions

Suggested conditions include, but not limited to the following:

1. Development to be in accordance with documentation received by the Planning Authority (ACP).
2. Life of the permission where appropriate including restoration.
3. Development to be in accordance with the mitigation measures as set out in the EIAR accompanying the application;
4. Condition regarding European sites.
5. Post closure removal of equipment off site.
6. Appropriate restoration condition.
7. Levies, Bonds, Financial Contributions – as appropriate.

pp Catherine Howard
**Senior Executive Officer,
Planning Department.**