

Planning Report: S177E

Redrock Quarry

Prepared for:

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1.0 INTRODUCTION & BACKGROUND

1.1 Preamble

Milford Quarries Limited (hereafter referred to as Milford or the Applicant throughout) has retained Tom Phillips + Associates (TPA) to apply to An Coimisiún Pleanála (ACP) for permission for substitute consent under Section 177E of the Planning and Development Act 2000 (as amended) for development at a disused quarry in the townland of Clogrennane, Co. Carlow. The development consisted of quarrying including rock extraction by mechanical means over a period of c. 16 years, at a time when the lands were under separate ownership. The purpose of the S177E application is to regularise any past development that has occurred on site to date.

An additional Planning Application under Section 37L of the Planning and Development Act 2000 (as amended), for proposed future extraction at the quarry will run concurrently with this S177E Substitute Consent Application.

This Application includes, under separate cover, a remedial Environmental Impact Assessment Report (rEIAR) prepared by TPA and various other subject matter experts. The rEIAR which assesses in detail the impact the historic development had on the receiving environment over the course of its operation, as well as the current and future impacts in the absence of any additional development.

An Appropriate Assessment (AA) Screening and a Remedial Natura Impact Statement (rNIS) prepared by Ecology Ireland are also enclosed. The rNIS concludes that where potentially significant impacts were identified, a range of mitigation and avoidance measures have been suggested to offset them. As a result of this AA and NIS, it has been concluded that no significant effects arising from the proposed development are likely to occur in relation to the Natura 2000 site (i.e. River Barrow and River Nore SAC) or indeed any other Natura 2000 site in the wider hinterland.

1.2 Report Summarises Matters Arising

The purpose of this Planning Report is to present a detailed description of the development at the time the quarry was operating and to examine the relevant planning policy context, having regard to national, regional, and local statutory documents.

This Report is intended to assist with the assessment of the application by providing an accessible and concise summary of the overall proposal, its potential impacts and its planning policy context, while providing an insight into the rationale of the development.

1.3 Application Team

Tom Phillips + Associates (TPA) has prepared this S177E Planning Application and rEIAR in conjunction with the following multi-disciplinary team members:

- Ecology Ireland Ecological Consultancy;
- Hydro Environmental Ltd.;
- AWN Environmental Consulting;
- Wave Dynamics Acoustic Consultants;
- Transport Insights Consultants;

- Dr. Charles Mount Archaeology; and
- Macro Works Limited

1.4 Rationale for the Proposed Development

The applicants acquired the site in 2023 and there has been no extraction activity on the lands since this date. This S177E Substitute Consent application is being sought in order to regularise historic unauthorised development identified during the S261A process.

The need for substitute consent arises from previous S261A proceedings. Carlow County Council's determination in 2012 that historic extraction had taken place at the site which would have required a mandatory Environmental Impact Assessment as per Section 261(2)(a)(i) of the Planning and Development Act 2000 (as amended).

The Planning Authority also determined that development had occurred post 26th of February 1997, which would have required an Appropriate Assessment and this had not been conducted. Please refer to Section 3 for a detailed breakdown of the site's planning history in respect to quarry operations that occurred on site.

The S261A determinations and decision was referred to An Coimisiún Pleanála (then An Bord Pleanála) who upheld the determinations and decision of Carlow County Council.

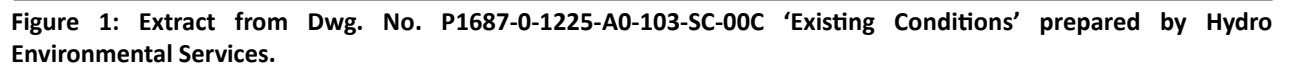
The operators at the time were not in a position to remedy the above and as a result, large scale commercial extraction ceased in 2014 following the determination of An Coimisiún Pleanála in relation to the S261A proceedings.

It should be noted that no significant extraction activities began at the site until the period between 2000 and 2005, as evidenced by historic aerial imagery and based on discussions between the applicants and the previous operators of the site. Further assessment of historic aerial imagery of the site, confirms that the bulk of extraction at the site took place between 2005 and 2010-2012 timeframe. This is consistent with economic activity at the time.

The Aerial imagery further suggests that there was a small level of extraction from the lands following the S261A proceedings. Information on this is limited but we understand that relatively modest quantities of material were removed in both 2018 and 2021. This material would most likely have been used locally for agricultural purposes, given the nature of the material removed and the quantities removed.

As outlined on drawings prepared by Hydro Environmental Services, it is estimated that 650K m³ have been extracted in total from the site. The majority of this extraction took place in the period between 2005 and 2012. By 2012 550K m³ had been extracted. Following this a further 100K m³ were removed up until the applicants took ownership in 2023. This equates to just over 8K m³ per year on average over that period (2012 – 2023). The lands during this period had effectively reverted to serving as a borrow pit for local users where small scale extraction took place to serve local agricultural road building etc.

The lands are currently in a disused state, with previous surface water management features still intact and operational.



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2.0 EXCEPTIONAL CIRCUMSTANCES

Section 177K(1A)(a) states the Board shall not grant substitute consent unless it is satisfied that exceptional circumstances exist that would justify the grant of such consent by the Board. The matters to which the Commission shall have regard are set out under the following subsections and initial considerations are outlined, including where the Commission may offer further guidance.

2.1 **Whether regularisation of the development concerned would circumvent the purpose and objectives of the EIA Directive or the Habitats Directive;**

These questions have been fully addressed by the remedial EIAR and remedial NIS accompanying the application. Both documents demonstrate that the historic activities at the site did not result in adverse effects to the surrounding environment and did not have a likely significant adverse impacts on the qualifying interests of the SAC, nor on the integrity of the River Nore River Barrow SAC or on the conservation objectives of this Natura 2000 site.

The site is quite isolated, well shielded, with surface water management measures in place, and has extracted only the reserve which was shale with generally single step crushing into low grade fill materials, a very simple quarrying set-up.

In their assessment of the site as part of ABP ref.: QV0145, the Board inspector noted that existing surface water management on site in terms of settlement ponds appeared to be functioning well.

Given the site was half a bench high on one side and a low bench in height on the other, the potential for impact, despite a disproportionately large footprint for the operation in place, was low and significantly capable of remediation.

2.2 **Whether the applicant had or could reasonably have had a belief that the development was not unauthorised;**

The applicants recently acquired the lands in March 2023 and did not own or operate at the quarry during the period of previous unauthorised extraction activities on the lands.

The quarry was successfully registered under Section 261 in 2007 and was accepted as having pre-63 origins by the Planning Authority who had other avenues available to them should this fact have been in any doubt.

The previous owner reasonably relied on this Section 261 to further develop the site in years that followed and appear to have acted in good faith based on the initial registration.

The site was granted a discharge licence in 2011 which required that an assessment for AA was carried out by the Planning Authority, thus suggesting no NIA requirement existed as of 2012. The subsequent findings of a requirement for an AA under S. 261A(2)(a)(ii) in 2012 are inconsistent with the Council's granting of a discharge licence just a year before.

Additionally, in 2012, Carlow County Council determined under S. 261A(2)(a)(i) that quarry development was carried out after 1st February 1990, which development would have required, having regard to the Environmental Impact Directive, an environmental impact assessment as the site exceeded the mandatory threshold of 5 hectares for an EIA.

The applicant's position is that the previous owner of the site was operating under the understanding that the quarry was successfully registered and was not aware of non-compliance with the EIA or Habitats Directives.

The applicants as current owners of the site should in our view be afforded the opportunity to regularise the site thereby allowing for the valuable remaining resource to be extracted and finally the lands to be restored through a comprehensive restoration plan at the expiration of the quarry lifespan.

The lands during the period of 2005-2012 effectively reverted to serving as a borrow pit for local users where small scale extraction took place to serve local agricultural road building etc.

2.3 Whether the ability to carry out an assessment of the environmental impacts of the development for the purpose of an environmental impact assessment or an appropriate assessment and to provide for the public participation in such as assessment has been substantially impaired;

The applicants have gathered historic aerial photography and records to develop an understanding of the timeline of activities at the site. The applicants have also appointed a full environmental design team, who have been appraised of the historic quarrying activity and have addressed all relevant matters in terms of ecology and potential environmental effects. These assessments informed the preparation of a full rEIAR and rNIS.

The Commission will note that given the works undertaken for management of the authorised discharge, and lack of evidence of actual impact on a receiving receptor, the potential for impact to Qualifying interests was limited and the ability to determine Appropriate Assessment, if required and not previously carried out by the local authority, was not substantially impaired.

The S261A registration process would have been subject to full public consultation under the provisions of the Planning and Development Act 2000, as amended.

Finally, the applicants have advertised the application for substitute consent by the appropriate form of public notice and afforded the public the opportunity to review the information contained within and to provide their commentary in relation to same through the making of submissions to the Commission. Key stakeholders including Carlow County Council will be consulted as part of the process.

2.4 The actual or likely significant effects on the environment or adverse effects on the integrity of a European site resulting from the carrying out or continuation of the development;

The absence of likely significant effects of the historic activity have been demonstrated comprehensively via the rEIAR and rNIS that accompany the application. The lands are also sufficiently remote from the nearest European sites (River Barrow and River Nore SAC is located c. 2.1km to the east of the quarry lands) so as not to result in any adverse effects on the integrity of the qualifying interests at that site.

The site is well shielded, with surface water management measures in place, and has extracted only the reserve which was shale with generally single step crushing into low grade fill materials.

The application will also demonstrate that the applicants intend to make the lands safe following the abandonment of the previous use. We note the Board inspector's comments on planning file QV01.QV0145:

The settlement system seems to be working quite well at preventing any sediment run-off, although I would not rule out the possibility of contamination if the ponds are not maintained or during periods of intense rain as run-off from the quite impermeable rock would be very rapid.

The applicants would concur that in the absence of proper maintenance, the lands pose a greater risk to local ecology if they remain in a disused state. A functioning quarry with comprehensive mitigation measures and environmental controls represents a lesser risk to local ecology and the nearby SAC than the current state of play. In addition, any future permitted quarrying will be accompanied by a full restoration plan for the lands following the expiration of the quarry lifecycle.

2.5 The extent to which significant effects on the environment or adverse effects on the integrity of a European site can be remediated;

Onsite surface water management was found to be operating effectively by the ABP Inspector (ABP Ref: QV0145) and any historic effects were also likely to have been mitigated by the distance to the nearest European sites.

The current application is accompanied by a rEIAR, including a Hydrology chapter prepared by Hydro Environmental Services. The River Barrow and River Nore SAC is located a minimum of 2.1km to the east of the Development Site. The SAC is hydrologically connected to the Development Site via the surface water discharge which connects to the Mortarstown Stream. The lower reaches of this stream form part of the SAC.

The Hydrologist findings indicate that the:

“... local hydrological and hydrogeological setting ensured that there was no significant effects on downstream surface water flow volumes in the Mortarstown Stream. Flow monitoring of the existing 2 no. surface water discharges from the Development Site show that the combined discharge flow volume is ~1-2l/s. This flow volume is small as the Development Site is located on a topographic high at the margin of the River Barrow catchment.”

Similarly, as stated in Section 8.3.3.1 of the Chapter:

“... a section of the overall landholding is located in the River Nore surface water catchment. However, the previous extraction activities did not encroach upon this catchment and there was no surface water discharge within the River Nore catchment. For these reasons, there was no effects in the River Nore catchment and all receptors (River Dinin, Dinin (Main Channel)_O2O DWPA) within this catchment have been screened out of the remedial impact assessment.”

All other downstream designated sites in the River Barrow Catchment have been screened out of the residual impact assessment due to their distant location from the Development Site.

Further details are outlined in the accompanying Hydrology chapter of the rEIAR prepared by Hydro Environmental Services.

2.6 Whether the applicant has complied with previous planning permissions granted or has previously carried out an unauthorised development;

The site had previously been determined a 'pre 63' development and so S261 conditions for operation were previously in place and complied with. The operators also secured a discharge licence in 2011 for the site. The applicants were not owners of the lands for the historical periods during which previous quarrying would have taken place. However, they are now making appropriate efforts to regularise the status of the existing development on the site through the substitute consent procedure. Large scale extraction on site ceased following the outcome of the S261A process which confirmed unauthorised development. The Aerial imagery record indicates small scale activity at various times during the intervening years following the 261A determination and the taking of ownership of the lands by the applicants. The extent of extraction during these years has been estimated in the Land Chapter of the accompanying EIAR as approximately 8K m³ per annum on average. This is equivalent to small amount of stone used for farm roads or the maintenance of farm roads.

2.7 Summary of Exceptional Circumstances

In summary, the following issues have been highlighted for consideration by An Comisiún Pleanála in deciding the matter of exceptional circumstances:

The site was accepted pre-63 origins in QY14 in the Section 261 Quarry Registration Process when other avenues were available to the Planning Authority if any doubt existed on how to treat the site;

The owner reasonably relied on this Section 261 to further develop the site;

The site was granted a discharge licence in 2011 which required that an assessment for AA was carried during that process suggesting no NIA offence existed as of 2012;

The only options following the An Bord Pleanála decision on the referral of the determinations including confirmation of determinations and decision under Section 261A(4) would have been substitute consent or judicial review, the cost of which was beyond the means of the owner at the time;

Given the site location, degree of isolation, and distance to receptors, the potential for environmental impact was limited and the ability to carry out the required EIA was not substantially impaired;

Given the works undertaken for management of the authorised discharge, and lack of evidence of actual impact on a receiving receptor which is well removed and of enormous assimilation capacity, the potential for Natura impact was limited and the ability to carry out NIA, if required and not previously carried out by the local authority, was not substantially impaired.

2.8 Such other matters as the Commission considers relevant.

At the Pre-Planning meeting held on 29th August 2025, ACP had suggested that any available monitoring data related to the 2011 discharge licence granted to the site should be provided as part of the application. The Commission will note that since the Pre-Planning meeting, the applicants have made extensive enquiries with Carlow County Council in this regard and were unable to secure any monitoring results or other documentation related to the discharge licence. However, as the commission will be aware, the need to carry out Appropriate Assessment before the issuing of such licences would have been standard practice at all Local Authorities by 2011. Therefore, despite the absence of supporting material related to the licence, the issuing of same would imply that the site was screened for AA by Carlow County Council.

3.0 SITE LOCATION AND CONTEXT

3.1 Location of the Subject Site

The subject site consists of a disused sandstone quarry located along the County Carlow and County Laois border within the townland of Clogrennane. The closest settlements to the subject site are Bilboa, Co. Laois, located approximately 1.5 km from the subject site, and Ballinabrannagh that is located approximately 2.3 km southeast of the subject site. Carlow Town is located approximately 5 km north east of the site. The subject site is best accessed via the L3896/L7134 which is located approximately 300m to the east.



Figure 2: Site Location with the existing disused quarry outlined in red in relation to Carlow (Source: ArcGIS; annotated by TPA, December 2025).

The subject site's surroundings mainly comprise of agricultural lands with small pockets of woodland peppered throughout. These lands are relatively flat; however, the subject site sits on a higher terrain on the eastern edge of what is known as the Castlecomer Plateau overlooking the River Barrow valley to the east.

In addition, the surrounding area is known as a historical and prime location for quarry development, as there are 7 no. quarries (6 of which are active) in the area (not inclusive of the disused quarry pertaining to this application).

3.2 Description of the Subject Site and Context

The development site consists of an area of c. 41.86ha within a total landholding of c. 45.68 ha, which c. 8.66 ha encompasses the previous extraction area that informs this Substitute Consent Application under Section 177E of the *Planning and Development Act 2000 (as amended)* in order to regulate previous unauthorised development.

Due to the historical activities on the subject site, the natural terrain within the site have changed due to previous quarry activities such as removal of overburden, stockpiling, and extraction.

The quarrying which took place on site consisted of rock extraction by mechanical means, and the associated development, which is the subject of this Application, includes the extraction areas, surface water management, and ancillary works. The total quarry area encompassed c. 8.66 hectares within the wider landholding of c. 45.68 hectares. It is determined that involved extraction of up to c. 650,000 m3 of material occurred over a c. 16-year period.

Figure 1 above shows the exiting conditions of the subject site, for which Substitute Consent is being sought. The development will be accompanied by a restoration plan. This restoration plan includes the reversion to agricultural grassland using the excavated materials from the existing infill area to the west of the site.



Figure 3: Map of Proposed Restoration Works prepared by Macro Works Limited.

4.0 RELEVANT PLANNING HISTORY AT THE SUBJECT SITE

We have set out below a summary of the history of development of the subject quarry.

- The quarry was registered by the previous owner in 2005 over an area of 25.7 hectares and had 18 no. conditions imposed in 2007 by Carlow County Council under Section 261(6) (a)(i), (Carlow County Council Reg. Ref.: QY14). A small gravel pit is indicated on historic maps dated to be from 1913, and evidence of a quarry is shown on a map dated to be from 1906 which accompanied the registration application.
- The registration details are that the site was declared as Pre-63 with output of 300 -500,000 tonnes per annum. This alone should have triggered intensification allegations based on case law which generally allows for 'indexation growth' of Pre-63 volumes; some cases such as *An Taisce v. Ireland* (2010), the *McQuade* case, would suggest 250 – 275,000 tonnes per annum as an intensified level for Pre-63 assessment purposes. No such action was taken by the Planning Authority. It is also notable that the total volume of extraction from 2005-2014 was of the order of 500,000 tonnes. This suggests that the information contained in the S261 registration was incorrect with the correct extraction rate being c. 50,000 per annum.
- In 2012, Carlow County Council measured the current extraction area as 15.52 hectares and reasoned that the pit appeared to have been abandoned from 1913 (0.16 hectares) until 2000, when works recommenced and intensified in the years between 2005 – 2010. As of Section 261 registration, the development comprised of a 4.6 hectares quarry, so Section 261 (7) Continuance of Use application provisions were not applied. The conclusion was that the applicant had fulfilled Section 261 requirements. The discussion regarding the Section 261 (7) provisions further reinforces the underlying belief/acceptance of Pre-63 user as of the Section 261 process by the Planning Authority. There is no discussion as to why either the abandonment and/or intensification doctrines was not applied to the site instead of imposing Section 261 conditions.
- In August 2012, Carlow County Council determined that under Section 261A(2)(a)(i) that quarry development was carried out after 1st February 1990, which development would have required, having regard to the EIA Directive, an environmental impact assessment but that such an assessment was not carried out. The reason given was that the site exceeded the mandatory threshold of 5 hectares for an EIA.
- Based on the Planning Authority report it is evident that this site was intensified Based on caselaw and EIA required for at least the intensified portion which is essentially all of the site.
- The Planning Authority also determined under Section 261A(2)(a)(ii) that development was carried out after 26 February 1997, which development would have required, having regard to the Habitats Directive, an Appropriate Assessment but that such an assessment was not carried out.
- In addition, the Planning Authority decided pursuant to Section 261A(4)(a) that the quarry does not have a pre-1964 authorisation and that there is no evidence that permission for a quarry development was obtained on the lands. Under Section 261A(5)(a) it was decided that it is not possible to quantify the extent of works which may have taken place post 3rd July 2008 and so an EIA or EIA determination were not required, but that an AA was required as it could not be excluded that adverse environmental effects to a European site could have occurred.

- The determinations and decision of the Planning Authority were referred to the Board by the previous owner for review (ABP Ref.: QV01.QV0145). The grounds for the included claims that the site was Pre-63 based on the 1906 map, was that there was no substantive evidence that there would be any significant impact on any Natura Site noting the hydrogeological assessment submitted when getting a discharge licence in 2011, and that there was an error in quarry registration with regard to the boundary.
- The subsequent Board order, dated January 2014, confirmed the determination of the Planning Authority and concluded that the development would have required EIA and the decision that the extraction works do not have a Pre-1964 authorisation and do not have a valid planning permission, but set aside the decision under Section 261A(5) w.r.t. NIA post 3rd July 2008 on the basis of insufficient evidence. The Inspector noted that *“the site is disused and the plant on site has been abandoned, much of it would seem to be rusted beyond repair”*. The Inspector also noted on their site visit that there was no evidence of dewatering on site or of any groundwater exposure.
- The Bord in making its determination did have regard to the 2011 requirement for AA assessment as part of the discharge licence process. It appears that by 2012, it could reasonably be assumed that an AA had taken place if the local authority had carried out its statutory requirements and that a finding of an NIA offence was incorrect.
- Milford Quarries Limited acquired the abandoned quarry in 2023 and applied for leave to seek substitute consent in May 2023 (ABP Ref.: LS01.317194). Following the enactment of the Planning and Development Amendment Act 2023 the need to apply for Leave for Substitute Consent was removed from the legislation with effect from 16th December 2023. This application was therefore considered withdrawn by An Bord Pleanála.
- Historical excavation has removed materials over an area of approximately 8.66 hectares.
- We understand that commercial extraction at the quarry ceased no later than the 2014 An Bord Pleanála determination (ABP Ref.: QV01.QV0145) and note that the ABP Inspector was of the view that the quarry had been abandoned when the site was visited as part of that assessment.
- The available Aerial imagery suggests that there was a small level of extraction from the lands following the S261A proceedings. Information on this is limited but we understand that relatively modest quantities of material were removed in both 2018 and 2021. This material would most likely have been used locally for agricultural purposes, given the nature of the material removed and the quantities removed.

In tandem with the timeline of works that have taken place on the Development Site, the historical extraction activities and associated areas of disturbance are shown below in the ‘Site Development History’ drawing (Dwg.: P1687-0-1225-A2-105-SC-00E) by Hydro Environmental Services.



5.0 DESCRIPTION OF PROPOSED DEVELOPMENT

5.1 Proposed Development (As Per Statutory Notices)

As per the Statutory Notices, the proposed development is described as follows:

“Milford Quarries Limited, intend to apply for Substitute Consent, for development at a site in the townland of Clogrennane, Bilboa, Co. Carlow.

The development consisted of quarrying including rock extraction by mechanical means and processing onsite using mobile primary crushing / screening and associated plant. The development also included soil storage areas, stockpiling areas, surface water management works and all ancillary works associated with the quarrying activities. The quarry included an extraction area of c. 8.66 hectares within a site of c. 41.86 ha and involved extraction of up to c. 650,000 m³ of material over a c. 16-year period between 2005 and 2021. The quarry was accessed via a quarry entrance from the northern boundary linking to the L7130 local road to the east of the subject lands. The application is accompanied by a proposed restoration plan which will utilise existing excavated materials from the site.

The application is accompanied by a remedial Environmental Impact Assessment Report (rEIAR) and a remedial Natura Impact Statement (rNIS).”

5.2 The Quarry Process

There were three main elements to the quarrying process used at the Redrock Quarry site.

- 1) **Mechanical Extraction of Rock Faces**
- 2) **Crushing**
- 3) **Stockpiling of Crushed Rock**

Details of each phase are outlined below:

Mechanical Extraction of Rock Faces

Mechanical rock breaking encompasses non-explosive techniques using specialized machinery to fracture and excavate rock in mining, construction, and quarrying, particularly where blasting is restricted.



Figure 5: Example of rock breaker. (Source: Epiroc, 2025.)

Crushing

Once rock had been broken from the quarry face, the rock was loaded into mobile dump-trucks, which then transported the extracted rock to the primary crusher, which was located on the quarry floor.

There were two crushing stages, primary crushing and secondary crushing. Each crusher consists of a set of electrically operating rotating drums, which function to reduce the size of the rock to a scale that can be easily transported using belt conveyors. The primary crusher reduced the rock size to a maximum diameter of 100mm, and the rock was then conveyed to the secondary crusher by a conveyor. The secondary crusher reduced the rock size to a maximum diameter of 50mm.

Stockpiling of Crushed Rock and Transportation Offsite

The crushed rock was then conveyed to temporary stockpiles located in the northern and southern portions of the application site.

5.3 Quarry Working Hours

Based on this retrospective analysis and discussions with the former land owner, it is understood that works to facilitate the quarry development had occurred between 7:00 and 18:00, Monday to Friday and 7:00 and 13:00 on Saturday. It is understood that no construction activity was carried out on Sundays or Bank Holidays.

6.0 REMEDIAL ENVIRONMENTAL IMPACT ASSESSMENT REPORT

In order to ensure that all potential impacts associated with the historic development of the quarry are identified and addressed, a Remedial Environmental Impact Assessment Report (rEIAR) has been prepared by Tom Phillips + Associates and has been submitted with this planning application. This rEIAR provides a systematic and integrated evaluation of the direct, indirect, and secondary effects (positive and negative) of the project on the natural and socio-economic environment.

The aim of the rEIAR is to:

- Describe the project using information on the site, design, and size of the historic development;
- Identify and predict any impacts on environmental features likely to have been affected, having regard to the specific characteristics of the historic development;
- Describe the measures adopted in order to avoid, reduce and, where possible, remedy significant adverse effects;
- Provide the data required to identify and assess the main effects which the proposed development is likely to have had on the environment; and
- Provide a Non-Technical Study of the information.

Having regard to Schedule 5, Part 2, 2(b) of the *Planning and Development Regulations, 2001 (as amended)*, an Environmental Impact Assessment (now referred to as an EIAR further to Directive 2014/52/EU due to be transposed into Irish Law and the Circular Letter PI 1/2017 issued by the Department of Housing, Planning, Community and Local Government on the implementation of Directive 2014/52/EU is a mandatory requirement for the “*extraction of stone, gravel, sand or clay, where the area of extraction would be greater than 5 hectares*”.

The quarry consisted of an extraction area of c. 8.66 hectares, which is above the threshold for the mandatory requirement of an EIA having regard to the above class of development based on an extraction area in excess of 5 hectares.

A core objective of the rEIAR is to provide the appropriate information and evaluation of the development, having regard to the specific characteristics of the project, the scale of the development, and the potential for significant effects that could have arisen from the development.

7.0 APPROPRIATE ASSESSMENT AND NATURA IMPACT ASSESSMENT

This planning application is supported by an Appropriate Assessment, undertaken by Ecology Ireland. The Screening Report presents the results of the Stage 1 Screening which is part of the appropriate assessment process to identify whether significant impacts on a Natura 2000 site are likely to have arisen from the proposed quarry development at Clogrennane, Co. Carlow.

The Stage 1 Assessment assessed the proposed development taking into account of the following:

- The nature, size, and location of the development and possible impacts arising.
- The Qualifying Interests (QIs) and conservation objectives of the European Sites.
- The potential for in-combination effects arising from other plans and projects.

Upon examination of the relevant information including in particular the nature of the proposed development and the likelihood of significant effects on European Sites, the possibility could not be excluded that the development would have had a likely significant effect on the River Barrow and River Nore SAC (002162).

Therefore, a remedial NIS was required to ascertain whether the proposed works would have had an adverse effect on the integrity of the Natura 2000 sites.

Best practice measures and mitigation measures were implemented at the site in line with standard environmental controls and were effective in ensuring that the risk of any significant residual effects on the water quality of watercourses hydrologically connected to the River Barrow and River Nore SAC was minimised such that there was no residual risk of adverse effects on the relevant Qualifying Interests of that Natura 2000 site. The proposed restoration phase works will also be carried out with due consideration to the prevention of damaging run-off from the site.

This NIS is intended to provide the competent authority with complete, precise and definitive findings and conclusions capable of removing reasonable scientific doubt as to the effects of the project on the integrity of the European sites within the Zone of Influence in view of their Conservation Objectives. It is objectively concluded that no significant effects arising from the proposed development are likely to occur in relation to the Natura 2000 site (i.e. River Barrow and River Nore SAC) or indeed any other Natura 2000 site in the wider hinterland.

7.1 Pre-Planning Discussions

7.2 S177E Pre-Planning Meeting with An Coimisiún Pleanála

The Applicant and Design team conducted a pre-planning meeting with An Coimisiún Pleanála on the 29th of August 2025 via Microsoft Teams (Ref. ABP-322824-24). The following items were discussed during the meeting, as noted in the minutes issued by An Coimisiún Pleanála:

- *“ACP noted the history case ABP-317194 where a determination was made in 204 as a key starting point of the process where the Board determined an AA was required.*

- *The prospective applicant noted that a remedial NIS will be submitted with the application, and that they are confident that the report will show no significant adverse effects on the integrity of European Sites.*
- *ACP noted that within the intervening period between 2005 and 2025 there has been new residential development in the area and it is important to quantify the potential impacts which arose from the development over time.*
- *In terms of the S177E application and any possible future S37L application, there will be overlap between shared infrastructure, including the settlement ponds and the drainage channel/outfall.*
- *ACP advise the applicant that they may need to identify further remedial measures, and mitigation measures for different phases of the development. A remedial restoration plan was identified as a good example. The need to factor in a possible Section 37L application was also identified in the context of mitigation measures.*
- *This is a requirement to provide clarity in respect of the effects which have occurred, are occurring and are expected to continue to occur into the future as a result of the activities carried out on the site, and any necessary remedial measures to address such effects."*

The above points have been considered and has informed the material produced in this S177E Substitute Consent Application.

8.0 PLANNING POLICY CONTEXT

8.1 Introduction

The development is supported by the relevant planning policy context at national, regional, and local level. These policies are summarised below.

8.2 National Policy Context

8.2.1 Quarries and Ancillary Activities – Guidelines for Planning Authorities, 2004

In 2004, the Department of the Environment, Heritage and Local Government (DEHLG) issued the Quarries and Ancillary Activities – Guidelines for Planning Authorities. The Guidelines are intended to offer practical guidance to planning authorities for assessing applications for quarry developments and also to serve as a guide to the registration process for extractive industries.

The Guidelines outline that there will be a continuing need for new and expanded extraction operations to meet growing local and regional requirements and that the challenge for the planning system is to ensure that there is an adequate supply to meet the likely scale of future demand while simultaneously protecting the country's natural and cultural heritage.

Chapter 3 of the Guidelines outline the aspects of the environment that can be affected by the extractive industry and provides examples of best practice mitigation measures. The aspects outlined include the following:

1. Noise and Vibration;
2. Dust Deposition/ Air Quality;
3. Water Supplies and Groundwater;
4. Natural Heritage;
5. Landscape;
6. Traffic Impact;
7. Cultural Heritage; and
8. Waste Management;

These aspects largely coincide with various chapters provided as part of the accompanying rEIAR, which also outlines a number of best practice mitigation measures detailed in the Guidelines. In this regard, the proposed development complies with the DEHLG's *Quarries and Ancillary Activities – Guidelines for Planning Authorities, 2004*.

8.2.2 Environmental Management Guidelines – Environmental Management in the Extractive Industry (Non-Scheduled Minerals), 2006

The EPA's Guidelines on Environmental Management in the Extractive Industry complement the DoEHLG's existing *Quarries and Ancillary Activities – Guidelines for Planning Authorities, 2004* and seek to provide a harmonised regulatory approach to the authorisation and supervision of quarry activities in Ireland.

The Guidelines provide some background to environmental management practice and the use and requirements of Environmental Management Systems (EMSs). The Guidelines provide a summary of good environmental practice and set recommended Emission Limit Values (ELV's), where appropriate, for each of the following:

1. Ecology;
2. Surface Water;
3. Ground Water;
4. Air Quality;
5. Noise and Vibration;
6. Landscape, Restoration and After Use;
7. Waste Management;
8. Archaeological Heritage;
9. Transport and Traffic; and
10. Energy.

These 10 key environmental issues are considered and addressed in the relevant Chapters of the enclosed rEIAR and build upon the aspects of the environment as highlighted in the DoEHLG Guidelines.

8.3 Regional Policy Context

8.3.1 Regional Spatial and Economic Strategy – Southern Regional Assembly

The Region covers nine counties and is administered by 10 local authorities. It is also divided into three sub-regional areas, called Strategic Planning Areas (SPAs) including the southeast area which is inclusive of Co. Carlow.

The policies contained in the RSES relating to Rural Areas included the following:

- *“To ensure the sustainable management of natural resources and climate action;*
- *To achieve balanced regional development of rural economies and communities.”*

The RSES includes 11 high level Strategies for the region, including:

“3. Strengthened Rural Economies and Communities Strengthening the role of and improving quality of life in the Region’s diverse rural areas and communities and valuing our rural Region as dynamic, resilient and outward looking.”

8.4 Local Policy Context

As previously stated, quarry operations ceased at the Development Site in 2014. The relevant policies in the Carlow County Development Plans between the years 2003 – 2008 and 2009 – 2015 has been assessed below in order to inform the planning policies pertinent to quarrying activities during the time the Development Site was operational. The most recent Development Plan, the Carlow County Development

Plan 2022 – 2028 has been assessed in tandem with the policies highlighted in previous Development Plans for the County.

8.4.1 Carlow County Development Plan, 2003 – 2008

The Carlow County Development Plan 2003 – 2008 was enacted in May 2003. During the duration of this plan, Carlow County Council recognised the importance of the aggregate industry, particularly in relation to expanding the industry within Carlow. The Development Plan states that:

“It is the policy of the Planning Authority to generally permit the extraction of minerals and aggregate resources where such extraction will not have a serious adverse impact on the environment, landscape, other land uses, access roads, create a traffic hazard or result in a public health or safety hazard.”

The following methodological approach to the extraction industry by Carlow County Council within the Development Plan regarding mitigation measures for proposed quarry developments is stated below:

“Mitigation in exceptional circumstances where development is allowed which could adversely affect a site of geological importance, conditions will be imposed to minimize disturbance, conserve and manage its geological interest as far as possible and where damage is unavoidable provide an acceptable substitute site.”

Safety and mitigation measures imposed at the Development Site during the lifetime of this Development Plan have been assessed in order to ensure effective management of quarry operations and minimal disturbance to the site and its surroundings. For details on all mitigation measures, please refer to Section 8 of this report.

8.4.2 Carlow County Development Plan, 2009 – 2015

The Carlow County Development Plan 2009 – 2015 came into effect on 28th August 2009. In relation to the extractive industry in Carlow, the Plan states that:

“The Council recognises the importance of quarry industries to the local and national economy as valuable sources of raw material for industry in general and the construction industry in particular and as an important source of employment. The products are the essential building materials for the provision of housing and infrastructural projects. The industry is therefore essential to the continued development of the county and the achievement of the objectives in the National Development Plan.”

The Development Plan also noted that the Council will “safeguard valuable resource for future extraction” in order to ensure that resources are not exploited. Therefore, the Plan notes that:

“The Planning Authority will consider longer term permission conditions where appropriate. In the case of applications for quarries or their extensions, the impact on existing rights of way will be considered.”

The policies in the Development Plan in respect to the extractive industry in County Carlow and relevant to the Development Site are as follows:

- *“In general encourage the development of quarry industries where it is compatible with the protection of the landscape, the continued operation of agriculture and the preservation of the amenities of local residents generally.*
- *To minimise environmental and other impacts of mineral extraction through rigorous application of licensing, development control and enforcement requirements for quarry and other developments with particular regard to visual impacts, methods of extraction, levels, dust prevention, protection of ground and surface waters, impacts on residential and other amenities, impacts on the road network (particularly with regard to making good any damage to roads), road safety, phasing, re-instatement and landscaping of worked sites.*
- *Ensure that all existing workings shall be rehabilitated to suitable land uses and that all future extraction activities will allow for the rehabilitation of pits and proper land use management.”*

8.4.3 Carlow County Development Plan, 2022 – 2028

The current Carlow County Development Plan 2022 – 2028 was adopted on 23rd May 2022 and came into effect on 4th July 2022.

The Development Plan includes a recognition that aggregates, by their nature, *“can only be worked where they occur”*. Proposals must adequately demonstrate that:

“Extraction is compatible with the protection of the environment in terms of air and water quality, natural and cultural heritage, the quality of life of residents in the vicinity, the capacity of the road network to accommodate the development, minimising landscape impact and appropriate proposals for site rehabilitation.”

The following policies related to the extractive industry are contained within the current Carlow County Development Plan 2022 – 2028.

- EI. P1:** *Facilitate adequate supplies of aggregate and mineral resources to meet the future growth needs of the county and wider region where there is a proven need for a certain aggregate/mineral while addressing key environmental, traffic and social impacts and details of rehabilitation.*
- EI. P2:** *Ensure that extractions (e.g. stone, sand and gravel pits, limestone reserves) which would result in a reduction of the visual amenity of sensitive landscapes or damage to designated sites, habitat types or species shall not be permitted.*
- EI. P3:** *Exercise appropriate control over inappropriate development(s) that would significantly hinder the efficient or effective recovery of the county’s natural resources, by seeking to prevent incompatible land-uses that could be located elsewhere from being located in the vicinity of the resource, since the extraction of minerals and aggregates is resource based.*
- EI. P4:** *Ensure that all existing and proposed quarries comply with the requirements of ‘Quarry and Ancillary Facilities – Guidelines for Planning Authorities (DECLG) 2004’ or any replacement document and to promote a whole of life plan for an extractive location, including restoration/rehabilitation plans and proper land use management. The Council will seek the delivery of environmental benefits in the form of sustainable habitat creation in conjunction with the restoration phases of development.*
- EI. P5:** *Ensure that extractive developments do not adversely impact on environmental quality, including water quality, tourism value, existing infrastructure, residential amenity or the amenity value of neighbouring lands.*

EI. P6: *To ensure that development for aggregates/mineral extraction, processing and associated processes does not significantly impact the following:*

- *Existing and proposed European Sites;*
- *Other areas of importance for the conservation of flora and fauna;*
- *Areas of significant archaeological potential including recorded monuments;*
- *Important aquifers and sensitive groundwater resources;*
- *Sensitive landscapes; and*
- *Established rights of way.*

EI. P7: *Ensure that the extractive industry (aggregates and mineral resources) and associated development minimise adverse impacts on the road network in the area and that the full cost of road improvements, including during operations and at time of closure, which are necessary to facilitate those industries are borne by the industry itself.*

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

It is an objective of the Council to:

EI. O1: *Support RSES policy for the adequate supply of aggregate and mineral resources to ensure the continued growth of the county and region and to ensure that all quarrying activities and projects associated with extractive industry comply with all relevant Planning and Environmental Legislation.*

EI. O2: *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 10 of this Plan.*

9.0 PLANNING ASSESSMENT

9.1 Principle of Development

The importance of the extractive industry to the economy is recognised and supported through policy, subject to necessary environmental protections being put in place. The development is supported by numerous policies contained within the County Development Plans 2003 – 2008, 2009 – 15 when the majority of historic extraction took place at the site. The policy of Carlow County Council in 2003 was to generally permit such activities subject to no serious adverse impacts occurring to the environment.

Subsequent Development Plans such as 2009 – 2015 recognised the economic importance of the extractive industry in providing the necessary raw materials for economic growth. The current Development Plan also includes this support subject to any developments not adversely impacting *“on environmental quality, including water quality, tourism value, existing infrastructure, residential amenity or the amenity value of neighbouring lands”*.

When operational, the site was subject to a trade effluent discharge licence (DL/S4/2011/2) relating to the construction of settlement ponds. It should be noted also that no third party observations were made on the S261A proceedings at the site, indicating that there were no impacts to surrounding sensitive receptors. The accompanying EIAR, in addition, has not identified any significant negative effects in terms of the current baselines at the site.

9.2 Environmental Assessments

The proposed development has been assessed in terms of its potential to have impacts on the surrounding environment. The application is accompanied by a rEIAR prepared by Tom Phillips + Associates in conjunction with Ecology Ireland, Hydro Environmental Ltd., AWN, Wave Dynamics, Dr. Charles Mount Archaeology, Macro Works (APEM), and Transport Insights. In general, the assessment concludes that with sufficient mitigation, the Development Site did not result in significant effects on the surrounding environment in terms of Air, Water, Biodiversity or Land and Soils.

As outlined in the Hydrology Chapter, the Development has resulted in some alteration of local drainage patterns. The Raheendoran Stream flowed through the Development Site prior to the quarrying activities. This stream drained the local area, including the Development Site, and discharged into the River Barrow ~2.25km east of the Development Site. Whilst the Raheendoran Stream is still present downstream of the site, the upper reaches of the stream (~120m in length) which overlapped with the extraction area have been removed. Water which used to flow in the Raheendoran Stream currently gathers in ponds and flooded areas on the quarry floor. Some of this water is directed to a large settlement pond, whilst some flows along an existing access track in the northeast of the Development Site. The accompanying restoration plan prepared by Macroworks includes measures for the successful reinstatement of this water body.

Notwithstanding the above, there are no anticipated significant effects to the local environment arising from the current condition of the lands.

An Appropriate Assessment (AA) Screening and a Remedial Natura Impact Statement (rNIS) prepared by Ecology Ireland are also enclosed.

The AA Screening found that it could not be excluded, on the basis of objective scientific information that the proposed works, individually or in combination with other plans or projects, would have a significant

effect on hydrologically connected sites, River Barrow and River Nore SAC in the absence of adequate environmental mitigation. Therefore, a NIS was required to ascertain whether the proposed works would have had an adverse effect on the integrity of the Natura 2000 sites.

Best practice measures and mitigation measures (see also the individual Chapters in the EIAR) were implemented at the site in line with standard environmental controls and were effective in ensuring that the risk of any significant residual effects on the water quality of watercourses hydrologically connected to the River Barrow and River Nore SAC was minimised such that there was no residual risk of adverse effects on the relevant Qualifying Interests of that Natura 2000 site. The proposed restoration phase works will also be carried out with due consideration to the prevention of damaging run-off from the site.

10.0 DOCUMENTS SUBMITTED AS PART OF THIS PLANNING APPLICATION

The following supporting documents will be submitted in person to An Coimisiún Pleanála as part of the S177E Substitute Consent Planning Pack. These documents are stated below:

10.1 Form No. 7

6 no. copies of a duly completed 'Form No. 7', signed and dated 22nd December 2025.

We note that this form refers to 'An Bord Pleanála', as opposed to 'An Coimisiún Pleanála'. The submission of this version of the form was agreed with An Coimisiún Pleanála on 22nd December 2025.

10.2 Public Notices

- 6 no. copies of the original page from the *Carlow Nationalist*, dated 16th December 2025, in which notice of the application has been published.
- 6 no. copies of the *Site Notice* dated 16th December 2025, as erected at the subject site.

10.3 Planning Report

6 no. copies of this *Planning Report* prepared by Tom Phillips + Associates, dated December 2025.

10.4 Remedial Environmental Impact Assessment Report

6 no. copies of a *Remedial Environmental Impact Assessment Report* dated December 2025, prepared by Tom Phillips + Associates in collaboration with the project design team. This includes 3 no. documents, as follows:

- Volume 1 – Non-Technical Summary (NTS)
- Volume 2 – Main Report
- Volume 2 – Appendices

10.5 AA Screening/rNIS

6 no. copies of the joint *Appropriate Assessment Screening (AA)* and *Remedial Natura Impact Statement (rNIS)* dated December 2025 and prepared by Ecology Ireland.

10.6 EIAR Portal Notification

6 no. copies of the confirmation of an *EIA Portal Notification* designated under EIA Portal ID Number 2025256, dated 16th December 2025. This is also attached as Appendix A of this Report.

10.7 Planning Drawings

6 no. copies of the following drawings have been enclosed:

Hydro Environmental Services				
Drawing No.	Title	Scale	Size	Rev.
P1687-0-1225-A2-101-SC-00D	Site Location Map	1:2,500	A2	D
P1687-0-1225-A2-102-SC-00B	Baseline 1995 Conditions	1:2,500	A2	B
P1687-0-1225-A0-103-SC-00C	Existing Conditions	1:1,000	A0	C
P1687-0-1225-A1-104-SC-00C	Cross-Sections AA', BB', and CC'	1:500	A1	C
P1687-0-1225-A2-105-SC-00E	Site Development History	1:5,000	A2	E

Macro Works				
Drawing No.	Title	Scale	Size	Rev.
LD.REDROCKQUARRY 1.0	Redrock Quarry Restoration S177E Application	1:2000	A1	-

The scale of the drawings submitted were agreed with An Coimisiún Pleanála on 17th December 2025.

10.8 Planning Fee

A cheque for the sum of €4,350.00 is enclosed covering the cost of the planning application fee. We calculated the planning application fee as follows:

- i. Class 6(a) winning and working of minerals €50 per 0.1 ha of 8.66 ha quarry extraction area¹ = €4,350.00

10.9 Soft Copy

A soft copy (USB) of the full application has been enclosed as part of the Planning Application pack.

¹ For the purpose of calculating the Application Fee under Class 6(a), the extraction area footprint (c. 8.66Ha – rounded up to 8.7Ha) has been utilised, as opposed to the wider site area.

11.0 CONCLUSION

This Planning Report and the associated supporting materials provide a comprehensive outline of the historic quarry development at a disused quarry located in the townland of Clogrennane, Co. Carlow.

The proposed development has regard to the:

- Provisions of the current Development Plan for the area in relation to the extraction industry;
- Extent of the mineral resource on the subject lands, specifically sandstone;
- Potential for employment creation at the site and contribution to the local economy; and
- Assessment of impacts and proposed mitigation in the enclosed remedial Environmental Impact Assessment Report and remedial Natura Impact Statement, which predict that there are no significant adverse impacts on the environment or protected Natura 2000 sites as a result of the operation of the development.

It is considered that the development did not injure the amenities of the area, and was not prejudicial to public health, would be acceptable in terms of traffic safety, did not impact negatively on the existing landscape or visual amenity of the area, and effectively utilised the resources of quarry at the time of operation.

We trust that you will find this planning application in order, and we look forward to receipt of an acknowledgement at your earliest convenience.

Please revert back to us should you require further clarification in relation to any aspect of this application.

Yours faithfully,



Gavin Lawlor
Director
Tom Phillips + Associates

Encl.

Appendix A – EIA Portal Notification Confirmation

APPENDIX A: CONFIRMATION OF AN EIA PORTAL NOTIFICATION UNDER EIA PORTAL ID NUMBER 2025256, DATED 16th DECEMBER 2025.

16/12/2025, 12:28

Inbox - Laura Crowe - Outlook

 Outlook

EIA Portal Confirmation Number: 2025256

From Housing Eiaportal <EIAportal@housing.gov.ie>
Date Tue 12/16/2025 12:07 PM
To Laura Crowe <laurac@tpa.ie>

Dear Laura,

An EIA Portal notification was received on 16/12/2025 in respect of this proposed application. The information provided has been uploaded to the EIA Portal on 16/12/2025 under EIA Portal ID number **2025256** and is available to view at <http://housinggov.ie/maps.arcgis.com/apps/webappviewer/index.html?id=d7d5a3d48f104ecbb206e7e5f84b71f1>.

Portal ID: 2025256

Competent Authority: An Coimisiún Pleanála

Applicant Name: Milford Quarries Limited

Location: Clogrennane, Bilboa, Co. Carlow

Description: Substitute Consent Application - Existing Quarry of c. 8.66Ha. Refer to enclosed statutory notice.

Linear Development: No

Date Uploaded to Portal: 16/12/2025

Kindest Regards,

Hugh Wogan,

EIA Portal team

An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreacht
Department of Housing, Local Government and Heritage

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www.gov.ie/housing



**An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreacht**
Department of Housing,
Local Government and Heritage

<https://outlook.office365.com/mail/inbox/id/AAkALgAAAAAHYQDEapmEc2byACqAC%2FEWg0AI2UPhK2MEO3xzQt19m1gAEmjmUPQAA>

1/1



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