

COMHAIRLE CHONTAE CEATHARLOCHA
CARLOW COUNTY COUNCIL

C A R L O W
COUNTY COUNCIL
COMHAIRLE CHONTAE CEATHARLOCHA



COUNTY BUILDINGS, ATHY ROAD, CARLOW.

Tel: Phone: 059-9170300/ Fax: 059-9170836

Website: www.carlow.ie

Application Form for Section 5 Declaration on Development & Exempted Development

1. Name of applicant: GEORGE DOYLE.
2. Address of applicant: [REDACTED]
3. Name and address for correspondence: AS ABOVE
- Tel. N: [REDACTED] Fax No: E-mail:
4. Location of Development: Townland: BAGENALSTOWN X1 KILCARRIG.
~~POWASS~~ X1
- Postal Address: (if different from Townland): AS DOCUMENTED
5. Name and Address of Agent: N/A.
6. Outline clearly the description of the development / proposal: AS PER THE ATTACHED DOCUMENTATION.

George Doyle 11-4-2023

Advice Note:

This is a non-statutory advice note prepared by Carlow County Council for the purposes of advising applicants what information is required for a decision to be made under Section 5 by the Planning Authority.

Under Section 5 of the Planning and Development Act 2000 as amended any person may request in writing from the Planning Authority as declaration as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of the Planning and Development Act 2000 as amended.

The Planning Authority is required to make a decision within 4 weeks of receipt of a Declaration Request under Section 5, along with the prescribed fee, however the Planning Authority can also request Additional Information if it is considered that insufficient information has been submitted.

Therefore, it is advised that the following information should be submitted to enable the Planning Authority to make a qualified decision within the prescribed period:

- A site location map (Scale 1:2500 in rural area and 1:1000 in an urban area), with the site clearly outlined in red.
- Site Layout Map (Scale 1:500) in compliance with Article 23 of the Planning and Development Regs 2001 as amended.
- Drawings (Scale 1:50) Where development involves any construction of a new structure, increase in size of existing structure or alterations to an existing structure, scaled floor plans and elevations. Drawings should differentiate between the original building, all extension and proposed development.



PLANNING SECTION
CARLOW CO. COUNCIL.

6-4-2023

I WOULD LIKE A SECTION 5 DECLARATION ON THE FOLLOWING ACTIVITIES TAKEN PLACE AT KILCARRIG QUARRIES PROCESSING PLANT LOCATED AT KILCARRIG BAGENALSTOWN CO CARLOW.

UNDER SECTION 5 REGULATIONS, PLANNING AUTHORITY MUST ISSUE THE DECLARATION ON THE QUESTION THAT HAS ARISEN AND THE MAIN REASONS AND THE CONSIDERATIONS ON WHICH ITS DECISION IS BASED TO THE PERSON WHO MADE THE REQUEST

THE DECISION ALSO TO BE BASED ON COMPLIANCE OF ALL PLANNING CONDITIONS ATTACHED TO PROCESSING PLANT. AND EVIDENCE OF COMPLIANCE MUST BE ISSUED TO ME.

THE DECISION ALSO TO BE BASED ON COMPLIANCE OF ALL ENVIRONMENTAL REGULATIONS REGARDING - OPERATING PROCESSING PLANT. ALSO EVIDENCE OF COMPLIANCE REGARDING THIS ISSUE MUST BE ISSUED TO ME.

THIS PROCESSING PLANT WHICH IS IN OPERATION FOR THE PAST 40+ YEARS AND IS SITUATED IN A DEPLETED SAND AND GRAVEL PIT, REQUIRES THE FOLLOWING QUESTIONS - ISSUES ANSWERED IN A SECTION 5 DECLARATION.



SECTION 5 DECLARATION REQUEST

1-QUESTION - Is change of use from FROM GRAVEL Pit WHICH IS FULLY DEPLETED OF SAND AND GRAVEL TO A VERY EXTENSIVE PROCESSING PLANT WHICH INCLUDES - BLOCK-PRODUCTION - LINE PLANT - PERMANENT ROCK CRUSHERS - WASHING PLANT - LAGOONS - READY MIX-CONCRETE PRODUCTION - SILLS-HEADS-LINTELS-PRODUCTION PLUS SAND AND GRAVEL PROCESSING.
Is ABOVE CHANGE OF USE AUTHORISED OR UNAUTHORISED UNDER SECTION 5 REGULATIONS

TO SUPPORT THE ABOVE CHANGE OF USE IS UNAUTHORISED - IS-CON-5 - OF PL-REF-07-835 WHICH STATES THAT ROCK TO BE CRUSHED IN CRUSHER MENTIONED IN THIS PLANNING PERMISSION MUST BE SOURCE FROM - SOLELY FROM WITHIN THE OVERALL SITE OF THIS DEVELOPMENT.

ALL MATERIALS = SAND - GRAVEL - ROCK - ETC USED AT PROCESSING PLANT ARE IMPORTED FROM OTHER SITES - QUARRIES WITH NO PLANNING PERMISSION IN PLACE TO ALLOW THIS.

JUST ONE EXAMPLE OF SERIOUS CONCERN REGARDING THIS ISSUE IS THAT KILCARRIG QUARRIES FOR A PERIOD OF AT LEAST 25 YEARS IMPORTED SAND AND GRAVEL TO PROCESSING PLANT AT KILCARRIG FROM BALLYMOON QUARRY. BALLYMOON QUARRY IS SITUATED IN A P-N.H.A. AREA WHICH AFFORDS QUARRY SPECIAL PROTECTION. DESPITE 3RD ENFORCEMENT NOTICES - DATED 10-12-2008 - 2-10-2009 - 31-1-2011 →

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SECTION 5 DECLARATION REQUEST.

KILCARRIG QUARRIES ONLY CEASED OPERATIONS AT BALLYMOON QUARRY WHEN QUARRY WAS FULLY DEPLETED OF SAND AND GRAVEL INCLUDING EXTRACTING LARGE QUANTITIES OF SAND AND GRAVEL FROM UNDER WATERTABLE ENFORCEMENT NOTICES ALSO REQUIRED KILCARRIG QUARRIES TO REINSTATE BALLYMOON SITE, BUT TO DATE THIS HAS NOT HAPPENED.

IF PROCESSING PLANT WAS PROPERLY REGULATED THIS ISSUE COULD HAVE BEEN AVOIDED.

2- QUESTION - IS THE PRACTICE OF IMPORTING ALL MATERIALS TO FEED PROCESSING PLANT AUTHORISED OR UNAUTHORISED UNDER SECTION 5 REGULATIONS. ALSO IS THERE A REQUIREMENT FOR KILCARRIG QUARRIES TO HAVE PROPER PLANNING PERMISSIONS IN PLACE FOR SITES USED TO SUPPLY MATERIALS TO PROCESSING PLANT AT KILCARRIG.

WATER SUPPLY FOR PROCESSING PLANT AT KILCARRIG. WATER SUPPLY IS SOURCED FROM STREAM - [BALLYMOON STREAM] WHICH RUNS UNDER ENTRANCE TO PROCESSING PLANT. KILCARRIG QUARRIES HAVE BLOCKED THIS STREAM CREATING A LARGE POND, WITH WATER FROM POND PUMPED TO PROCESSING PLANT.

BALLYMOON STREAM FLOWS INTO THE RIVER BARROW AND RIVER MORE C. SAC-SITE CODE - 002162 - LOCATED 1.2 KM WEST OF SITE

IN PLANNING PERMISSION - PL-REF-18-395 - FOR THIS SITE- VEHICLE WORKSHOP - KILCARRIG QUARRIES WERE REQUIRED TO SUBMIT AN APPROPRIATE ASSESSMENT →



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SECTION 5 DECLARATION REQUEST

SCREENING REPORT - [PLEASE SEE ENCLOSED COPY]

THE GLARING PROBLEM WITH REPORT IS THAT IT DOES NOT ADDRESS WATER SOURCE FOR PROCESSING PLANT

THE REPORT ALSO DOES NOT ADDRESS THE SERIOUS ISSUE OF SOILED WATER - RUN-OFF FROM INTERNAL ROADWAY WHICH FLOWS DIRECTLY BACK INTO BALLYMOON STREAM AT ENTRANCE TO PROCESSING PLANT.

ALSO THERE IS NO ABSTRACTION - LICENCE - PERMIT IN PLACE AND ALSO THERE IS NO DISCHARGE - LICENCE - PERMIT IN PLACE

3- QUESTION - IS BLOCKING BALLYMOON STREAM AND EXTRACTING LARGE QUANTITIES OF WATER TO FEED PROCESSING PLANT AUTHORISED OR UNAUTHORISED DEVELOPMENT UNDER SECTION 5 REGULATIONS.

4- QUESTION - IS DISCHARGING SOILED WATER BACK INTO BALLYMOON STREAM AUTHORISED OR UNAUTHORISED DEVELOPMENT UNDER SECTION 5 REGULATIONS.

PL-REF-7215 - KILCARRIG SITE - DATED 1986

ERECTION OF WASHING PLANT AND LAYING OF WATER PIPELINE. - CONDITION 4 - STATES THE DEVELOPMENT SHALL BE SUBJECT TO PROVISIONS OF THE LOCAL GOVERNMENT

WATER - POLLUTION ACT - 1977. - THIS ACT CLEARLY STATES THE REQUIREMENT FOR ABSTRACTION LICENCE, AND THIS ACT HAS BEEN UPDATED MANY TIMES SINCE WITH MORE STRICT CONDITIONS ATTACHED.

ALSO THIS ACT SEEMS TO SHOW THE REQUIREMENT OF DISCHARGE LICENCE.

SECTION 5 DECLARATION REQUEST

PL-REF-7215 - KILCARRIG SITE - DATED - 1986.

AS THIS WASHING PLANT IS IN PLACE OVER 35 YEARS WITH MANY UP-GRADES AND WITH ALMOST NO PLANNING CONDITIONS ATTACHED.

5- QUESTION - DOES WASHING PLANT REQUIRE UP-GRADE IN PLANNING PERMISSION UNDER SECTION 5 REGULATIONS. CONSIDERING ALL THE PLANNING CONDITIONS THAT WOULD BE ATTACHED TO NEW PLANNING PERMISSION.

PL-REF-8259 - READY MIX PLANT - KILCARRIG SITE: DATED 1987
THIS READY MIX PLANT IS IN PLACE FOR THE PAST 35 YEARS WITH MANY UP-GRADES AND ALMOST NO PLANNING CONDITIONS ATTACHED, ESPECIALLY ENVIRONMENTAL CONDITIONS ALSO IT WAS NEGLIGENT OF CARLOW CO COUNCIL NOT TO INCLUDE TIME-FRAME IN THIS PLANNING PERMISSION AND INDEED ALL PLANNING PERMISSIONS ATTACHED TO PROCESSING PLANT AT KILCARRIG.

6- QUESTION - DOES READY MIX PLANT REQUIRE UP-GRAD IN PLANNING PERMISSION, AND IS IT AUTHORISED OR UN-AUTHORISED UNDER SECTION 5 REGULATIONS

PL-REF-96-78 - BLOCK MAKING AND READY MIX PLANT DATED 1996
THIS BLOCK MAKING PLANT IS IN PLACE FOR THE PAST 27 YEARS WITH MANY UP-GRADES AND ALMOST NO PLANNING CONDITIONS ATTACHED.

AN UP-DATED PLANNING PERMISSION FOR THIS PLANT WOULD ATTRACT A LARGE NUMBER OF PLANNING CONDITIONS, ESPECIALLY AS THERE IS A →



SECTION 5 DECLARATION REQUEST

PL-REF-96-78-[CONT] NUMBER OF CHEMICALS
USED IN BLOCK MAKING AND READY MIX PRODUCTION.

7 - QUESTION - DOES BLOCK MAKING AND READY MIX
PLANT REQUIRE UP-DATE IN PLANNING PERMISSIONS
AND ARE THEY AUTHORISED OR UN-AUTHORISED
UNDER SECTION 5 REGULATIONS.

PL-REF-96-319 - BLOCK MAKING MACHINE AND STORAGE
PLANT SHED.

INCREDIBLY THIS PLANNING PERMISSION CONTAINS
NIL YES NIL CONDITIONS.

THIS PLANT SHED HAS BEEN UP-GRADED IN THE PAST
26 YEARS.

8 - QUESTION - DOES PLANT SHED REQUIRE UP-DATE IN
PLANNING PERMISSION AND IS IT AUTHORISED OR
UN-AUTHORISED UNDER SECTION 5 REGULATIONS.

PL-REF-98-221 - RETAIN LIME PLANT AND STORAGE SHED.
THIS LIME PLANT WHICH IS IN PLACE FOR THE PAST
25 YEARS HAS BEEN UP-GRADED MANY TIMES WITH
NO NEW PLANNING PERMISSIONS IN PLACE

THIS PLANT CREATES LARGE VOLUMES OF DUST AND
NOISE WHICH HAVE NEVER BEEN ADDRESSED.

9 - QUESTION - DOES LIME PLANT REQUIRE UP-DATE IN
PLANNING PERMISSION AND IS IT AUTHORISED OR
UN-AUTHORISED UNDER SECTION 5 REGULATIONS.



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SECTION 5 DECLARATION REQUEST

PL-REF-07-835 - RETENTION FOR EXISTING STONE CRUSHING PLANT.

IN FAIRNESS THERE IS LOT OF PLANNING CONDITIONS ATTACHED TO THIS PL PERMISSION, BUT SADLY NONE OF THESE CONDITIONS HAVE BEEN COMPLIED WITH OR ENFORCED. CON-1-B - PERMISSION ONLY VALID FOR 5 YEARS. CON-5 - ROCK TO BE CRUSHED ON SITE SHALL BE SOURCED SOLELY FROM WITHIN THE OVERALL SITE OF THIS DEVELOPMENT.

IT SHOULD HAVE BEEN MORE THAN OBVIOUS DURING SITE VISIT AND ASSESSMENT THAT THIS CONDITION COULD NEVER BE ACHIEVED AND PLANNING PERMISSION SHOULD NEVER HAVE BEEN ISSUED = CON-5.

ALSO THIS PLANNING PERMISSION EXPIRED IN 2012. MAKING STONE CRUSHING PLANT UN-AUTHORISED.

10 - QUESTION - DOES EXISTING STONE CRUSHING PLANT REQUIRE UP-DATE IN PLANNING PERMISSION AND IS IT AUTHORISED OR UN-AUTHORISED UNDER SECTION 5 REGULATIONS.

MACHINERY SHED INCLUDING VEHICLE REPAIR WORKSHOP. THERE SEEMS TO BE AT LEAST 4 PLANNING PERMISSIONS ATTACHED TO THIS WORKSHOP. INCLUDING - PL-REF-8126-04-651-07-354-18-395. THIS WORKSHOP HAS GROW INTO A HUGE WORKSHOP AND THE MAIN REASON SEEMS TO BE IS THAT KILCARRIG QUARRIES ARE CARRYING OUT MACHINERY SALES FROM THIS WORKSHOP. A SIMPLE GOOGLE CLARIFIES THIS AS WEB PAGE STATES THAT

SECTION 5 DECLARATION REQUEST

KILCARRIG QUARRIES MACHINERY LIMITED WAS SET UP ON 15TH JULY 2020 - ADDRESS IS KILCARRIG BAGENALSTOWN CO CARLOW - COMPANY NUMBER. 673981

11 - QUESTIONS - ARE MACHINERY SALES ALLOWED FROM WORKSHOP. ARE MACHINERY SALES AUTHORISED OR UN-AUTHORISED UNDER ANY PLANNING CONDITIONS INCLUDING UNDER SECTION 5 REGULATIONS.

PLANT HIRE

FROM SIMPLE GOOGLE SEARCH KILCARRIG QUARRIES ALSO SEEM TO BE CARRYING OUT A PLANT HIRE BUSINESS FROM ABOVE - PROCESSING PLANT SITE WITH NO PERMISSIONS IN PLACE TO DO SO.

12 - QUESTION - Is CARRYING OUT PLANT-HIRE BUSINESS AUTHORISED OR UN-AUTHORISED UNDER ANY PLANNING CONDITIONS - PERMISSIONS - INCLUDING UNDER SECTION 5 REGULATIONS.

WATER PUMPING STATION - LOCATED AT ENTRANCE TO KILCARRIG QUARRIES - KILCARRIG SITE.

THIS PUMPING STATION IS LOCATED AT SITE WHERE KILCARRIG QUARRIES HAVE BLOCKED BALLYMOON STREAM AND CREATED LARGE POND.

13 - QUESTION - Is PUMPING STATION AUTHORISED OR UN-AUTHORISED UNDER ANY PLANNING CONDITIONS - PERMISSIONS - INCLUDING UNDER SECTION 5 REGULATIONS.

SECTION 5 DECLARATION REQUEST.

LAGOONS - SITUATED AT PROCESSING PLANT KILCARRIG.
ALL SURFACE WATER INCLUDING SOILED AND
CONTAMINATED WATER FROM WASHING DOWN PLANT
PLUS WATER AND WASTE FROM WASHING PLANT
IS DIRECTED AND STORED IN ABOVE LAGOONS.
THESE LAGOONS ARE NOT SEALED RESULTING IN
CONTAMINATED WATER HAVING FREE ACCESS TO
GROUNDWATER WHICH IS NOT ALLOWED IN ANY
PLANNING OR ENVIRONMENTAL REGULATIONS.
ALSO THERE IS NO WASTE PERMIT IN PLACE FOR WASTE
PRODUCED FROM WASHING PLANT AND STORED IN ABOVE
LAGOONS AS DIRECTED BY THE E.P.A.

14 - QUESTION - ARE LAGOONS AUTHORISED OR UN-AUTHORISED
UNDER ANY ENVIRONMENTAL OR PLANNING REGULATIONS
INCLUDING UNDER SECTION 5 REGULATIONS.

SALES TO THE PUBLIC AT PROCESSING PLANT.
SALES TO THE PUBLIC OCCUR ON A DAILY BASIS AT
PROCESSING PLANT. THIS ACTIVITY IS NOT ALLOWED AT
POWERTOWN QUARRY - WHICH IS OPERATED BY KILCARRIG QUARRY
AND WOULD REQUIRE NEW PLANNING PERMISSION TO DO SO.

15 - QUESTION - ARE SALES TO THE PUBLIC AUTHORISED OR
UN-AUTHORISED UNDER ANY PLANNING REGULATIONS
INCLUDING UNDER SECTION 5 REGULATIONS

16 - QUESTION - ARE ALL ACTIVITIES ON THIS SITE AUTHORISED
OR UN-AUTHORISED UNDER SECTION 5 REGULATIONS
CONSIDERING THERE IS NO PLANNING PERMISSION IN
PLACE FOR CHANGE OF USE FROM DEPLETED QUARRY
TO A PROCESSING PLANT.



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KILCARRIG PROCESSING PLANT

THIS PROCESSING PLANT IS IN OPERATION FOR 30+ YEAR WITH MOST OF THE PLANNING PERMISSIONS OBSOLETE AND SUB-STANDARD WITH VERY FEW PLANNING CONDITIONS ATTACHED.

THERE IS ZERO EVIDENCE ON FILE OF COMPLIANCE OF THE FEW PLANNING CONDITIONS ATTACHED.

THERE IS ALSO ZERO EVIDENCE OF ANY SITE VISITS OR ENFORCEMENT BY CARLOW CO COUNCIL FOR THIS SITE. KILCARRIG QUARRIES DON'T SEEM TO HAVE SUBMITTED EVEN ONE A.E.R. - ANNUAL - ENVIRONMENTAL - RECORD FOR THIS SITE, AND CARLOW CO COUNCIL DON'T SEEM TO HAVE AN ISSUE WITH THIS, WHICH IS UN-BELIEVEABLE.

AS I DO NOT HAVE ACCESS TO PROCESSING PLANT SITE AT KILCARRIG AND THERE MIGHT BE OTHER ACTIVITIES ON SITE THAT I HAVE NOT LISTED ABOVE, AND REQUIRE UP-GRADING OR NEW PLANNING PERMISSIONS. PLEASE CHECK THIS OUT DURING SITE VISIT.

IF ANY OF THE ABOVE ACTIVITIES ARE DEEMED AUTHORISED, PLEASE ISSUE ME WITH PROOF THAT ALL CONDITIONS - PLANNING AND ENVIRONMENTAL HAVE BEEN FULLY COMPLIED WITH, AND ALSO THE REASONS FOR DECISION.

George Doyle



Planning Report

Planning Reference: 18/395

Applicant: Kilcarrig Quarries Ltd

Development: Permission for the erection of a new extension and the retention of a two-storey extension to its vehicle workshop.

Request for of FI issued on: 10/12/2018

Response to FI received on: 11/02/2019

Referred to:

- Geological Survey Ireland (GSI) on 12/02/2019. Response received via email on 26/02/2019 confirming that Geological Survey Ireland have no further comments to those outlined in correspondence dated 15/11/2018.
- Environment Section (Executive Engineer) on 12/02/2019.
- Environment Section (Snr Executive Engineer) on 12/02/2019. Response received 01/03/2019. Recommendation of grant with 1 no. condition.

Assessment Notes

FI Item 1: The northern boundary of the site bounds with the Ballymoon Stream which in turns flows into the River Barrow and River Nore c.SAC (Site Code 002162) located approximately 1.2km west of the site. In this regard, the applicant is requested to submit an Appropriate Assessment Screening report to be prepared by a suitably competent person/s or company to assess whether the proposed development, either on its own or in conjunction with other similar developments in the vicinity would result in adverse effects on water quality in the watercourse and to the integrity of the River Barrow and River Nore c.SAC. Prior to preparation of the Stage 1 Appropriate Assessment Screening Report, the applicants are advised to refer to the Departmental Guidance Document on Appropriate Assessment, available at: <http://www.npws.ie/media/npws/publications/codesofpractice/AA%20Guidance%2010-12/09.pdf>. The applicants are also referred to the EU Commission Guidance entitled "Assessment of plans and projects significantly affecting Nature 2000 sites. Methodology guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC".

Response: The applicant engaged the services of Mr Kevin Donovan (Ecologist) to prepare and submit a Stage 1 Appropriate Assessment Screening Report. The report concludes that the proposed development will not have any significant negative impact on the integrity or on the conservation objectives of the SAC area for nature conservation and also the Ballymoon Esker. The report also concludes that the proposed development will not have significant adverse impact on the fresh water pearl mussel population and salmon spawning habitat of the River Barrow and therefore on the qualifying interest of the SAC.

2a) The applicant is requested to verify the population equivalent for the existing factory.

Response: The applicant has submitted that the existing workshop accommodates 6 no. persons.



b) The applicant is requested to verify if the population equivalent for the existing factory is likely to increase.

Response: The applicant has submitted that the estimate increase is up to 8 no. persons (increase of 2 no. persons)

c) The applicant is requested to confirm if the surface water generated by the proposed factory can be accommodated in the existing soakaway.

Response: The applicant has submitted that the surface water generated by the existing and proposed workshop will be accommodated by an existing soakaway.

d) The applicant is requested to submit the clean surface water network within a 100m radius of the proposed development.

Response: The applicant has submitted a revised site layout plan (Drawing PP-003) showing the clean surface water network within a 100m radius of the proposed development.

e) The applicant is requested to clarify how the surface water (not clean roof water) generated by the existing workshop and proposed workshop is attenuated with 100m radius.

Response: The applicant has submitted that the permeability of the ground (exhausted quarry) and the capacity of the soakaway allows the surface water from the concrete aprons/yards via the hydrocarbon interceptor to percolate readily without the need for attenuation.

f) The applicant is requested to submit detailed drawings to clarify how the surface water (not clean roof water) generated by the existing workshop and proposed workshop is attenuated.

Response: The applicant has submitted a revised site layout plan (Drawing PP-003) showing the surface water from the concrete aprons/yards collected by a drainage system that drains to a hydro carbon Interceptor, which then flows to a soakaway.

g) The applicant is requested to submit the locations of all bypass -petrol interceptors, sand traps, fuel bunding and any pipework dispersing to the adjacent stream.

Note: The responses of the above FI request shall be prepared and submitted by a suitably qualified and indemnified person

Response: The applicant has submitted a revised site layout plan (Drawing PP-003) showing the locations of all bypass -petrol interceptors, sand traps, fuel bunding and any pipework dispersing to the adjacent stream.

Conclusion

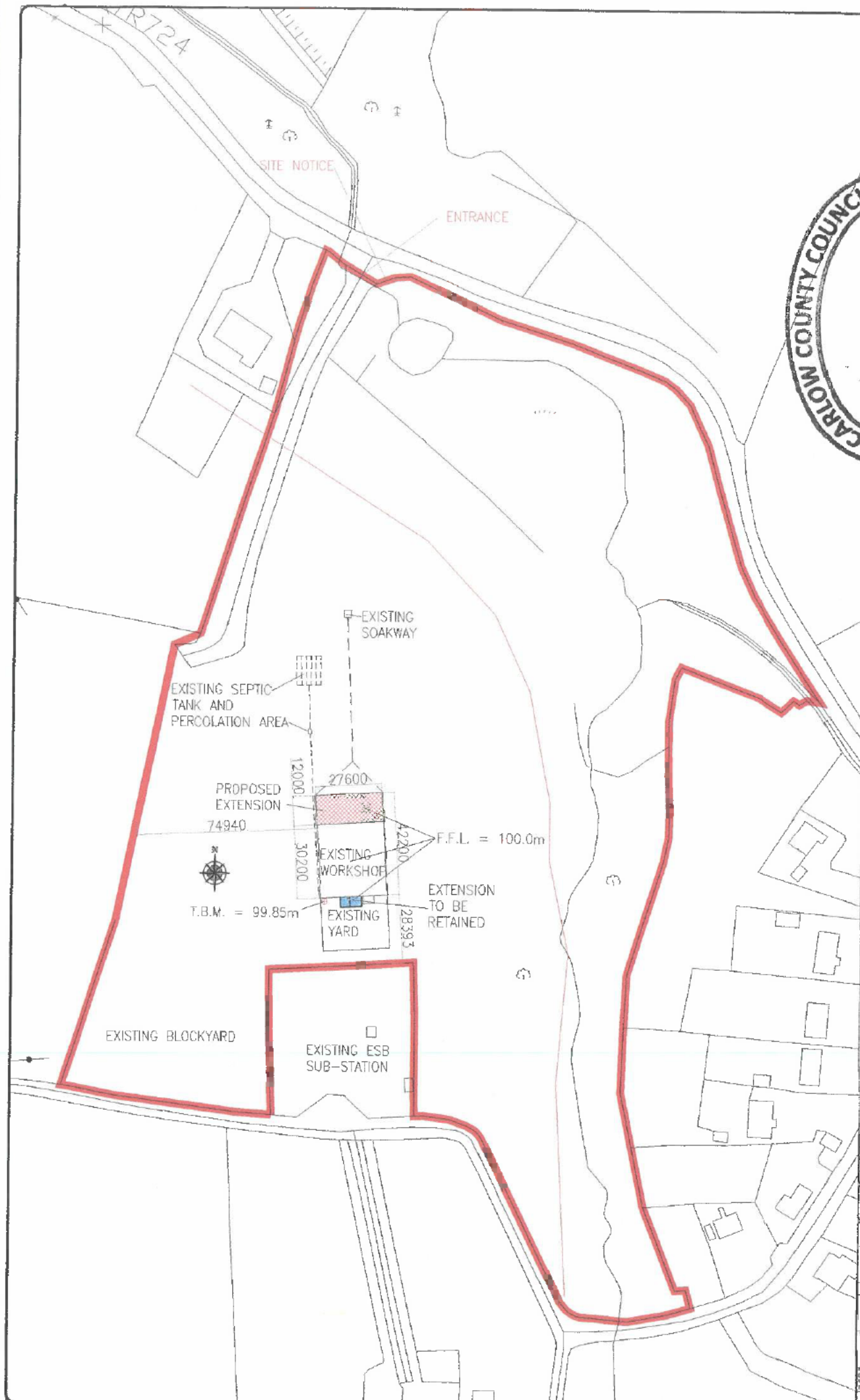
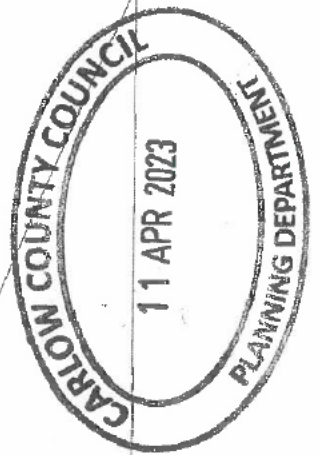
The FI response documents were referred to the Environment Section and it is noted that a recommendation to grant with 1 no. condition followed. In this regard, having reviewed the revised plans and documents submitted and having deemed the responses adequately addressed the issues raised, it is considered that there are no further issues and it is therefore recommended that permission be granted subject to conditions attached below.

Google Maps

Kilcarrig Quarries Bagenalstown



Imagery ©2023 CNES / Airbus, Maxar Technologies, Map data ©2023 50 m



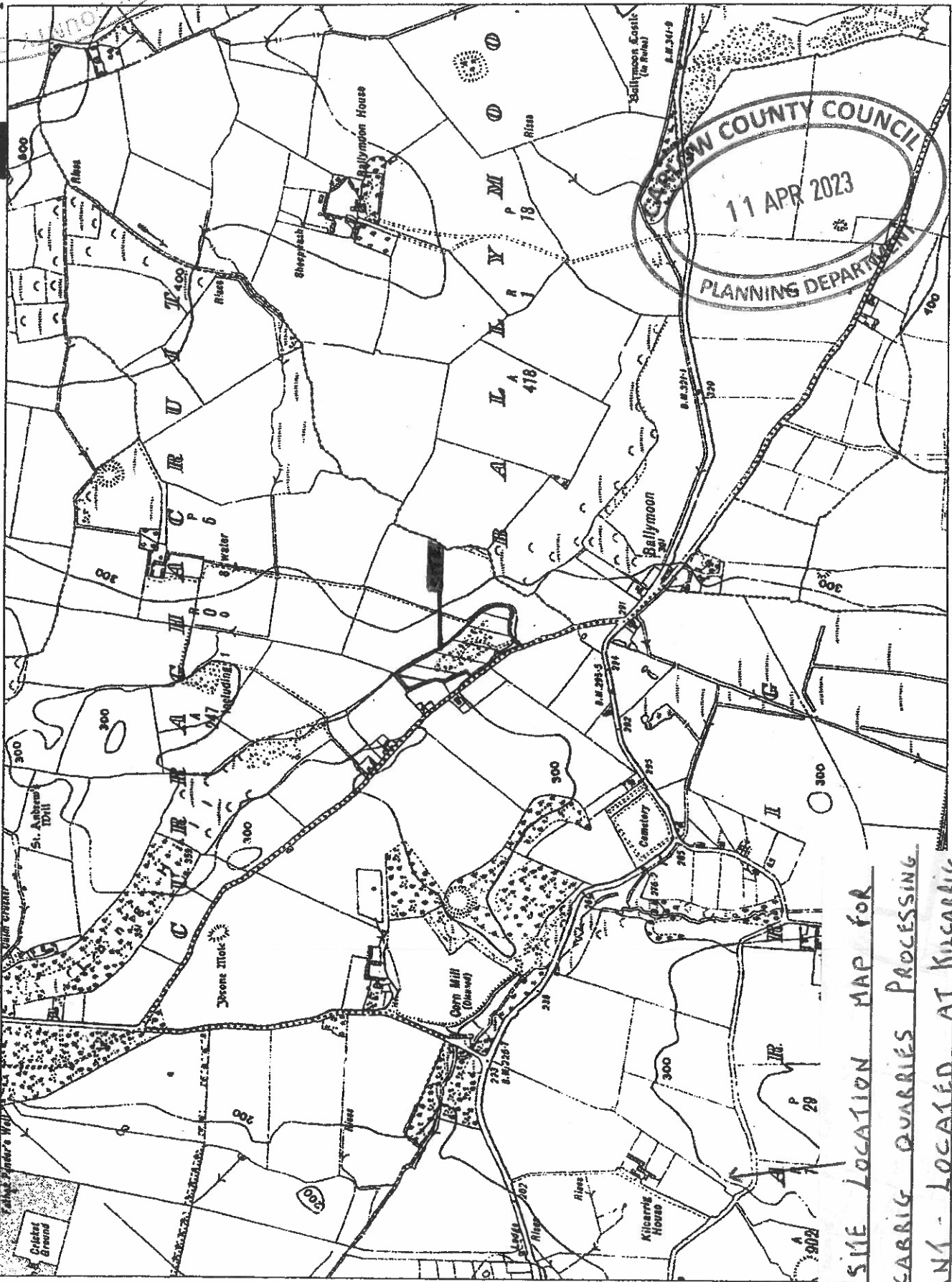
Drawn	By	Checked	By	Drawn	By
essgee ENGINEERING, ARCHITECTURE, DESIGN & CONSTRUCTION 100 Main Street, Carlow, Co. Carlow Tel: 051 881 1111 Email: info@essgee.ie					
PLANNING					
Project: EXTENSION TO VEHICLE WORKSHOP AT RILCARRIS QUARRIES, RILCARRIS, BAGENALSTOWN, CO. CARLOW					
Client: RILCARRIS QUARRIES LTD.					
Site: SITE LAYOUT MAP					
Date	Scale	Revision	Date		
01/04/2023	1:500	01	01/04/2023		
01/04/2023	1:500	02	01/04/2023		
This drawing is the property of essgee and shall not be used for any other purpose without the written consent of essgee.					

Surveyed 1839-1840
Revised 1900-1939
Levelled 1900-1940

Rural PLACE Map

271401

273054



SITE LOCATION MAP FOR
KILCARRIG QUARRIES PROCESSING
PLANT - LOCATED AT KILCARRIG
BAGENALSTOWN Co CARLOW.



Plot Ref. No. 311090_357
Plot Date 19-DEC-2003

DESCRIPTION

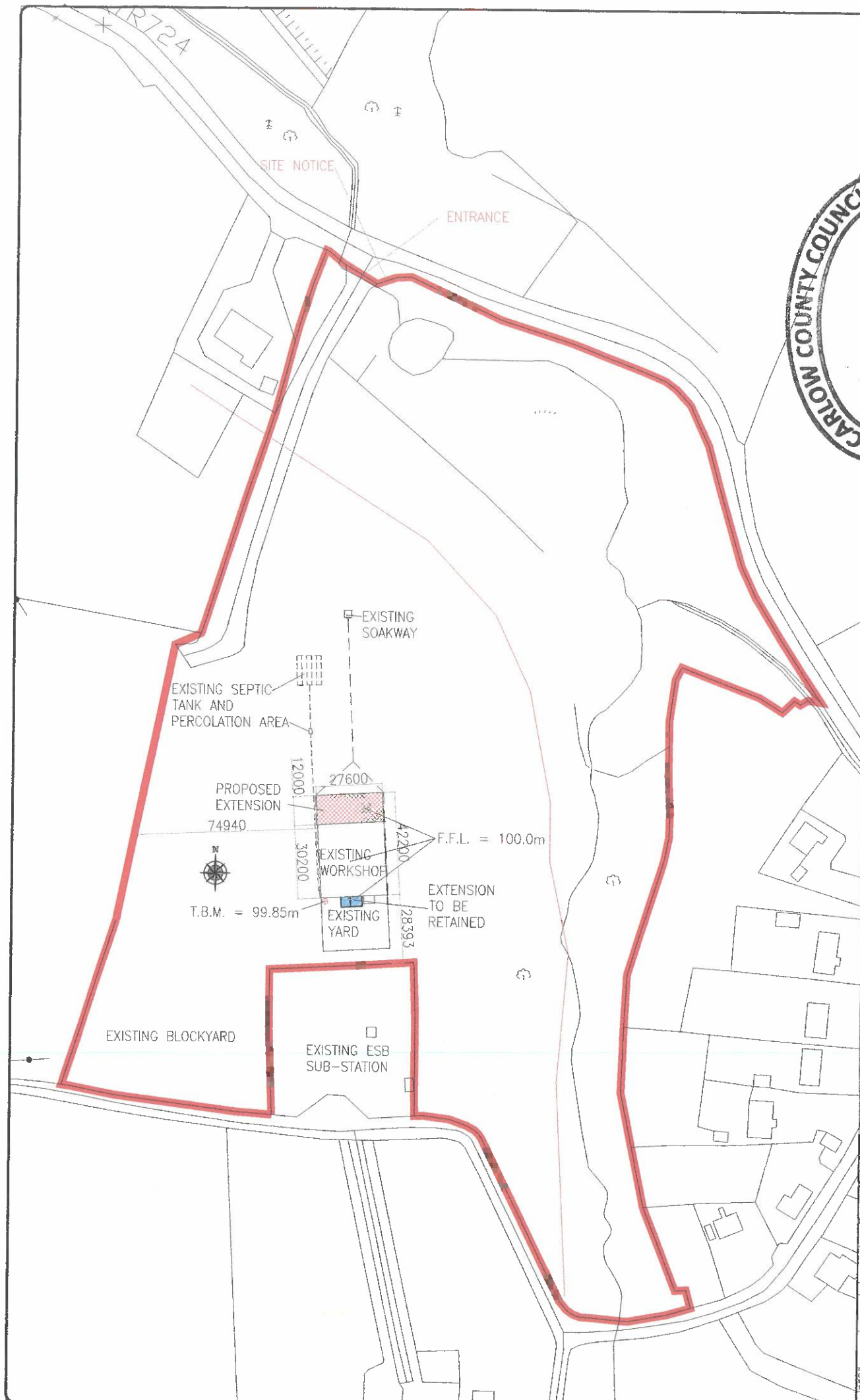
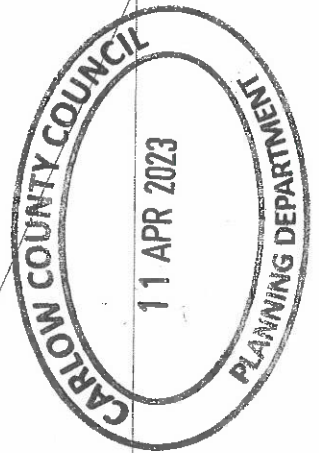
MAP SCALES

6 inch
KK016 CW016



Area shown is as shown in the original map
Ordnance Survey Ireland, 2003
Compiled and published by Ordnance Survey
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Rev	Date	Issued by	Drawn	Checked
essgee CONSULTING, INC. is a 50% COMPANY of Essgee Ireland, a company registered in Ireland. 10-046 10-046 10-046 10-046 10-046 10-046 10-046 10-046 10-046 10-046				
PLANNING				
PROJECT: EXTENSION TO VEHICLE WORKSHOP AT, KILCARRIG QUARRIES, KILCARRIG, BAGENALSTOWN, CO. CARLOW.				
PROJECT NO: 50				
CLIENT: KILCARRIG QUARRIES LTD.				
SITE: SITE LAYOUT MAP				
Drawn	12/05/2018	10-046	10-046	10-046
10-046	10-046	10-046	10-046	10-046
10-046 10-046 10-046 10-046 10-046				

CARLOW COUNTY COUNCIL PLANNING DEPARTMENT	
Section 5 declaration & referral on development & exempted development Planning & Development Act 2000 (as amended)	
Reference No. SEC5/23/14	
Name of Applicant:	George Doyle
Site Address:	Kilcarrig Quarry, Kilcarrig, Bagenalstown
Referral:	See previous planning report

1) Site Location

The submitted referral relates to an existing quarry located at Kilcarrig, Bagenalstown. The quarry is located circa. 0.3km east of Bagenalstown and has its primary access off the R724 Regional Road. For further details please also refer to the OSI map extract and satellite image provided on the following pages.



Referral Site



Aerial View of Kilcarrig Quarry

2) Site History

There is an extensive planning history for the site which is attached in full as an appendix to the previous planning report.

3) Legislative Provisions

Planning and Development Act 2000 (as amended) – (hereafter the Act)

- Section 2(1)

***“use”**, in relation to land, does not include the use of the land by the carrying out of any works thereon.*

***“structure”** means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—*

(a) where the context so admits, includes the land on, in or under which the structure is situate

***“works”** includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.*

- Section 3(1)

*In this Act, **“development”** means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.*

- Section 4(2)

Makes a provision for ministerial regulations to set out further exemptions. The Planning and Development Regulations as amended derive from this section and designate further works as being exempted development for the purposes of the Act.

-Section 4(4)

'Notwithstanding..... any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required'.

- Section 5

Sets out the provisions regarding a referral and declaration on development and exempted development.

Planning and Development Regulations 2001 (as amended) – (hereafter the Regulations)

- Article 6(1), (2) and (3)

Refers to classes of exempted development in Schedule 2, Parts 1, 2, and 3.

- Article 9(1)

Sets out a list of restrictions on exemptions to which Article 6 relates.

- Schedule 2, Parts 1, 2, and 3

Sets out classes of exempted development to which Article 6 relates.

4) Further Information Requested & Received

Following the recommendation of the previous planning report further information was requested from the applicant as follows:

- 1. Following consideration of your application and accompanying documentation it is noted that the content of same relates to (a) concerns of non-compliance with conditions of planning permissions, (b) questions of authorised and/or unauthorised development, (c) licence and permit requirements for waste, discharges, and abstraction. These issues do not come within the remit of Section 5 of the Planning and Development Act 2000 (as amended) as they do not constitute a question as to what is or is not development or is or is not exempted development.*

In view of the foregoing and in order to enable the Planning Authority to issue a Section 5 declaration, you are requested to submit further

information detailing a specific question you have as to what is or is not development or is or is not exempted development.

2. *In addition to item 1 and in accordance with the advice note included in the Section 5 application form, the subject of your question as to what is or is not development or is or is not exempted development should be accompanied by:*
 - *Any further particulars to support and clarify your question and to enable the Planning Authority to assess your application and issue a declaration.*

The further information received seeks to have all questions (1-16) as initially submitted to be addressed as to what is or is not development or is or is not exempted development. Reference also made to stated absence of information regarding planning permissions and compliance with environmental regulations and the applicant having no access to Kilcarrig site. For the entire context of the further information response the content of same should be directly referred to.

4)Assessment

As referred to in the previous planning report, the legislative provisions regarding a referral and declaration on development and exempted development is set out in Section 5 of the Act, which states:

(1)If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

The initial application documentation submitted by the applicant raised no questions as to what is or is not development or is or is not exempted development in terms of the quarry sites identified. The content of the documentation primarily related to questions of what is authorised and/or unauthorised development. The further information received now requests that all these previous questions address what is or is not development and what is or is not exempted development. However, as per the limited supporting details initially submitted, the further information response includes no information to enable all issues raised to be comprehensively addressed and responded to i.e. no detailed plans, particulars, or other details to clarify and support the questions and issues raised.

The conclusion that must be reached pursuant to Section 5 of the Planning and Development Act 2000 (as amended) is primarily concerned with answering a question(s) of what is or is not development or is or is not exempted development.

The provisions of Part VIII of the Act are concerned with establishing if unauthorised development has taken place, and ultimately with making a decision on whether or not the Planning Authority should take enforcement action.

Notwithstanding the foregoing, it is considered that on the basis of the information submitted and notable lack of detail therein, that a determination can be made, in a broad sense, on whether or not the site in question, as a quarry, constitutes development and exempted development.

Question of Development

'Development' is defined in Section 3 of the Act as *the carrying out of any works on, in, over or under any land or the making of any material change of use of any structure or land.*

'Works' are defined in Section 2 as *any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.*

'Quarry' in Section 2 of the Act means *an excavation/system of excavations for the purpose off/in connection with the getting of minerals or products of minerals..... and shall be deemed to include inter alia – Any place on the surface surrounding or adjacent to the quarry occupied together with the quarry for storage or removal of the minerals or for the purposes of a process ancillary to the getting of minerals, including the breaking, crushing, grinding, screening, washing or dressing of such minerals, but subject thereto, does not include any place at which any manufacturing process is carried on.*

Taking into account the information to hand it is clear that the use of the site in question comprises lands that have been quarried, and therefore come within the definition of a 'quarry'. The quarrying activities that have taken place constitute 'works' and therefore 'development' as defined in Section 3 of the Act.

Question of Exempted Development?

Section 4 of the Act sets out various provisions in relation to exempted development, however there are no provisions relating to quarry developments.

Exemptions are also provided for by Article 6 of the Planning and Development Regulations 2001 (as amended). Article 6 provides that development of a class specified in Schedule 2 of the Regulations shall be exempted development provided that the conditions and limitations attached to those various classes are complied with. There are no exempted development classes in Schedule 2 relating to quarry developments.

Appropriate Assessment

The Section 5 application relates to a quarry site in the townland of Kilcarrig, east of Bagenalstown. The quarry is not located in a European Site. The aerial imagery below taken from the EPA mapping tool (<https://gis.epa.ie/EPAMaps/>) indicates the location of the quarry site relative to the SAC (shown in yellow).



Quarry site at Kilcarrig

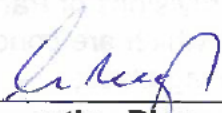
In the absence of the submission of detailed information on the precise nature, scale, and characteristics of the quarry in question, including details on the environment in which it is located, it is not considered possible to rule out significant impacts on the European Site.

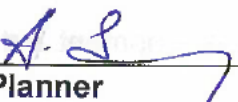
Given the uncertainty regarding whether the quarry in question was/is likely to have had significant effects, either individually or in combination with other plans or projects, on the European Site and in view of the Conservation Objectives for this Site, the quarry can also not be considered to be exempted development by reference to Section 4(4) of the Act and/or to Article 9(1)(a) (viiB) of the Regulations.

Refer also to the Appropriate Assessment Screening Report attached as Appendix 1.

4)Recommendation

It is recommended that a declaration is issued as per the wording set out on the following page.

Signed: 
Senior Executive Planner
Date: 18/05/23

Signed: 
Senior Planner
Date: 18/5/23.

**Declaration on Development & Exempted Development
Section 5 of the
Planning and Development Act 2000 (as amended)**

WHEREAS questions have arisen relating to a quarry at Kilcarrig, Bagenalstown, including whether authorised or unauthorised development has taken place at this quarry and on what is or is not development and is or is not exempted development;

AS INDICATED in particulars received by the Planning Authority on 11/04/23 and the further information received on 09/05/23;

AND WHEREAS George Doyle, [REDACTED] requested a declaration on the said questions from Carlow County Council;

AND WHEREAS Carlow County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), considers the nature of the detail of the queries to fall more appropriately under the provisions of Part VIII of the Planning and Development Act 2000 (as amended) which are concerned with establishing if unauthorised development has / is taking place;

AND WHEREAS Carlow County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- (a) Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- (b) Section 5 of the Planning and Development Act 2000 (as amended), which specifically provides that a person may request in writing from the Planning Authority a declaration on any question that arises as to what, in any particular case, is or is not development or is or is not exempted development;
- (c) Articles 6 and 9, and Schedule 2 of the Planning and Development Regulations 2001 (as amended);

AND WHEREAS Carlow County Council has concluded that:

- (a) The quarry site comes within the scope of 'works' and 'quarry' as set out in Section 2 of the Planning and Development Act 2000 (as amended), and therefore constitutes 'development' as defined in Section 3 of the Act.
- (b) The quarry site does not come within the scope of any exemption under Section 4 of the Planning and Development Act 2000 (as amended).

- (c) The quarry site does not come within the scope of any exemption under Article 6 and Schedule 2 of the Planning and Development Regulations 2001 (as amended).
- (d) The information submitted with the application is not sufficient to enable a determination as to whether the quarry requires an Appropriate Assessment, which would also exclude any exemption by reference to Section 4(4) of the Planning and Development Act 2000 (as amended) and the restrictions on exemptions in Article 9 of the Planning and Development Regulations 2001 (as amended).

NOW THEREFORE Carlow County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the quarry site at Kilcarrig, Bagenalstown, and Powerstown, Milford is development and is not exempted development.

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

Signed: _____

APPENDIX 1
APPROPRIATE ASSESSMENT SCREENING REPORT

DESCRIPTION OF PROJECT AND LOCAL SITE

Ref. SEC5-22/14 – Quarry at Kilcarrig – refer to planners' reports.

Site Location:

Quarry at Kilcarrig, Bagenalstown.

Total Site Area:

No information provided.

Floor area of proposed development:

No information provided.

Identification of nearby Natura 2000 site(s):

The quarry is not located in a European Site. In the absence of the submission of information regarding the exact location of developments, site areas, site boundaries etc. the aerial imagery below taken from the EPA mapping tool (<https://gis.epa.ie/EPAMaps/>) has been used to provide an indicative location of each of the quarry site relative to the River Barrow and River Nore SAC (shown in yellow).



Quarry at Kilcarrig

Is the application accompanied by an EIS?

No.

B. IDENTIFICATION OF THE RELEVANT NATURA 2000 SITE(S)

The reasons for the designation of the Natura 2000 site:

(A site synopsis can be obtained from www.npws.ie)

The conservation objectives/qualifying interests of the site and the factors that contributes to the conservation value of the site:

(A site synopsis can be obtained from www.npws.ie)

C. NPWS ADVICE

Advice received from NPWS over phone:

None

Summary of advice received from NPWS in written form:

None

D. ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS

(Purpose of this is to identify if the effect(s) identified could be significant – if uncertain assume the effect(s) are significant).

If answer yes to any of the questions, below then the effect is significant.

Would there be any impact on an Annex 1 habitat? (Annex 1 habitats are listed in Appendix 1 of AA Guidance)

Unknown.

Would there be a reduction in habitat area on a Natura 2000 site?

Unknown.

Would there be direct/indirect damage to the physical quality of the environment (e.g. water quality and supply, soil compaction) in the Natura 2000 site?

Unknown.

Would there be serious/ongoing disturbance to species/habitats for which the Natura 2000 site is selected (e.g. because of increased noise, illumination and human activity)?

Unknown.

Would there be direct/indirect damage to the size, characteristics or reproductive ability of populations on the Natura 2000 site?

Unknown.

Would the project interfere with mitigation measures put in place for other plans/projects. (Look at in-combination effects with completed, approved but not completed, and proposed plans/projects. Look at projects/plans within and adjacent to Natura 2000 sites and identify them).

Unknown.

E. SCREENING CONCLUSION

In the absence of the submission of detailed information on the precise nature, scale, and characteristics of the quarry in question, including details on the environment in which it is located, it is not considered possible to rule out significant impacts on the European Site.

Signed: _____

Senior Executive Planner

Date: _____


15/05/23

CARLOW COUNTY COUNCIL PLANNING DEPARTMENT	
Section 5 declaration & referral on development & exempted development Planning & Development Act 2000 (as amended)	
Reference No. SEC5/23/14	
3.2	
Name of Applicant:	George Doyle
Site Address:	Kilcarrig Quarry, Kilcarrig, Bagenalstown
Referral:	See assessment below in section 3.

1)Site Location

The submitted referral relates to an existing quarry located at Kilcarrig, Bagenalstown. The quarry is located circa. 0.3km west of Bagenalstown and has its primary access off the R724 Regional Road. For further details please also refer to the OSI map extract and satellite image provided on the following pages.



Referral Site



Aerial View of Kilcarrig Quarry

2) Site History

There is an extensive planning history for the site which is attached in full as an appendix to this referral.

3) Legislative Provisions

Planning and Development Act 2000 (as amended) – (hereafter the Act)

- Section 2(1)

***“use”**, in relation to land, does not include the use of the land by the carrying out of any works thereon.*

***“structure”** means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—*

(a) where the context so admits, includes the land on, in or under which the structure is situate

***“works”** includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.*

- Section 3(1)

*In this Act, **“development”** means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.*

- Section 4(2)

Makes a provision for ministerial regulations to set out further exemptions. The Planning and Development Regulations as amended derive from this section and designate further works as being exempted development for the purposes of the Act.

-Section 4(4)

'Notwithstanding..... any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required'.

- Section 5

Sets out the provisions regarding a referral and declaration on development and exempted development.

Planning and Development Regulations 2001 (as amended) – (hereafter the Regulations)

- Article 6(1), (2) and (3)

Refers to classes of exempted development in Schedule 2, Parts 1, 2, and 3.

- Article 9(1)

Sets out a list of restrictions on exemptions to which Article 6 relates.

- Schedule 2, Parts 1, 2, and 3

Sets out classes of exempted development to which Article 6 relates.

4)Assessment

The Section 5 application form has been accompanied by detailed correspondence which sets out that the subject referral relates to activities carried out at an existing quarry located at Kilcarrig, Bagenalstown, Co. Carlow. The key issues referred to in this documentation are formulated into 16 questions. These are summarised below for ease of reference. However, for the entire context of the documentation the text of same should be directly referred to.

- Is a change of use from a Sand and Gravel Quarry (now depleted) to a Processing and Manufacturing Plant authorised or unauthorised? Reference also made to condition no. 5 of reg. ref. 07/835.
- Is the importation of sand and gravel for the processing plant authorised or unauthorised.

- Is the blocking of Ballymoon Stream and the extraction of water from the stream water authorised or unauthorised?
- Is the discharge of soiled water back into Ballymoon Stream authorised or unauthorised?
- Does washing plant require up-date in planning permission?
- Does readymix plant require upgrade in planning permission and is it authorised or unauthorised?
- Does block making plant require update in planning permission and is it authorised or unauthorised?
- Does plant shed require require update in planning permission and is it authorised or unauthorised?
- Does lime plant require update in planning permission and is it authorised or unauthorised?
- Does existing stone crushing plant require update in planning permission and is it authorised or unauthorised?
- Are machinery sales authorised or unauthorised?
- Is carrying out of plant hire business authorised or unauthorised?
- Is pumping station authorised or unauthorised?
- Are lagoons authorised or unauthorised?
- Are sales to the public authorised or unauthorised?
- Are all activities on the site authorised or unauthorised?
- General concern regarding the operation of the premises and non-compliance with planning conditions including environmental monitoring and control.

It is not within the legislative scope of this referral is to determine if development is authorised or unauthorised or to ascertain the acceptability or otherwise of the use of a site in respect of proper planning and sustainable development, but rather it is to answer a question on the basis of the information available on what is or is not development and is or is not exempted development.

It appears that the documentation submitted by the applicant raises no questions as to what is or is not development or is or is not exempted development in relation to the quarry/quarrying activities referred to. For this reason, and in order for the Planning Authority to be able to carry out an assessment pursuant to Section 5 and issue a declaration, it is considered that further information should be requested from the applicant as provided for by subsection 2(b).

4)Recommendation

It is recommended that further information is requested from the applicant as follows:

1. Following consideration of your application and accompanying documentation it is noted that the content of same relates to (a) concerns of non-compliance with conditions of planning permissions, (b) questions of authorised and/or unauthorised development, (c) licence and permit requirements for waste, discharges, and abstraction. These issues do not come within the remit of Section 5 of the Planning and Development Act 2000 (as amended) as they do not constitute a question as to what is or is not development or is or is not exempted development.

In view of the foregoing and in order to enable the Planning Authority to issue a Section 5 declaration, you are requested to submit further information detailing a specific question you have as to what is or is not development or is or is not exempted development.

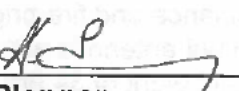
2. In addition to item 1 and in accordance with the advice note included in the Section 5 application form, the subject of your question as to what is or is not development or is or is not exempted development should be accompanied by:

- Any further particulars to support and clarify your question and to enable the Planning Authority to assess your application and issue a declaration.

Note to planning administration.

- In accordance with subsection 2(c) of Section 5 please refer a copy of the further information request for the attention of Kilcarrig Quarries Ltd.
- Please also refer a copy of the further information request for the attention of the Environment Section.

Signed: 
Executive Planner
Date: 8/5/23

Signed: 
Senior Planner
Date: 8/5/23

Appendix 1 Site History

QY 12/21 Quarry is registered under the S261. Quarry Ref QY21. 17 no. conditions were attached to the registration of the Quarry in April 2007

CW7215 – Permission granted for the Erection of washing plant and laying of water pipeline

CW8126 - Permission granted for retention of machinery shed

CW8259 - Permission granted for erection of ready mix concrete plant

CW8353 - Permission granted for erection of ESB Sub station

PL96/78 - Permission granted for erection of block making and ready-mix concrete plant with concrete yard

PL96/319 - Permission granted for building of a block making machine storage shed

PL98/221- retention permission granted for a Lime Plant and Storage Shed.

PL04/651 - Permission granted for building of vehicle repair workshop, stores, toilets, office and septic tank with percolation area

PL05/381 - Permission granted for erection of a 30m high, free standing communications structure, carrying antennae and communications dishes, with associated ground-mounted equipment cabinets to share with other licensed operators within a 2.4-metre-high palisade compound at E.S.B.'s existing Bagenalstown 38kV Substation

PL06/1145 - Permission granted for an existing 24 metre telecommunications support structure, antennas, equipment cabin and associated equipment within a fenced compound.

PL07/354 - Permission granted for a maintenance workshop.

PL07/638 - Permission granted for retention of existing stone crushing plant

PL07/771 – Permission for retention of existing stone crushing plant (**Invalid**)

PL07/835 – Permission granted for retention of existing stone crushing plant

PL07/1013 - Permission granted for retention of a stone crushing plant and associated crushing activities.

PL08/87 - Permission granted for the development consisting of the attachment of 3 no. 2.9m omni antennas with associated equipment and cabinet to existing 30m monopole for use by the emergency services (Garda, ambulance and fire brigade) for a new National Digital Radio Service (NDRS). The 3.9m omni antennas will protrude above the existing height of the 30m monopole giving a total height of 34.9m.

PL08/502 - Permission granted for erection of an extension to an existing maintenance workshop.

structure carrying antennae and communication dishes with associated ground - mounted equipment cabinets, within an existing 2.4m high palisade compound.

PL15/325 - Permission granted for retention permission (Ref No. 06/1145) of an existing 24 metre telecommunications support structure, antennas, equipment cabin and associated equipment within a fenced compound. The development forms part of Vodafone Ireland Ltd.'s existing GSM and 3G broadband telecommunications network

PL 18/395- Permission granted for the erection of a new extension and the retention of a two-storey extension to its vehicle workshop.



**Declaration on Development & Exempted Development
Section 5 of the
Planning and Development Act 2000 (as amended)**

Reg. Ref: S5/23/14

WHEREAS questions have arisen relating to a quarry at Kilcarrig, Bagenalstown, including whether authorised or unauthorised development has taken place at this quarry and on what is or is not development and is or is not exempted development;

AS INDICATED in particulars received by the Planning Authority on 11/04/23 and the further information received on 09/05/23;

AND WHEREAS George Doyle, [REDACTED] requested a declaration on the said questions from Carlow County Council;

AND WHEREAS Carlow County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), considers the nature of the detail of the queries to fall more appropriately under the provisions of Part VIII of the Planning and Development Act 2000 (as amended) which are concerned with establishing if unauthorised development has/is taking place;

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- (a) Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- (b) Section 5 of the Planning and Development Act 2000 (as amended), which specifically provides that a person may request in writing from the Planning Authority a declaration on any question that arises as to what, in any particular case, is or is not development or is or is not exempted development;
- (c) Articles 6 and 9, and Schedule 2 of the Planning and Development Regulations 2001 (as amended);

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- (a) The quarry site comes within the scope of 'works' and 'quarry' as set out in Section 2 of the Planning and Development Act 2000 (as amended), and therefore constitutes 'development' as defined in Section 3 of the Act.
- (b) The quarry site does not come within the scope of any exemption under Section 4 of the Planning and Development Act 2000 (as amended).

- (c) The quarry site does not come within the scope of any exemption under Article 6 and Schedule 2 of the Planning and Development Regulations 2001 (as amended).
- (d) The information submitted with the application is not sufficient to enable a determination as to whether the quarry requires an Appropriate Assessment, which would also exclude any exemption by reference to Section 4(4) of the Planning and Development Act 2000 (as amended) and the restrictions on exemptions in Article 9 of the Planning and Development Regulations 2001 (as amended).

NOW THEREFORE Carlow County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the quarry site at Kilcarrig, Bagenalstown, and Powerstown, Milford **is development and is not exempted development.**

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanala within 4 weeks of the issuing of the decision.

Signed: Shirley O'Neill

Date: 17th May 2023