

Board Order PL 09.248013

## Planning and Development Acts 2000 to 2017 Planning Authority: Kildare County Council Planning Register Reference Number: 16/526

**Appeal** by Michael Ennis care of Kildare Architects and Design Limited of Abbey House, White Abbey Road, Kildare in relation to the application by Kildare County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 33 of its decision made on the 20<sup>th</sup> day of January, 2017.

**Proposed Development:** Restoration of the existing excavated gravel pit (previously granted planning permission planning register reference numbers (01/1270, 07/188 and 15/515) to the original ground levels and use as agricultural land, in order to comply with condition 2(a) of planning permission planning register reference number 07/188, by importing circa 1,500,000 tonnes (i) of imported inert natural materials, principally excess soil, stones and/or broken rock excavated on construction sites, (ii) recovery of imported inert construction materials, including stones, granular fill, concrete, blocks, bricks and ceramic tile and (iii) reinstating existing overburden contained on site and all other associated site works for the period of 10 years at Boherkill, Rathangan, County Kildare. The planning application is accompanied by an Environmental Impact Statement (EIS). The application relates to a restoration development for the purpose of an activity requiring a waste licence to be issued by the Environmental Protection Agency. (As amended by the further public notice received by the planning authority on the 18<sup>th</sup> day of November, 2016).

## Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had been properly applied in respect of condition number 33 and directs the said Council to ATTACH condition number 33 for the reasons stated.

## **Reasons and Considerations**

Having regard to the nature and scale of the proposed development, it is considered that the provisions of the Kildare County Council Development Contribution Scheme 2015-2022 have been properly applied.

In deciding not to accept the Inspector's recommendation to omit condition number 33, the Board had regard to the nature and scale of the proposed development which involves the importation of significant quantities of waste, in contrast to the restoration works proposed and conditioned under the previous permission An Bord Pleanála appeal reference PL09.226737 – planning authority planning register reference number 07/188.

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

> Member of An Bord Pleanála duly authorised to authenticate the seal of the Board.

Dated this day of 2018