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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 18/530**

**APPEAL** by Kilsaran Concrete (trading as Kilsaran Build) care of Golder Associates Ireland Limited of Town Centre House, Dublin Road, Naas, County Kildare against the decision made on the 28<sup>th</sup> day of June, 2018 by Kildare County Council to refuse permission.

**Proposed Development:** Extraction of sand and gravel within a proposed extraction area (circa 20 hectares) above the water-table, processing (crushing, washing and screening) of aggregate and ancillary activities on an overall application site of circa 30.7 hectares for a 20 year period. The proposed development will involve the extraction and progressive phased restoration of the site over its lifetime. Permission is also sought for the construction of (1) an entrance from the L7004, (2) internal access routes, (3) passing bays on the local road bordering the application site to the east, (4) overburden storage and landscape screening areas/mounds along the perimeter of the site, (5) workshop, (6) car parking, (7) bunded fuel tank, (8) refuelling hardstand and oil interceptor, (9) wheelwash, (10) weighbridge, (11) aggregate processing (crushing, washing and screening) plant and associated closed circuit silt disposal lagoons, (12) aggregate stockpile storage area, (13) security fencing, (14) shipping office, (15) site offices, canteen and welfare facilities and (16) associated proprietary sewage effluent treatment system

and percolation area. Permission is also sought for the demolition of (17) a farmhouse and associated farm buildings situated in the northern section of the application site, all at Glenaree and Feighcullen, Rathangan, County Kildare.

## **Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## **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.

## **Environmental Impact Assessment**

The Board completed an Environmental Impact Assessment and agreed with the Inspector in her assessment of the likely significant effects of the proposed development, and generally agreed with her conclusions.

## **Reasons and Considerations**

1. The site is located within 20 metres of the Grand Canal and in a High Amenity Area, where the extraction of sand and gravel within 300 metres of the canal is identified in the Kildare County Development Plan, 2017–2023, as being compatible only in exceptional circumstances. The site is also located within the Landscape Character Area known as ‘Chair of Kildare’, which is a Class 4 Special Landscape which has been defined in the development plan, as having ‘a low capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape having regard to special sensitivity factors.’

Having regard to the nature of the proposed development, together with the proposed removal of 1.2 kilometres of existing hedgerows within the site, it is considered that the proposed development would detract to an undue degree from the rural character and scenic amenities of the area and would seriously injure the visual amenities of the area. It is considered, therefore, that the proposed development would contravene the policies and objectives of the development plan and would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the local road network serving the quarry is substandard in terms of condition, capacity, width and surface, and is inadequate to accommodate the additional traffic movements generated by the proposed quarry. Notwithstanding the submissions in support of the proposed development, the Board considered that the development would endanger public safety by reason of traffic hazard and would result in an obstruction to road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Having regard to the location of the proposed quarry in close proximity to residential dwellings, and to the lack of adequate baseline information presented in respect of these sensitive receptors in the application and appeal documentation, it is considered that the proposed development,

notwithstanding the mitigation measures proposed in the Environmental Impact Assessment Report submitted at application stage, together with the information submitted on appeal, would seriously injure the amenities of properties in the vicinity by reason of dust, noise and general disturbance, would depreciate the value of properties in the area, would have an adverse impact on the water environment and biodiversity of the area and would significantly impact on the vernacular heritage of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Stephen Bohan**

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

**Dated this            day of            2019.**