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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 171344**

**Appeal** by Kilsaran Concrete care of SLR Consulting Ireland of Unit 7, Dundrum Business Park, Windy Arbour, Dublin in relation to the inclusion of special contribution condition number 45 by Kildare County Council in its decision made on the 13<sup>th</sup> day of October, 2018.

**Proposed Development:** Development within an overall application area of 35.8 hectares. Continued use on lands measuring circa 29.7 hectares of the existing permitted development under planning register reference number 06/651 consisting of: Extraction of sand and gravel with processing that includes crushing, washing (with associated silt disposal lagoons) and screening and all ancillary works and structures, and to include a proposed new holding pond; Continued use of the existing readymix concrete batching plant granted under planning register reference numbers 94/1109 and 90/52, and sand and gravel workings, with associated plant and facilities granted under planning register reference numbers 94/1109 and 89/150; Site facilities consisting of prefabricated offices, WC and waste water treatment and percolation area, canteen and cloakroom, ESB substation and switch house, concrete laboratory, bunded fuel tanks and water recycling bays, weighbridge

and wheelwash granted under planning register reference number 06/651. The proposed development will also consist of an extension (circa 6.1 hectares) to the existing permitted sand and gravel pit for extraction over an area of circa 4.3 hectares and processing taking place at the existing plant within the existing permitted development area of planning register reference number 06/651. The remaining circa 1.8 hectares will consist of an overburden storage area, screening berms and buffer zones to existing archaeological features to be preserved in-situ. Restoration of the entire site (planning register reference numbers 94/1109, 89/150 and 06/651) to a combination of agricultural and nature conservation areas. The proposed operational period is for 10 years plus two years to complete restoration (total duration sought 12 years), all at Ballysaxhills, Kilcullen, County Kildare. The proposed development was revised by further public notices received by the planning authority on the 19th day of June, 2018.

## **Decision**

**The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended by section 30 of the Planning and Development Act, 2010, based on the reasons and considerations under, directs the said Council, under section 48 (13) of the 2000 Act, to AMEND condition number 45 so that it shall be as follows for the reason stated.**

45. The developer shall pay the sum of €48,868 (forty eight thousand, eight hundred and sixty eight euro) (updated at the time of payment in

accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000 in respect of remediation work on a 2km stretch of the L6075/L6080 located to the west of the site. This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

## **Reasons and Considerations**

Having regard to the nature and scale of the development, the traffic likely to be generated by such and the fact that the works relate to a stretch of public road that is used by traffic generated by other land uses as well as the existing quarry subject to the proposal for continued extraction, the attribution of the sole costs for the remediation works to the development proposed would be disproportionate and unreasonable.

## **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.

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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.**