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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 19/907**

**APPEAL** by Julie Doyle care of Vincent JP Farry and Company Limited against the decision made on the 3<sup>rd</sup> day of October, 2019 by Kildare County Council to refuse permission.

**Proposed Development:** In order to improve the quality of this land for agricultural purposes, the proposed development comprises the importation of 47,000 tonnes of soil and stones, to be spread on the site in three stages and over a period of between three and five years, the changing of existing land levels as part of this process, the use of an existing entrance and driveway in connection with this development and the creation of a temporary haul/access road linking the existing driveway with the works area (including a truck turning area), along with the installation of a wheel-wash and a portable toilet, with chemical treatment of effluent, for the duration of these site operations. All at Fleshtown, Sallins, 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.

## **Reasons and Considerations**

Access to the site is proposed via an existing entrance/driveway off the public road and yard, permitted under planning register reference number 06/2713, condition number 3 of which required that all commercial related development shall be removed from the site and that the overall site shall be restored to domestic use only, not later than five years from the final grant of permission unless on or before that date planning permission has been granted for its retention. No such retention permission was granted and in this regard it appears that the current proposed development depends on the continued use of an entrance/driveway off the public road and yard, for which no permission exists. Accordingly, it is considered that it would be inappropriate for the Board to consider a grant of permission for the proposed development in these circumstances.

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**Chris McGarry**

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

**Dated this            day of            2020.**