



Planning and Development Acts 2000 to 2020

Planning Authority: Kildare County Council

Planning Register Reference Number: 20324

Appeal by Kilsaran Concrete trading as Kilsaran Build care of SLR Consulting Ireland of 7 Dunrum Business Park, Windy Arbour, Dublin in relation to the application by Kildare County Council of the terms of the Development Contribution Scheme made for the area in respect of conditions numbers 9 and 10 of its decision made on the 2nd day of July, 2020.

Proposed Development: A planning application area of circa 20.6 hectares consisting of a combined proposed extraction area (Area 1, circa 10.3 hectares) and proposed early reinstatement area (Area 2, circa 10.3 hectares). Area 1 will consist of an extension to the west of the existing sand and gravel pit with an extraction footprint of circa 8.7 hectares. The sand and gravel extraction (circa 2.4 million tonnes) will be dry working above the water table. Stripping and storage of topsoil and overburden materials from the extension lands for reuse in the restoration works. Restoration of the extraction area will be to a beneficial agricultural after-use and form part of the restoration of the extraction area, as permitted under planning reference 17/1224 (An Bord Pleanála ABP-302199-18). Area 2 will consist of an

amendment to the permitted extraction area of planning reference 17/1224 (ABP-302199-18) by the omission of a circa 4.7-hectare area and the early reinstatement of a partially extracted circa 2.7-hectare area of the existing permitted circa 7.4 hectares extraction area. It is proposed that the duration of the proposed development would run concurrent with that of planning reference 17/1224 (ABP-302199-18), which is due to expire on the 17th day of February, 2039. An Environmental Impact Assessment Report (EIAR) has been prepared in respect of this planning application, all at Corbally and Brownstown townlands, Kilcullen, County Kildare.

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 set out below, directs the said Council, under section 48(13) of the 2000 Act, to remove condition number 9 and the reason therefor.

Furthermore, the Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, also based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of conditions number 10 and directs the said Council to AMEND condition number 10 so that it shall be as follows for the reasons stated.

10. The developer shall pay to the planning authority a financial contribution of €2,500 (two thousand, five hundred euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any 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 An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Reasons and Considerations

Having regard to the nature and scale of the proposed development for a combined extraction area of 10.3 hectares and early reinstatement area of 10.3 hectares, to the provisions of the Kildare County Development Contribution Scheme 2015 - 2022 and to the planning history of the site, it is considered that the inclusion of condition number 9 is not warranted as the annual extraction rate from the quarry is unchanged from that granted permission under planning register reference number 17/1224 (An Bord Pleanála reference ABP-302199-18), and that condition number 10 be amended to reflect the additional 0.1 million tonnes of extraction proposed.

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.

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

Dated this day of 2019.