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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 24/60265**

**Appeal** by Kilsaran Concrete Unlimited Company of Piercetown, Dunboyne, County Meath 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 37 of its decision made on the 7<sup>th</sup> day of November, 2024.

**Proposed Development:** Permission for (i) an increase in the total permitted intake of soil and stone and broken rock to the existing licensed soil recovery facility (Planning Reference: 18/453), from 1.2 million tonnes to 2.06 million tonnes and (ii) an extension to the life of the existing facility of three years (to December 2029) in order to accommodate the additional soil and stone intake. These works, which are required to implement a revised backfilling and restoration scheme for the former sand and gravel pit will also provide for (i) continued shared use of existing, co-located site facilities, structures and infrastructure (including the site office, staff welfare facilities, weighbridge (with dedicated office), wheelwash, hardstand areas, fuel storage tanks and site access road); (ii) continued soil and stone intake at a rate of up to 300,000 tonnes per annum, of which no more than 95,000 tonnes (per annum) will be managed as waste; (iii) continued separation of any

construction and demolition waste (principally concrete, metal, timber, PVC pipework and plastic) inadvertently imported to the facility, prior to removal off-site to authorised waste disposal or recovery facilities; (iv) continued use of a section of the existing concrete block curing shed as a waste inspection and quarantine facility; (v) continued environmental monitoring of noise, dust and groundwater for the duration of the site recovery and restoration activities and for a short period thereafter (and in accordance with current Environmental Protection Agency waste licence requirements); (vi) continued temporary stockpiling of topsoil pending its re-use as cover material for final restoration of the site and (vii) ultimate restoration of the modified final landform to native woodland and grassland habitats at Halverstown Townland, Kilcullen, County Kildare. The proposed development requires a waste licence review from the Environmental Protection Agency.

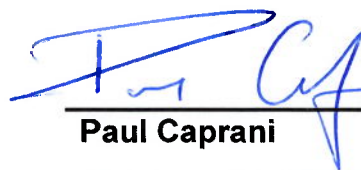
## **Decision**

**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 not been properly applied in respect of condition number 37 and directs the said Council to REMOVE condition number 37 and the reasons therefor.**

## Reasons and Considerations

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that condition number 37(a) relates to an uncoded project, no details have been provided for a specific coded Thompson Cross Regional Road Junction Upgrade Project scheme design, furthermore having regard to the temporary three year duration of the permission granted, it is unlikely, having regard to the limited progression of the scheme to date, that the scheme will be implemented in order for the extension of the duration of the permission to avail of the proposed junction improvements at Thompson Cross Regional Road, other than for a short period of time, if at all.

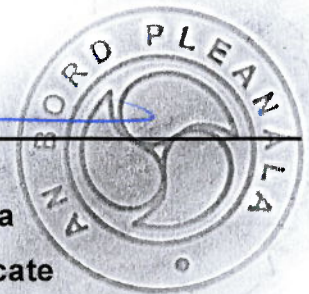
Furthermore, in respect of the financial levy sought under Condition 37(b), details of the justification for this financial contribution fails to meet the 'specific exceptional costs test'. In addition, the intention of the special contribution to provide funding for the future maintenance of approach roads and local road junctions in the area is already provided for under the Kildare County Council's General Development Contribution Scheme 2023-2029, therefore directs the said Council to remove condition number 37 and the reasons therefor.



**Paul Caprani**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**



Dated this 3<sup>rd</sup> day of April 2025.