

An
Coimisiún
Pleanála

Commission Order
PL-501595-KK-26

Planning and Development Act 2000, as amended

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 2560634

Appeal by Kilkenny Limestone Quarries Limited in relation to the application by Kilkenny County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 3 of its decision made on the 27th day of May 2026.

Proposed Development: Retention permission (total circa 1.2 hectares) consisting of rock extraction outside of the existing permitted extraction areas under planning reference number 05/1927 at Kellymount Quarry, Kellymount and Shankill Townlands, Paulstown, County Kilkenny.

Decision

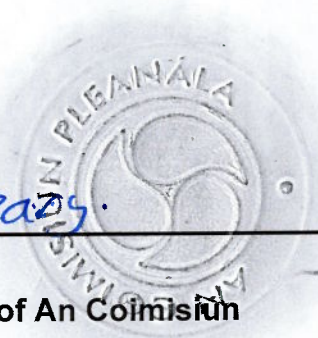
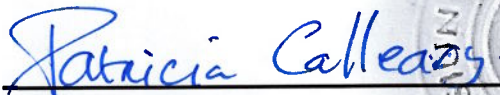
The Commission, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 3 and directs the said Council to AMEND condition number 3 so that it shall be as follows for the reason stated.

3. The developer shall pay a financial contribution of €33,727 (thirty-three thousand, seven hundred and twenty-seven euros) to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of pavement rehabilitation works to be carried out on the L2625 from its junction with the R712 to the quarry entrance, which will benefit the proposed development. The contribution shall be paid within six months of the date of this permission for retention, or such phased payments as may be agreed in writing with the planning authority and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

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

Reasons and Considerations

The development the subject of the appeal comprises retention of rock extraction outside of the extraction area permitted under planning reference number 05/1927. The costs the subject of condition number 3 of the planning authority decision to grant permission relate to rehabilitation costs necessitated by, or arising from, the ongoing quarry operations at Kellymount and Shankill and are not proportionate to the development the subject of this application. Furthermore, the Commission had regard to the requirements of condition number 8 of planning reference number 05/1927 and concluded that the costs relating to development under that permission would more properly be pursued under that condition. In this regard, and in accordance with the requirements of section 48(2)(c) and section 48(12) of the Planning and Development Act 2000, as amended, the Council are directed to amend condition number 3 in order to reflect the proportionate allocation of costs to the subject development.



Patricia Calleary

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate
the seal of the Commission.

Dated this 06 day of October 2026