



An  
Bord  
Pleanála

## Inspector's Report ABP-307720-20

### Development

A planning application area of 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).

### Location

Corbally & Brownstown, Kilcullen,  
County Kildare

### Planning Authority

Kildare County Council

### Planning Authority Reg. Ref.

20/324

### Applicant(s)

Kilsaran Concrete

### Type of Application

Permission

### Planning Authority Decision

Grant

### Type of Appeal

First Party -v-Conditions

### Appellant(s)

(1) Kilsaran Concrete

### Observer(s)

None

**Date of Site Inspection**

23rd October 2020

**Inspector**

Fergal Ó Bric

## 1.0 Site Location and Description

- 1.1 The appeal site, which has a stated area of 85.9 hectares, is located approximately 1km northeast of Kilcullen village outside of the identified settlement boundary and is accessed via an existing entrance onto the R448, Regional Route which links Kilcullen with Naas. Although the site is located in a primarily rural area on the fringe of Kilcullen further northeast along the R448 is a Kildare County Council Integrated Waste Management Facility whilst to the southeast along the local roadway extending from its junction with the R448 towards Carnalway Crossroads is a privately operated landfill (KTK / Greenstar). To the southwest appears to be a former quarry operation and the Link Business Park whilst the remaining lands further west and north are generally agricultural with intermittent one-off rural housing along local road frontage.
- 1.2 The subject site is presently composed of a number of agricultural fields in addition to an active sand and gravel quarry with associated ancillary processing activities including the crushing, screening and washing of aggregates. The existing pit floor and extraction area are located further north into the site and overburden berms constructed along the north western and western site boundaries of this area. Located approximately centrally within the overall site is a dry mortar batching plant with a bagging and storage hall constructed adjacent to same. A kerbed and tarmac yard area extends to the southeast and southwest of this structure with a number of silos presently being stored within same. A 'slip' road accesses this yard area which extends from the existing haul road serving the overall site. Positioned to the northeast of the dry mortar plant and adjacent to the existing haul road is a large overburden storage mound which has been graded towards the haul road and has been seeded.

## 2.0 Proposed Development

- 2.1. Permission for a planning application area of 20.6 hectares consisting of a combined proposed extraction area (Area 1, c. 10.3 hectares) and proposed early reinstatement of Area 2 (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 8.7 hectares. The sand and gravel extraction (c. 2.4 million tonnes) will be dry working above the water table. Stripping and storing of topsoil and overburden materials from the extension lands for reuse in the restoration works. Restoration of the extraction area will be a beneficial agricultural after-use and form part of the restoration of the extraction area, as permitted under planning ref. 17/1224 (ABP-302199-18). Area 2 will consist of an amendment to the permitted extraction area of planning ref; 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 hectare extraction area. It is proposed that the duration of the proposed development would run concurrent with that of planning ref: 17/1224 (ABP-302199-18)., which is due to expire on the 17/2/2019. An Environmental Impact Assessment Report (EIAR) has been prepared in respect of this planning application.

- 2.2. The planning application was accompanied by an Environmental Impact Assessment Report, an Appropriate Assessment Screening Report and a Planning Statement

### **3.0 Planning Authority Decision**

- 3.1. A grant of planning permission was issued subject to ten conditions. Of note are the following conditions.

Condition number 1: Development shall be carried out in accordance with the documentation and particulars received by the Planning Authority on the 26<sup>th</sup> day of March 2020.

Condition number 2: Apart from the departures authorised by this permission, the development shall be carried out in full accordance with the terms, conditions and duration of reg; ref. 17/1224, ABP ref. 302199-18 and any agreement entered into, and shall expire on the expiration of 17/1224, ABPO ref. 302199-18 i.e 17/02/2037.

Condition number. 3: This permission authorises the extraction of 2.4 million tonnes of sand and gravel from Area 1 and the early reinstatement of Area 2 and all associated works as described in the public notices.

Condition number 09: Special Development Contribution of €281,250 for the provision of a 60mm AC 20 binder with double surface dressing to be applied to the L-2032, L-6063-2 and L-6071-0 local roads. Consideration shall also be given to the R448 Kilcullen-Naas Road with respect to the ongoing surface condition for the duration of the activities at the developer's site.

Condition number 10: Development contribution of €310,880.83.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

Area Engineer: No objections, subject to conditions.

Roads, Transportation & Public Safety Department: No objections, subject to conditions.

Heritage Officer: No objections, subject to conditions.

Environment Section: No objections, subject to conditions

Water Services: No objections, subject to conditions.

Fire Officer: No objections, subject to conditions

Planning report: The proposed development was considered acceptable in the context of the proper planning and sustainable development of the area. A grant of permission was recommended subject to the conditions outlined above. In Section 3.1

### **3.3. Prescribed Bodies**

Department Culture, Heritage and the Gaeltacht (05/12/17): No objections, subject to conditions.

Irish Water: No objection.

## 4.0 Planning History

Planning Authority reference number, 20/140, In 2020, planning permission was granted for extensions to tile manufacturing building previously permitted under reg. ref 17/1224 and ABP ref. 302199-18, comprising of (a )lean-to extension for carpentry storage (99 square metres gross floor area, max ridge height 8.5 metres) to the south-eastern building elevation (b) lean-to extension for casting components build materials storage (630 square metres gross floor area, max 8.5 metres high, to the south-eastern building elevation (c) two storey, max 9.5 metres high) extension consisting of welfare/office facilities at mezzanine level (270 square metres gross floor area) and additional storage at ground floor level (270 square metres gross floor area) to the north eastern building elevation (d) new wastewater treatment system and percolation area (2) construction of two storey office extension (298 square metres gross floor area, 7.6 metre high) to the existing south western elevation of the Dry Batch Mortar Building also previously permitted under reg ref 17/1224 and ABP ref 302199-18 (3) a new bagging shed (240 square metres gross floor area, max 8.0 metres high). All associated site works. It is proposed that the duration of the proposed development would run concurrent with that of planning reference number 17/1224 and ABP ref 302199-18, which is due to expire on the 17/02/2039.

Planning Authority reference number, 18/472, In 2018, planning permission was refused for extension of Duration of Planning Ref. 07/707 -continuance for period of 10 years of (1) extraction of sand and gravel and processing on 89.5ha with control cabin and canteen facilities, electricity substation, bunded fuel tanks, ESB substation and Switch-house and septic tank etc.

Planning Authority reference number 17/1224, in 2018 planning permission was granted for a continuance of the following development permitted under reference number 07/707, PL09.226792 and 14/920. (1) extraction of sand and gravel and processing on c. 85.9 hectares for a 20 year period, with control cabin and canteen facilities, electricity substation, bunded fuel tanks, ESB substation and switch house and septic tank, aggregate crushing, washing and screening plants and continued

use of internal access road and existing site access onto R448 with further two years to complete site restoration to agriculture. The development proposes progressive restoration throughout the life of sand and gravel extraction. (2) Dry Batch Mortar Plant comprising structures and pieces of plant and machinery:- loading ramp and receiving hopper; a feed conveyor; a drying plant building (c.8.6m high); external bucket elevators (up to c. 24.8m high); a storage and mixing plant building (c.23.5m high housing plant and machinery); two number finished product storage silos and bulk loadout machinery (c. 20.5m high); prefabricated office, prefabricated compressor container; prefabricated control and switchgear container; a bunded and covered fuel tank; truck and car parking areas. (3) Storage at the existing overburden storage mound (area of c. 3.4 hectares) which is covered with topsoil and is grass seeded and will ultimately be used in the restoration of the aforementioned sand and gravel development site. (4) Dry Mortar Bagging Plant and Storage Hall Structure (c. 7m high). (5) Existing weighbridge and wheelwash within the development site. (6) Covered aggregate storage bays, a sand storage shed and a bagging shed. Permission is also sought for the provision of new works including an office building (two proprietary sewage effluent treatment systems), dry batch mortar plant extension (including plant and machinery), tile manufacturing plant; associated switch-house; car parking; provision of two weighbridges; covered storage sheds; rerouting of internal access road to plant site; the demolition of a storage shed and weighbridge; extraction of sand and gravel to the south-west of previously permitted extraction area and extension to existing overburden storage mound; landscaped screening berms and overburden storage mounds along perimeter of site. All development will be within the circa 85 hectare Kilsaran Concrete landholding for a period of 20 years and a further two years site restoration. An Bord Pleanála reference number, 302199, in 2019, planning permission was upheld by the Board for the continuance of use of extraction within the quarry.

Planning Authority reference number, 14/920: In 2014, planning permission granted for an extension to existing dry products facility building comprising additional bulk storage building, a lean to shed, a sand storage shed and a bagging shed.

Planning Authority reference number, 11/121 and upheld uber An Bord Pleanála under reference number PL09.236926): In 2011 planning permission was granted for concrete manufacturing facility comprising of a concrete batching plant, block yard, curing shed, pre-fabricated shipping office, weighbridge and fuel tanks.

Planning Authority reference number 09/1160: In 2009, planning permission was granted for a concrete manufacturing facility comprising a concrete batching plant.

Planning Authority reference number (07/707): and upheld uber An Bord Pleanála under reference number PL09.226792 In 2007, planning permission granted for continuance of use of sand and gravel plant, operation of dry batch mortar plant, continued operation and storage of overburden storage mound and dry mortar bagging plant (10 year period).

Planning Authority reference number 06/1134: Permission granted for a dry batch mortar and bagging plant and storage hall.

Planning Authority reference number (04/2791): and upheld uber An Bord Pleanála under reference number PL09.214050, in 2004 planning permission was granted for retention of overburden storage mound.

Planning Authority reference number (04/125): and upheld under An Bord Pleanála under reference number PL09.212760 In 2004, planning permission granted for a dry batch mortar plant.

Planning Authority reference number (96/1422): and upheld uber An Bord Pleanála under reference number PL09.102161. In 1996, planning permission was granted for sand and gravel extraction and processing on 85.9 hectares of land Brownstown, Corbally and Sillot Hill, Kilcullen, Co.Kildare.

## **5.0 Policy Context**

### **5.1. Development Plan**

The relevant Development Plan is the Kildare County Development Plan 2017-2023. Section 10.7 relates to Sand and Gravel Extraction



There are a number of policy objectives in relation to such including:

EI 2: Recognise the role and facilitate the exploitation of County Kildare's natural aggregate resources in a manner which does not unduly impinge on the environmental quality and the visual and residential amenities of an area, while continuing to regulate the extraction of aggregates and to seek the delivery of environmental benefits in the form of sustainable habitat creation in conjunction with the restoration phases of development.

EI 3: Facilitate the sourcing of aggregates for and the operation of the extractive industry in suitable locations, subject to the protection of landscape, environment, road network, heritage, visual quality and amenity of the area.

EI 4: Ensure that extraction activities address key environmental, amenity, traffic and social impacts and details of rehabilitation. In the assessment of planning applications for new development, intensification of use or diversification of activity, the Council will have regard to the nature of the proposal, the scale of activity proposed, the impact on the adjoining road network, the effect on the environment including important groundwater and aquifer sources, natural drainage patterns and surface water systems and the likely effects that any proposed extractive industry may have on the existing landscape and amenities of the county, including public rights of way and walking routes.

EI 5: Ensure that development for aggregate extraction, processing and associated concrete production does not significantly impact the following:

- Special Areas of Conservation (SACs).
- Special Protection Areas (SPAs).
- Natural Heritage Areas (NHAs).
- Other areas of importance for the conservation of flora and fauna.
- Zones of Archaeological Potential.
- The vicinity of a recorded monument.

- Sensitive landscape areas as identified at Chapter 14 of this Plan.
- Scenic views and prospects.
- Protected Structures.
- Established rights of way and walking routes.

EI 6: Consult with the Geological Survey of Ireland (GSI), with regard to any developments likely to have an impact on Sites of Geological Importance listed in the County Development Plan (Chapter 12).

EI 7: Require submission of an Appropriate Assessment under Article 6 of the Habitats Directive where any quarry / sand and gravel extraction is likely to have an impact on a Natura 2000 site (see Chapter 13).

EI 8: Require relevant planning applications to be accompanied by an Environmental Impact Statement. An Ecological Impact Assessment (EclA) may also be required for sub-threshold development to evaluate the existence of any protected species/habitats on site.

EI 9: Require a detailed landscaping plan to be submitted with all planning applications indicating proposed screening for the operational life of the site. The predominant use of native plant species in the proposed landscaping plan is encouraged.

EI 10: Require detailed landscaping and quarry restoration plans to be submitted with each application. Habitats and species surveying shall be carried out and shall influence the restoration plan for the site.

Section 5.11 relates to the Equine industry

ECD 24: Actively promote and support the equine industry as an economic driver for Kildare.

ECD 25: Support the redevelopment and upgrading of the Curragh, Punchestown and Naas racecourses and their associated facilities.

For the purpose of Landscape Character Assessment (LCA) under the County Development Plan the site is located with the Eastern Transition LCA which is classed as being of medium sensitivity.

Table 14.3 is a Matrix of likely compatibility between a range of land-uses and Principle Landscape Areas (attached).

Within the Eastern Transition LCA Sand & Gravel developments are indicated as being of 'high' compatibility.

## **5.2. Quarries and Ancillary Activities: Guidelines for Planning Authorities**

These Guidelines, issued by the Department of Environment, Heritage and Local Government in April 2004, are of relevance. They provide guidance to planning authorities on planning applications and development plan policy as well as section 261 of the 2000 Act. The importance of quarries is emphasised and the continued need for aggregates is highlighted. The potential for environmental impacts needs to be considered. The Guidelines recommend that in formulating development plan aims and strategy, in an area containing significant aggregate resources; the plan should acknowledge their economic value, which may be of national or regional importance. Since aggregates can only be worked where they occur, priority should be given to identifying the location of major deposits, and to including a commitment to safeguard valuable unworked deposits for future extraction. The Guidelines go on to address the assessment of applications and Environmental Impact Statements [now EIARs], and the formulation of planning conditions – including issues related to noise and vibration, dust, water supplies and groundwater, traffic, archaeology,

water, environmental monitoring, waste management, contributions, extraction limits, and the documentation which should be included in an application.

### **5.3. National Planning Framework (Project Ireland 2040) and National Development Plan 2018-2027**

These joint documents set out a vision for the future development of the country and, in particular, to support the sustainable development of rural areas by encouraging growth. National Policy Objective 23 seeks to facilitate the development of the rural economy through supporting, amongst other sectors, a sustainable and economically efficient extractive industry sector, whilst at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.

### **5.4. Natural Heritage Designations**

The closest European site to the proposed development site is Pollardstwon Fen SAC which is located c. 6.3 km to the west of the site. The next nearest is Moulds Bog SAC c. 6.6km to the west of the site.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. A first party appeal has been lodged by SLR Consulting on behalf of Kilsaran Concrete. The grounds of appeal are as follows:

- This planning application pertains to a combined planning application area of 20.6 hectares, a proposed extraction area (Area 1, with an area of 10.3 hectares, and the proposed early reinstatement of Area 2, with an area of 10.3 hectares.
- Area 1 will comprise an extension to the west of the existing sand and gravel pit with an extraction footprint of approximately 8.7 hectares. The sand and

gravel extraction will yield approximately 2.4 million tonnes and will be worked above the water table.

- Stripping and storage of topsoil and overburden materials from the extension lands will be for reuse as part of 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 Authority reference number 17/1224 and upheld by the Board under 302199-18.
- Area 2 will consist of an amendment to the permitted extraction area of planning reference 17/1224 and upheld by the Board under 3021990-18 by the omission of a 4.7 hectare area and the early reinstatement of a partially extracted 2.7 hectare area of the permitted 7.4 hectare extraction area.
- The duration of the proposed development would run concurrent with that of planning Authority reference number 17/1224 and upheld by the Board under 3021990-18, which is due to expire on the 17<sup>th</sup> day of February 2039.
- The proposed new extension area (Area 1) is required to compensate for the area of the existing permitted extraction area (Area 2), not now being extracted due to the discovery that the in situ sand and gravel is of a poor quality and unsuitable to service the needs of the existing permitted manufacturing plants on site.
- As these proposals represent a substitute or swap of sand and gravel material, the proposed new extraction area will operate within the same constraints as permitted under Planning Authority reference number 17/1224 and upheld by the Board under 3021990-18, that is the same time period, annual extraction rate, traffic movements and haulage routes.
- The rationale provided for Condition number 9, the special contribution of €281,250 is set out within the Report prepared by the Transportation and Public safety Department of Kildare County Council. The following is set out: The local roads at the location of the proposed development by Kilsaran Concrete have deteriorated over the past number of years from HGV loading by the existing Kilsaran Concrete Plant. These local roads need to be repaired

with new pavement surfacing as outlined to withstand the additional HGV loading from the proposed development, which is over and above the normal traffic at this location. This is the reason for the Special Contribution Condition of €281,250. From our analysis there are specific exceptional costs not covered by a scheme and are additional costs to be incurred by KCC in respect of public infrastructure and facilities which benefit the proposed development where there will be substantial additional HGV loading on the local roads in the vicinity of the proposed development, over and above the normal traffic loading at this location.

- As set out in Chapter 14 of the EIAR, a comprehensive Traffic and Transport Assessment (TTA) was submitted under Planning Authority reference number 17/1224 and upheld by the Board under 3021990-18. Road network assessments and traffic modelling of a number of junctions were carried out including the existing access point onto the R448. The TTA concluded that the incremental changes in traffic generation arising from the development under Planning Authority reference number 17/1224 and upheld by the Board under 3021990-18 were low and would not give rise to additional impact on the receiving road network.
- The Board inspector noted that the site is accessed off the R448, a regional route of good standard that provides good access to the national road network.
- It is the intention of the applicant to continue to utilise the existing R448 haul route to and from the National Primary Road Network.
- The traffic generation of the current application seeks to extract the same quantity of material annually and the duration of the proposed development would run concurrent with that of Planning Authority reference number 17/1224 and upheld by the Board under 3021990-18. The current proposals will not give rise to any change in the traffic generation characteristics of the site.
- Both of the previous permissions pertaining to the site under Planning Authority reference number 17/1224 and upheld by the Board under 3021990-18 and

Planning Authority reference number 20/324 outlined that the haulage routes would not utilise the local road network. The TTA submitted under under Planning Authority reference number 17/1224 and upheld by the Board under 3021990-18 specifically stated: It is proposed that site generated HGV traffic will use the R448 and interconnecting regional and national road network save for exceptional circumstances of local delivery. Haul routes to and from the development therefore exclude the local road network associated with both Corbally Crossroad and Carnalway Crossroad.

- No special contribution was applied to Planning Authority reference number 17/1224 and upheld by the Board under 3021990-18, so therefore why is one required in this instance.
- The appellants have confirmed that they have not used the local road network as haulage routes in the past and do not propose to use them in the future, instead they utilise and will continue to utilise the regional and national routes in the area.
- In relation to the development contribution of €310,880.83 which pertains calculated on a per cubic metre basis as set out within the Kildare County Council Development Contributions Scheme 2015-2022. The proposed extension area (Area 1) can be considered as a swap or substitution for the area of non-development and reinstatement within the existing permitted site (Area 2).
- The total recoverable reserve of sand and gravel from within the proposed greenfield extension extraction area (Area 1) is considered to be in the region of approximately 2.4 million tonnes, based on a final extraction design to a depth of approximately 100 metres AOD. The estimated volume of sand and gravel with Area 2, which will not now be developed, will be approximately 2.3 million tonnes.
- The development contribution of €310,880.83 as set out under condition number 10, of planning Authority reference number 20/324 is in effect the equivalent of a double levy being applied given that a Development Contribution of €1,517,064.64 was levied under Planning Authority reference

number 17/1224 and is being paid at a monthly contribution rate of €10.535 over a period of twelve years.

## 6.2. Planning Authority Response

Response by Kildare County Council

- The response reiterates the content of the report set out by the Transportation and Public safety Department stating that there would be substantial additional HGV loading on the local roads in the vicinity of the proposed development, over and above the normal traffic loading at this location.
- The Local Authority would have no objection to the appellants carrying out the road improvement works themselves in lieu of the payment of the Special Development contribution.
- The Local Authority are concerned that the existing local roads in the vicinity of the proposed development would deteriorate further with the additional HGV loading.
- The Kildare/Newbridge MDO (within which the appeal site is located) do not received any direct contribution from the development contribution charges towards the upkeep of the road.

## 7.0 Assessment

7.1. I have examined the file and the submissions / observations received, considered national, regional and local policy and guidance and I have inspected the site. I consider that the key issues for consideration by the Board in this case relate to are as follows: -

7.1.1. This is a first-party appeal against condition numbers nine and ten, only, attached to the Planning Authority's decision to grant planning permission. These conditions require that the appellant pay a Special financial contribution towards the upkeep of local roads in the vicinity of the propose development, and a separate financial contribution in accordance with the development Contributions Scheme of the Planning Authority.



- 7.1.2. Having regard to the nature and scale of the proposed development and the nature of condition number two, it is considered that the determination by the Board of the application, as if it had been made to it in the first instance, would not be warranted. Therefore, the Board should determine the matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act 2000, as amended.
- 7.1.3. Condition number nine entails the payment of a special development contribution of €281,250 towards the upkeep of three local roads in the vicinity of the proposed development. I have noted the content of the report prepared by the Transportation and Public Safety Department of Kildare County Council which recommends that these contributions are necessary in order to address the deterioration of the local roads. However, the appellants have pointed out that under their existing planning permission, and specifically under the plans and particulars and conditions as set out under Planning Authority reference number 17/1224 and upheld by the Board under 302199-18 that the appellants stated that: It is proposed that site generated HGV traffic will use the R448 and interconnecting regional and national road network save for exceptional circumstances of local delivery. Haul routes to and from the development therefore exclude the local road network associated with both Corbally Crossroad and Carnalway Crossroad.
- 7.1.4. During my site inspection, I noted no HGV traffic using the local county roads, the L-2032, L6063-2 or L-6071-0. I also noted that there was no direct access from two of these roads to the quarry site, there was an access off the L-6071-0, but appears to be un-used, except maybe in emergency circumstances. The only access, I noted as being used, is the existing main access point off the R-448, where there are turning lanes on the south-western and north-eastern approaches to the site, I noted several HGV:s accessing this access during the time of my site inspection.
- 7.1.5. Therefore, based on my own site assessment, and given that the three local roads in question are not part of the haul route identified within their planning documentation included under Board reference number 302199-18 nor under Planning Authority reference number 20/324, I do not consider it appropriate or justifiable to attach the special contributions financial contribution towards the upkeep of local roads, given

that the appellants do not use these for access to or from their site. I also note that no such special development contribution was applied under Planning Authority reference number 17/1228, as upheld by the Board under 302199-18. The appellants previously were conditioned to make a financial contribution of €1,517, 064.35 under Planning Authority reference number 17/1224, upheld by the Board under 302199-18, and this contribution would in part be used towards the maintenance of the R448, off which the main vehicular access is to this quarry site.

- 7.1.6. Condition number ten entails a Section 48 Development Contribution of €310,880.83 in accordance with the Kildare County Development Contribution Scheme 2015-22. It is noted that the appellants previously were conditioned to make a financial contribution of €1,517, 064.35 under Planning authority reference number 17/1224, upheld by the Board under 302199-18. The appellants have stated that they currently pay a monthly contribution of €10,535 over area 1, in lieu of the non-development of Area 2, and that the tonnage of the extraction from the Area 1 extension is very similar to the amount of sand and gravel that was permitted to be extracted from Area 2, and the appellants state that one is a swap or substitute for the other.
- 7.1.7. I would accept the point made by the appellants and that the current contribution of €310,880.83 would result in a double levying, given that the tonnage of extraction from the extension of Area 1 is very similar (2.4 million tonnes Area 1, as opposed to 2.3 million tonnes, area 2) to that permitted from Area 2, now not to be quarried, and that the extraction will run concurrently, as will the annual extraction rate, traffic levels and haul routes and therefore, I consider that the levy as proposed is not warranted or justified and should be removed.

## 8.0 **Appropriate Assessment**

- 8.1. Having regard to the nature and scale of the proposed development, the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

## 9.0 Recommendation

- 9.1. It is recommended that the Planning Authority be directed to remove condition numbers 9 and 10, for the reasons and considerations hereunder.

### Reasons and Considerations

Having regard to the nature and scale of the proposed development, the existing pattern of development in the area, and the provisions of the the provisions of the Kildare County Development Plan 2017 – 2023, the Environmental Impact Assessment Report, including the traffic and Transport Assessment, submitted with the application to further develop the quarry, the submissions received from the appellant and the Planning Authority and the in response to the Section 131 notice of An Bord Pleanála, the nature and scale of the development the subject of this application to further develop the quarry, the planning history of the site, it is considered that the inclusion of the financial contributions, as required by the planning authority in its imposition of condition numbers 9 and 10, was not warranted, and that the proposed development, with the omission of condition numbers 9 and 10, would not endanger road safety in the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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Fergal O'Bric  
Planning Inspectorate

28th October 2020