



An
Coimisiún
Pleanála

Inspector's Report

ACP-323617-25

Development	Construction of a Storage Compound and Inspection Building with all associated site and landscaping works.
Location	Motor Park, Newhall, Naas, Co. Kildare.
Planning Authority	Kildare County Council.
Planning Authority Reg. Ref.	2560378.
Applicant(s)	Spectra Investments Limited.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	First Party.
Appellant(s)	Spectra Investments Limited.
Observer(s)	None.
Date of Site Inspection	N/A.
Inspector	Aiden O'Neill.

Table of Contents

1.0	Site Location and Description	3
2.0	Proposed Development	3
3.0	Planning Authority Decision.....	4
4.0	Planning History	8
5.0	Policy Context	9
5.1	Development Plan	9
6.0	EIA Screening	12
7.0	The Appeal	12
8.0	Assessment.....	15
9.0	AA Screening	19
10.0	Water Framework Directive	19
11.0	Recommendation	20
12.0	Reasons and Considerations	20
Appendix A: Form 1 EIA Pre-Screening		21

1.0 Site Location and Description

- 1.1 The proposed development site, 3.2ha in area, at Newhall Business Park, is located to the west of Naas, north of the eastbound lane of the M7 adjacent to Junction 10, at Newhall, Naas, Co. Kildare.
- 1.2 The site is relatively flat, with a gentle sloping from east to west. There is an area of hardstanding to the western part of the site, and a stream to the western boundary. Further south is an extensive Finlay Motor Dealership, and a logistics company. Immediately adjacent to the north-east is a Go Rentals fleet leasing facility, accessed off the L2030 Newbridge Road, which bounds the site to the east, with an individual dwelling and agricultural lands to the north, agricultural lands to the west, and individual dwellings on large plots on the opposite side of the L2030 to the north-east. Further north-east and south-east is the M7 Business Park.
- 1.3 The site is accessed off the existing Newhall Business Park Road that also serves the Finlay Dealership. There are 2no. existing entrances into the site from this road, to the south-west and north-east of the Finlay Dealership. There is a further agricultural entrance from the L2030. Existing boundaries include a fence to the south-east, and hedging to the north-west, north-east and south-west.

2.0 Proposed Development

- 2.1 The proposed development will consist of the construction of a single-storey part two-storey Kingspan-clad Surface Vehicle Storage Compound and Vehicle Inspection Building, featuring 'up and over' doors to the east and west elevations and a pitched roof portal structure, with ancillary reception area and ground floor and part-first floor offices and welfare facilities, c. 995m² in area, together with all associated site and landscaping works.
- 2.2 The main storage building is 9m in height to parapet level. A green roof is proposed to the flat roofed section of the ancillary reception area.
- 2.3 A large surface motorpark area is proposed to include parking for 29no. HGVs, 17no. RGVs, 94no. LGVs, and 533no. cars. Staff and visitor parking (including 2no. EV charging spaces) and 8no. covered cycle stands are also proposed.

- 2.4 The existing entrance and access road to the south-west of the Finlay Dealership is to serve the proposed development, and it is stated that the applicant is authorised to use this access. The second access to the north-west stated to be used only occasionally for operational reasons and will also serve as a secondary emergency vehicle access. The agricultural entrance from the L2030 is to be blocked up. Except for the hedging on the north-eastern boundary, existing boundaries are to be retained, with hedging to be cut back to accommodate a new paladin fence, but also reinforced with mixed species.
- 2.5 The proposed development will be serviced by an existing public watermain and sewer located on the L2030. A new storm water system including detention basin and swales is proposed.

3.0 Planning Authority Decision

3.1 Decision

The Planning Authority granted permission subject to conditions on 14th August, 2025.

3.1.1. Conditions

22. Prior to commencement of development the Applicant shall liaise with the KNMD office and agree a special contribution in accordance with the Development Contribution Scheme adopted by Kildare County Council on 19th December 2022 and in accordance with Section 48(2)(c) of the Planning and Development Act 2000 (as amended) of €45,840 to the Planning Authority to deliver a 40mm SMA surfacing applied to a 105m length of the L-2030 (to a full width of 6.5m including the access slip lane. An approximate area of 1528m²).

Reason: In the interest of Road Safety.

24. The Applicant/Developer to pay to Kildare County Council the sum of €61,690.00 being the appropriate contribution to be applied to this development in accordance with the Development Contribution Scheme adopted by Kildare County Council on 19th December 2022 in accordance with Section 48 of the Planning and Development Act 2000 as amended. Payments of contributions are

strictly in accordance with Section 13 of the Development Contribution Scheme adopted by Kildare County Council on 19th December 2022.

Note: Please note water and wastewater development contribution charges now form part of the water connection agreement, if applicable, with Uisce Éireann.

Reason: It is considered reasonable that the Developer should make a contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Assistant Planner dated 29th May, 2025 notes the following:

- Staff parking and visitor parking is limited given the minimal number of employees and restricted public access.
- Part of the site is used for the storage of vehicles and there is an area of existing hardstanding, however this was considered to be acceptable under PA Ref. No. 24/60749.
- Further Information (FI) was recommended and issued on 3rd June, 2025 in relation to issues to do with road and water services, as well as legal/boundary treatment matters raised in the submissions. The request for FI also included the following item:

The Applicant shall confirm that they are willing to apply a layer of 150mm DBM binder and 50mm depth of SMA to the adjoining L-2030 at the entrance to Newhall Business Park to provide an upgraded level of surfacing for increased turning movements from the proposed development. The length of road to be surfaced shall be 105m and to the full width of 6.5m, it shall also include the access slip lane to the business park, resulting in a total area requiring surfacing of 1,528m². The Kildare Newbridge Municipal District technical staff are available to clarify the extents of relevant area if required. Alternatively, the Applicant can make a special contribution of €106,960 to the Kildare Newbridge Municipal District Office prior to

the commencement of the development, and they will undertake the works once site works are complete

- A response to the RFI was received on 19th July, 2025. The response included the legal right of the applicant to access the site as intended; that the existing paladin fencing was permitted under previous permissions; and addressed the concerns raised by the Roads Department and Water Services Department. Of note is that the applicant sought to rebut the upgrade works stating that the extent of the requested upgrade appears disproportionate to the impact of the development alone, given that:
 - The Traffic and Transport Assessment Addendum (TTA02) confirms that the proposed development will generate only 60 two-way trips daily and 15 two-way movements during peak hours, resulting in an imperceptible impact on the national road network (0.00075% increase on the M7) and no detrimental effect on the capacity, safety, or operational efficiency of the Newhall Business Park junction.
 - The Road Safety Audit (Stage 1/2) identifies layout and safety issues (e.g. wide junction mouth, inappropriate left-turn diverge, lack of crossings, obstructed visibility) that are pre-existing conditions of the wider estate road and junction, which serve the entire Motor Park and not solely this development.
 - The lands are zoned and serviced, and previous permissions within the Motor Park have not been subject to such a requirement, indicating that the junction upgrade is not a necessity uniquely arising from this application.
- It is also stated that *Should the Planning Authority maintain that a contribution is required, the applicant is willing to agree to a fair and reasonable apportionment that reflects only the extent of works directly attributable to the proposed development's access requirements.*
- The Assistant Planner's Report dated 13th August, 2025 is the basis for the Planning Authority's decision to grant permission.

3.2.2. Other Technical Reports

The Environment Section's report dated 1st May, 2025 recommended permission subject to conditions.

The Water Services Department's report dated 12th May, 2025 recommended Further Information. Their report dated 11th August, 2025 recommended permission subject to conditions.

The Report of the Fire Service dated 13th May, 2025 stated no objection subject to a condition.

The Report of the EHO dated 13th May, 2025 stated that the proposal is acceptable subject to a conditions.

The Report of the Kildare Area Office of the Kildare Newbridge Municipal District (KNMD) dated 16th May, 2025 recommended further information. Their report dated 12th August, 2025 recommended permission subject to conditions. It is stated in the report that 'the KNMD office will remove the requirement of the structural aspect of the 150mm DBM and will seek a special contribution for the applicant to deliver for 40mm SMA surfacing applied to a 105m length of the L-2030 (to a full width of 6.5m including the access slip lane. An approximate area of 1528m². All existing line markings shall be reinstated). Alternatively, the applicant can make a special development contribution of €45,840 to the Kildare Newbridge MD office prior to the commencement of the development, and they will undertake the works once site works are complete.'

The Roads, Transportation and Public Safety Department's report of 27th May, 2025 recommended Further Information. Their report dated 13th August, 2025 recommended permission subject to conditions, including the removal and closing of the entrance to the front of the Finlay Motor Group's premises, and the removal of the existing agricultural entrance on the L-2030 local road and the fencing of the entire roadside boundary.

3.3. Prescribed Bodies

A submission from TII dated 10th June, 2025 stated that the proposed development is at variance with official policy in relation to control of development on/affecting

national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012).

In its further submission dated 11th August, 2025, TII stated that the Authority will rely on the planning authority to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), subject to conditions.

3.4. Third Party Observations

There are 2no. submissions raising issues of unauthorised development on the site; that the traffic impact assessment made no reference to an unauthorised entrance clearly shown on the site layout plan, that was not assessed as part of the application; that the existing entrance to be used is only there due to the unauthorised construction of the entrance prior to the application; that the applicant has no consent to use the Newhall Business Park road; that this road is not capable of carrying the capacity associated with the proposed development; and that the proposed site drainage design is not in line with standards.

4.0 Planning History

- 4.1 ACP Ref. No. ACP-322022-25 (PA Ref. No. 24/60749). First Party appeal against the refusal of permission by Kildare County Council on 10th February, 2025 for development which will consist of the construction of a vehicle inspection building with associated offices, together with surface vehicle storage compound and all associated site works was withdrawn on 8th April, 2025. The reason for refusal was as follows:

1. The proposed development seeks to discharge surface water from the proposed development through the provision of 29-no. underground storage tanks on the subject site. In addition, it is unclear if the permeable pavements proposed are in fact permeable, as they are intercepted by the tanks and then flow to the detention basin. It is considered that the proposed development is substandard in regard to the disposal of surface water from the development and would be contrary to provisions of Objectives IN O22, IN O23 and IN O24 of the Kildare County Development Plan 2023-2029, which requires the implementation of Sustainable

Urban Drainage Systems (SuDS) and other nature-based surface water drainage as an integral part of all new development proposals, and the proposed development would therefore be contrary to the proper planning and sustainable development of the area.

- 4.2 PA Ref. No. 20/715: Planning permission granted on 8th April, 2021 for the construction of a Freezer Warehouse, Marshalling Area, Loading Docks, Administration Office, Staff Facilities and all ancillary site development works.
- 4.3 PA Ref. No. 20/714: Planning permission granted on 8th April, 2021 for the construction of a Freezer Warehouse, Marshalling Area, Loading Docks, Administration Office, Staff Facilities, Access Road and all ancillary site development works.
- 4.4 PA Ref. No. 03/806: Planning permission granted on 16th March, 2004 for 4 no industrial units comprising of 7595m² in total maximum height 8.8m, access road carparking and associated site works with access from Rathangan Rd on a 24.6 acre site.
- 4.5 There is reference in the planner's report for PA Ref. No. 24/60749 to an Enforcement File UD8412 in relation to the clearing of site by heavy machinery, no notice of developments, without the benefit of planning permission.

5.0 Policy Context

5.1 Development Plan

Kildare County Development Plan 2023-2029

In the Core Strategy (Chapter 2 of the Plan), Naas is identified as a Key Town, which is defined as a large town which is economically active that provides employment for its surrounding areas, with high quality transport links and the capacity to act as regional drivers to complement the Regional Growth Centres.

Section 2.4.12 of the Plan notes that in Naas, key employment opportunities will arise within Millennium Park and the Northwest Quadrant areas as well as the expansion of a range of enterprises in the existing industrial parks around the town, with a particular focus on the food processing sector, in addition to IT, digital/tech, logistics and high- tech manufacturing.

Section 15.9 of Chapter 15 of the Plan sets out the development management policies for employment uses. Section 15.9.1 specifically addresses employment uses, including safe road access for anticipated levels of traffic to be generated by the proposed development. It is also stated that generally, only one vehicular access point will be permitted.

Naas Local Area Plan 2021-2027

In the LAP, the site is zoned Objective H 'Industry and Warehousing' which seeks 'to provide for industry, manufacturing, distribution and warehousing.'

Note: *Where employment is a high generator of traffic, the location of new employment facilities at an appropriate scale, density, type and location will be encouraged to reduce the demands for vehicular travel*

Uses such as motor sales, industry (light), garage/car repairs are considered to be permitted in principle while car parking (other than ancillary) is considered open for consideration.

Kildare County Council Development Contribution Scheme 2023-2029

Section 11 of the adopted Scheme states that a special development contribution may be implemented under Section 48 of the Planning and Development Act where exceptional costs are incurred by the Council in the provision of a specific public infrastructure or facility. Only developments that will benefit from the public infrastructure or facility will be liable for the contribution.

Section 7.1 set out the basis for determination of contributions payable. In respect of non-residential development this is on the basis of €62 per square metre. In order to deliver the classes of public infrastructure required, contributions to be paid shall be apportioned as follows:.

- | | |
|---|-----|
| a) Transportation, surface water and flood relief | 60% |
| b) Open space, Recreation, Environment | 40% |

5.2. Relevant National or Regional Policy / Ministerial Guidelines

Development Contributions: Guidelines for Planning Authorities (DECLG 2013)

These non-statutory guidelines note that the primary objective of the development

contribution mechanism is to partly fund the provision of essential public infrastructure, while an important balance needs to be struck between this aim and the need to encourage economic activity and promote sustainable development patterns.

A special development contribution may be imposed under section 48(2)(c) where specific exceptional costs, which are not covered by the general contribution scheme, are incurred by a local authority in the provision of public infrastructure or facilities which benefit very specific requirements for the proposed development, such as a new road junction or the relocation of piped services. The particular works should be specified in the condition. Only developments that will benefit from the public infrastructure or facility in question should be liable to pay the development contribution.

Development Management Guidelines for Planning Authorities June 2007

Section 7.12 states that 'special' contribution requirements in respect of a particular development may be imposed under section 48(2)(c) of the Planning Act where specific exceptional costs not covered by a scheme are incurred by a local authority in the provision of public infrastructure and facilities which benefit the proposed development. A condition requiring a special contribution must be amenable to implementation under the terms of section 48(12) of the Planning Act; therefore it is essential that the basis for the calculation of the contribution should be explained in the planning decision.

This means that it will be necessary to identify the nature/scope of works, the expenditure involved and the basis for the calculation, including how it is apportioned to the particular development. Circumstances which might warrant the attachment of a special contribution condition would include where the costs are incurred directly as a result of, or in order to facilitate, the development in question and are properly attributable to it. Where the benefit deriving from the particular infrastructure or facility is more widespread (e.g. extends to other lands in the vicinity) consideration should be given to adopting a revised development contribution scheme or, as provided for in the Planning Act, adopting a separate development contribution scheme for the relevant geographical area. Conditions requiring the payment of special contributions may be the subject of appeal.

5.3. Natural Heritage Designations

The proposed development site is c. 5.53km to the west of the Mouds Bog SAC (Site Code: 002331), and Mouds Bog pNHA (Site Code: 000395).

6.0 EIA Screening

- 6.1 The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of this report.

7.0 The Appeal

7.1 Grounds of Appeal

A First Party appeal has been prepared by Brock McClure Planning and Development Consultants against the special development contribution attached at condition 22 of PA Ref. No. 25/60378, which sets out the following grounds:

- The appeal is brought pursuant to Section 48(10)(b) and S139 of the Planning and Development Act 2000, as amended.
- It is considered that the terms of the scheme have not been properly applied.
- The appeal centres on the fact that the Planning Authority has attached Special Development Contributions for road improvements benefitting the wider area which are already covered under the provisions of the standard S48 Development Contribution Scheme.
- In its decision it is clear that the Planning Authority considers the scheme to be of high-quality design.
- The applicant has been double charged for road resurfacing by the Council.
- The Special Development Contribution of €45,840 included as condition no. 22 to cover the delivery of a 40mm SMA surfacing applied to a 105m length of the L2030 (to a full width of 6.5m including the access slip lane. An

approximate length of 1528m2) is already included in condition no. 24 (General Development Contribution).

- The contribution has been applied on the basis of the scheme falling within rate band 8.2 'Non-residential development' included in the Kildare Development Contribution Scheme 2023-2029.
- An excerpt of Section 7.1 of the Scheme, 'Basis for Determination of Contribution', is provided, which sets out how contributions to be paid shall be apportioned, and includes Transportation, surface water and flood relief, which are to be apportioned at 60%.
- In this context, the General Development Contribution attached at condition no. 24 covers 60% of the contribution to deliver transport related public infrastructure.
- Section 5.2 of the Scheme sets out where Special Contributions can apply:
A special development contribution may be imposed under section 48(2)(c) where specific exceptional costs, which are not covered by the general contribution scheme, are incurred by a local authority in the provision of public infrastructure or facilities which benefit very specific requirements for the proposed development, such as a new road junction or the relocation of piped services. The particular works should be specified in the condition. Only developments that will benefit from the public infrastructure or facility in question should be liable to pay the development contribution.
- The requirement to upgrade a section of public road infrastructure that principally serves the wider Motor Park community, and for which the proposed development generated negligible additional traffic, would not meet the statutory tests for Special Development Contributions under Section 48(2)(c) of the Planning and Development Act, 2000, as amended, namely that the contribution must relate to 'specific exceptional costs' incurred in respect of a public infrastructure or facility which benefits the proposed development. This was stated in the Further Information Response Item 8 and supported in the TTA Addendum.

- Any costs as they relate to transportation that generally benefit development in the area are covered under the General Development Contributions Scheme, and a Special Development Contribution is not warranted.
- Condition 22 is requested to be removed.

7.2. Applicant Response

N/A

7.3. Planning Authority Response

- The Planning Authority's response dated 8th October, 2025 states as follows:
 - Kildare County Council's Transport Mobility and Open Spaces Department have examined the appeal and reaffirms the recommendation for a special contribution of €45,840 to fund specific remedial works at the entrance to the proposed development.
 - The Kildare Newbridge Municipal District Office under Further Information requested that the Applicant confirm their agreement to apply a layer of 150 mm DBM binder and 50mm depth of SMA over an area of 1528m² totalling €106,960 at the entrance to the development.
 - This was subsequently reduced on foot of the response by the Applicant which stated that the requirement to upgrade a section of public road infrastructure that principally serves the wider Motor Park community — and for which this development generates negligible additional traffic – would not meet the statutory tests for a special contribution.
 - The remedial works are directly necessitated by the development; are not included in the general contribution scheme; and are specific and exceptional in nature, involving safety and capacity upgrades at the site entrance.
 - The developers own TTA acknowledges that the development will generate
 - 15 two-way vehicle movements during the AM and PM weekday peaks
 - 60 two-way vehicle movements over a typical 12-hour weekday period.

- While modest, they represent a material intensification of use at the site entrance which would exacerbate existing safety risks at the entrance, and increase turning movements and impact vulnerable road users.
- The remedial works are essential to mitigate the direct impacts of the development and ensure compliance with road safety standards.
- The contribution is proportionate to the scale and impact of the proposed development; is reasonably related to the benefit the development will derive from the upgrade; and is necessary to ensure that the development does not give rise to traffic hazards.
- The cost estimate is based on detailed engineering assessments and reflects the actual costs of delivering the works.
- It ensures that the developer funds the infrastructure directly required by their proposal in line with the polluters pays principle and the proper planning and sustainable development of the area.

7.4. Observations

None.

7.5. Further Responses

None.

8.0 Assessment

8.1. A First Party Appeal against condition no. 22 attached to PA Ref. No. 25/60378 is stated to be made under the provisions of Section 48 (10)(b) and Section 139 of the Planning and Development Act, 2000, as amended. As there are no other appeals, the Commission is restricted to consideration of the special development contribution condition only.

8.2 Section 48(2)(c) of the Planning and Development Act, 2000, as amended clearly sets out the special requirements that justify the imposition of special contribution conditions as follows:

“A planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where

specific exceptional costs not covered by a scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development”.

- 8.3 Accordingly, three essential requirements or characteristics are necessary to justify attachment of a “special contribution” condition. Under this subsection of the Act,
- the payment must be required in respect of a development,
 - specific exceptional costs must be incurred as a result of or in order to facilitate it and,
 - such costs cannot be covered by a Development Contribution Scheme made under Section 48 or 49 of the Act.
- 8.4 Condition no. 22 attached to PA Ref. No, 25/60378 requires the applicant to liaise with the Kildare Newbridge Municipal District Office (KNMD) prior to commencement of development and agree a special contribution of €45,840 to the Planning Authority to deliver a 40mm SMA surfacing applied to a 105m length of the L-2030 (to a full width of 6.5m including the access slip lane. An approximate area of 1528m²), in the interest of Road Safety.
- 8.5 The basis for this condition is the report of the KNMD of 27th May, 2025, which was included in the RFI issued on 3rd June, 2026. This requested the following:

The Applicant shall confirm that they are willing to apply a layer of 150mm DBM binder and 50mm depth of SMA to the adjoining L-2030 at the entrance to Newhall Business Park to provide an upgraded level of surfacing for increased turning movements from the proposed development. The length of road to be surfaced shall be 105m and to the full width of 6.5m, it shall also include the access slip lane to the business park, resulting in a total area requiring surfacing of 1,528m². The Kildare Newbridge Municipal District technical staff are available to clarify the extents of relevant area if required. Alternatively, the Applicant can make a special contribution of €106,960 to the Kildare Newbridge Municipal District Office prior to the commencement of the development, and they will undertake the works once site works are complete

- 8.6 In the response to the RFI received on 19th July, 2025, the applicant made the case that the extent of the request appears disproportionate to the impact of the development of itself, given that it will generate only 60 two-way trips daily and 15 two-way movements during peak hours, with an imperceptible impact on the national road network and no detrimental effect on the Newhall Business Park junction. The applicant also drew attention to the pre-existing conditions of the wider estate road and junction raised in the Road Safety Audit, including the wide junction mouth, inappropriate left-turn diverge, lack of crossings, and obstructed visibility. However, the applicant also expressed willingness to agree to a fair and reasonable apportionment of a contribution for the extent of works directly attributable to the proposed development's access requirements.
- 8.7 In the First Party appeal, the applicant makes the case that the special development contribution is for road improvements benefitting the wider area which are already covered under the provisions of the standard S48 Development Contribution Scheme.
- 8.8 In its response to the appeal, the Planning Authority states that the special development contribution is required to fund specific remedial works at the entrance to the proposed development. It is stated that, in acknowledging that the special development contribution would not meet the applicable statutory tests, the original amount proposed at RFI stage was reduced in response to the applicant's case that the public road principally serves the wider Motor Park community, and that the proposed development generates negligible additional traffic.
- 8.9 In this context, I fail to understand how a reduced special development contribution can also meet the statutory tests of Section 48 (2) (c) of the Planning and Development Act, 2000, as amended, when the Planning Authority has accepted that a Special Development Contribution does not meet the required statutory tests as a matter of principle.
- 8.10 In relation to the three tests, the following is noted:
- Payment must be required in respect of a development: it is clear that there are existing issues with the public road as raised in the applicant's Road Safety Audit. However, the special development contribution has been applied to a proposed development that will have negligible traffic impact on the local road network. As

noted in the Traffic and Transport Assessment Addendum (TTA02) submitted with the response dated 19th July, 2025 to the RFI, the proposed development will generate only 60 two-way trips daily and 15 two-way movements during peak hours, resulting in an imperceptible impact on the national road network (0.00075% increase on the M7) and no detrimental effect on the capacity, safety, or operational efficiency of the Newhall Business Park junction. The special development contribution cannot be characterised as one that must be required in this context.

Specific exceptional costs must be incurred as a result of or in order to facilitate it: having regard to the negligible traffic generation arising from the proposed development as evidenced in the applicant's TTA and TTA addendum, and noted above, and acknowledged by the Planning Authority to be modest, it is evident that the special development contribution, which will principally benefit the wider area, is not warranted in this instance. The existing deficiencies in the public road that are identified in the applicant's Road Safety Audit are pre-existing issues that are required to be addressed whether the proposed development proceeds or not, and the general development contribution to be secured from the proposed development, if it proceeds, will assist in addressing these deficiencies. It is also noted that the Planning Authority has based the special development contribution on detailed engineering assessments and that it reflects the actual costs of delivering the works, however, no such details have been provided.

Such costs cannot be covered by a Development Contribution Scheme made under Section 48 or 49 of the Act: condition no. 24 attached to the notification to grant planning permission requires a general development contribution of €61,690.00 in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority. I note in the appeal that Section 7.1 of the Kildare County Council Development Contribution Scheme 2023-2029 apportions 60% of a general contribution to transportation, surface water and flood relief. I would be inclined to agree with the applicant that the general development contribution covers the costs to upgrade the public road applied by the Planning Authority by way of a special development contribution.

- 8.11 I do not agree with the Planning Authority that the proposed development would exacerbate existing safety risks at the entrance, and increase turning movements and impact vulnerable road users. If that was to be the case, the Planning Authority should not have granted planning permission.
- 8.12 Notwithstanding the applicant's willingness to agree to a fair and reasonable apportionment of a contribution in the response to the RFI, I would be inclined to agree with the applicant's case made at appeal that the special development contribution is for road improvements benefitting the wider area which are already covered under the provisions of the standard S48 Development Contribution Scheme.
- 8.13 I note the provisions of the Development Management Guidelines 2007 with respect to the attachment of conditions, which include that conditions should be necessary and reasonable.
- 8.14 In this context, the attachment of condition 22 would appear to be unnecessary and unreasonable, and I would recommend its removal.

9.0 AA Screening

- 9.1. The appeal has been made under the provisions of section 48(10)(c) and section 139 of the Planning and Development Act, 2000, as amended, therefore the Commission shall determine only matters relating solely to a condition dealing with a contribution. As such, the requirements S177U of the Planning and Development Act 2000, as amended, do not apply.

10.0 Water Framework Directive

- 10.1 The appeal has been made under the provisions of section 48(10)(b) of the Planning and Development Act, 2000, as amended. The Commission shall therefore determine only the matters relating solely to a condition dealing with a development contribution. As such, the requirements under the Water Framework Directive do not apply in this instance.

11.0 Recommendation

11.1. I recommend the Commission REMOVE condition no. 22 for the reasons and considerations set out below.

12.0 Reasons and Considerations

12.1 REMOVE Condition no. 22

I recommend that condition 22 is removed on the basis that it is not consistent with the provisions Section 48(2)(c) of the Planning and Development Act, 2000, as amended, as it fails to meet the statutory tests of Section 48 (2) (c) of the Planning and Development Act, 2000, as amended. It has not been satisfactorily demonstrated that the special development contribution must be required, nor are specific exceptional costs incurred as a result of or in order to facilitate the proposed development, and such costs can be covered by a Development Contribution Scheme made under Section 48 the Act.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Aiden O'Neill

Aiden O'Neill

Planning Inspector

2nd December, 2025

Appendix A: Form 1 EIA Pre-Screening

Case Reference	ACP-323617-25
Proposed Development Summary	Construction of a Storage Compound and Inspection Building with all associated site and landscaping works.
Development Address	Motor Park, Newhall, Naas, Co. Kildare.
IN ALL CASES CHECK BOX /OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<div style="margin-bottom: 10px;"> <input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. </div> <div> <input checked="" type="checkbox"/> No, No further action required. </div>
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1 . EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q 1	

1. Is the proposed development of a CLASS specified in <u>Part 2</u>, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
2. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input type="checkbox"/>	

Ad onull

Inspector: _____

Date: 2nd December, 2025