Inspector’s Report

PL-500504-MH-25

Development	Development and amendments to previously permitted development for restoration works under An Coimisiún Pleanála Ref. PL17.248391 and Meath County Council (MCC) Ref. RA170127 (further amended under MCC Ref. 22507). The proposed development and amendments will consist of the following: (a) Construction of a new energy-efficient washing plant with a capacity of c. 200,000 tonnes per year to support the recovery of sand, gravel and stone from imported waste and non-waste soil and stone materials, together with all necessary supporting infrastructure and equipment (including gantries, conveyors, washing systems, screeners, and sludge presses) and ancillary works; (b) Provision of a new weighbridge with associated control office (c. 26sqm), controlled barrier and CCTV system, to enable internal queuing of heavy goods vehicles to

	occur within the site; (c) Revisions to the previously permitted restoration scheme, including updated restoration landform profiles reflecting the operational efficiencies of the proposed washing plant, alongside additional planting and biodiversity enhancements to support restoration for agricultural use; (d) All associated ancillary and site development works above and below ground level.
Location	Lands at Tullykane Quarry, Kilmessan, Co. Meath, C15 A899.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	2561041
Applicant(s)	Kilsaran Concrete Unlimited Company
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	First Party v. Condition
Appellant(s)	Kilsaran Concrete Unlimited Company
Observer(s)	None.
Date of Site Inspection	2nd July, 2026
Inspector	Robert Speer

Contents

1.0 Introduction

1.1. This report relates to a first party appeal made under S.48 of the Planning and Development Act, 2000, as amended, in respect of Condition No. 14 as attached to the notification of the decision to grant permission for the proposed development.

2.0 Site Location and Description

2.1. The proposed development site is located in the rural townland of Tullykane, Co. Meath, approximately 1.0km east / southeast of the village of Kilmessan and c. 7.5km northwest of Dunshaughlin, in an area which is typically rural in character and dominated by a rolling patchwork of agricultural fields interspersed with intermittent instances / groupings of one-off rural housing, farmyards and associated outbuildings. It has a stated site area of 51.44 hectares, is irregularly shaped, and comprises a former quarry which is currently undergoing restoration through the importation of inert soil and stone with a view to returning the lands to agricultural use. Access to the site is obtained via an existing entrance arrangement from Local Road No. L2206 which extends between Kilmessan and Dunsany Crossroads.

3.0 Proposed Development

3.1. The subject proposal comprises development and amendment of the site restoration works previously permitted under PA Ref. RA170127 / ABP Ref. No. PL17.248391 (as further amended by PA Ref. No. 22507) as follows:

- The construction of a new energy-efficient washing plant with a capacity of c. 200,000 tonnes per year to support the recovery of sand, gravel and stone from imported waste and non-waste soil and stone materials, together with all necessary supporting infrastructure and equipment (including gantries, conveyors, washing systems, screeners, and sludge presses) and ancillary works;
- The provision of a new weighbridge with associated control office (c. 26m^2), controlled barrier and CCTV system, to enable internal queuing of heavy goods vehicles to occur within the site;

- Revisions to the previously permitted restoration scheme, including updated restoration landform profiles reflecting the operational efficiencies of the proposed washing plant, alongside additional planting and biodiversity enhancements to support restoration for agricultural use;
- All associated ancillary and site development works above and below ground level.

4.0 Planning Authority Decision

4.1. Decision

4.1.1. On 24th November, 2025 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 14 No. conditions. These conditions are generally of a standardised format whilst Condition No. 14 (the subject of this appeal) states the following:

4.1.2. Condition No. 14:

> The developer shall pay a financial contribution of €200,000 to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000 - 2023, in respect of restoration of the structural integrity of Local Road, L2206 which benefits the proposed development. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development 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.
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> *Reason*: To ensure the reinstatement of public roads that may be damaged by construction transport.

4.2. Planning Authority Reports

4.2.1. Planning Reports

Details the site location, planning history, and the applicable policy considerations before stating that the overall principle of the proposed development is acceptable given the applicable land use zoning (RA: 'Rural Area') and as it relates to the amendment of an existing facility which has the benefit of planning permission. It proceeds to analyse the proposal by reference to the development previously approved on site under PA Ref. No. RA170127 / ABP Ref. No. PL17.248391 which provides for the restoration of the excavated quarry through the importation of approximately 5.6 million tonnes of inert material (including soil and stone) over a lifespan of 14 No. years. The report subsequently notes that the proposal provides for a new quarry restoration plan whereby only 50% of the material imported to the site will be used for restoration purposes while the remainder of the material (i.e. washed aggregates) will be recovered for dispatch off-site and re-use at another facility. In effect, the anticipated infilling volumes required for reinstatement at the time of the original planning consent will be reduced along with the restoration profiles. In this regard, it is considered that the proposed development aligns with the principles of a circular economy by maximizing the recovery and reuse of secondary materials, decreasing dependence on the extraction of virgin aggregates, and minimizing the environmental impacts associated with quarry restoration.

No concerns are raised as regards the visual or landscape impact of the proposed development and no additional mitigation measures are considered necessary to screen the washing plant. In terms of traffic impact, reference is made to the assertion that the proposal will not increase overall vehicular movements or material tonnage to and from the site and that the proposed washing plant will optimise existing truck usage by facilitating the backhauling of recovered materials (capped at a maximum of 200,000 tonnes per annum) thus reducing empty return trips. The report subsequently considers the traffic assessment undertaken by the Local Authority in relation to the original restoration plan approved under PA Ref. No. RA170127 / ABP Ref. No. PL17.248391 and concludes that the subject proposal is acceptable provided that the financial conditions associated with the restoration application are met. It is also noted that the Transportation Dept. have recommended a specific contribution for road restoration due to the significant volume of HGV traffic linked to the development.

The remainder of the report considers other matters, including surface water management and flood risk assessment, before recommending that permission be granted, subject to conditions.

4.2.2. **Other Technical Reports**

Transportation Department: Refers to the grant of permission authorising the backfilling of the former quarry with approximately 5.6 million tonnes of inert soil and stone over a period of 14 No. years to restore the land to agricultural use and states that the site has been in use as a soil and stone recovery facility since 2019. The report proceeds to note that the objective of the proposed washing plant is to sustainably recover aggregate fractions (sand, grit, stone) for re-use where possible and that the proposal does not seek to increase the 400,000 tonnes per annum rate of materials intake as permitted under the existing planning permission and EPA Waste Licence. In this regard, reference is made to the intended use of a portion of the HGVs leaving the site to backhaul recycled materials won from the washing plant (noting that the production of recycled aggregates for off-site dispatch is proposed to be limited to a maximum of 200,000 tonnes per annum).

In analysing the impact of the proposed development, the report has calculated that the current intake of 400,000 tonnes of material per annum to the approved facility generates an average of 65 No. HGV trips per day. It continues by stating that half of the vehicles importing material to the site (i.e. 32 No. HGVs) will be required to backhaul 200,000 tonnes of aggregate, however, if only 2 out of 3 of these vehicles were available to leave the site with a load of aggregate, it would result in 22 No. backhauling and a remainder of 10 No. loads per day potentially generating new HGV trips. Additionally, in a worst-case scenario where no materials whatsoever are backhauled and all aggregates are transported from the site by a separate fleet of vehicles, it has been suggested that the transport of recycled aggregates from the site could potentially generate c. 32 No. additional HGV trips based on an average load of 25 No. tonnes. It is further estimated that if one third of the vehicles required to accommodate 100% backhaul is potentially unavailable from time to time then the proposed development could give rise to an additional 10 No. HGV trips per day.

The report thus concludes by stating that there is no objection to the proposed development subject to the following conditions:

- The production of recycled aggregates for off-site dispatch is limited to a maximum of 200,000 No. tonnes/annum.
- The applicant pays Meath County Council a special levy of €200,000 to cover the restoration costs of public roads as a result of damage incurred by the development.
- That parking on the public road, including the hard shoulder, fronting the site is not permitted.

4.3. **Prescribed Bodies**

4.3.1. *National Environmental Health Service (Heath Service Executive):* Notes that the existing soil and stone waste recovery facility on site operates under EPA Waste Licence Ref. W0296-01 which regulates the environmental performance, management and monitoring of the development with ongoing requirements to monitor and report dust, noise and water quality. In this respect, the proposed operation will be required to comply with the existing Waste Licence requirements. It is further noted that the EIAR screening report submitted with the application concludes that the proposal will not have a significant impact on environmental receptors in the area and makes reference to the implementation of mitigation measures as part of a CEMP. It is subsequently recommended that the mitigation measures referred to be included as a condition of any grant of permission in order to minimise emissions from the facility and to protect public health.

4.4. **Third Party Observations**

4.4.1. A single submission was received from an interested party and the principal grounds of objection contained therein can be summarised as follows:

- Despite the assertion that the proposed development will not increase the number of truck movements through Dunsany, there will be no obligation on the applicant to backhaul material from the site and thus the Planning Authority should assume a ‘worst-case’ scenario in its assessment of the traffic impact of the proposal.

- Although the previous grants of permission issued in 2017 and 2019 projected traffic flows in both directions from the site, current on-site operations only allow traffic to travel via Local Road No. L2206 to Dunsany. Furthermore, neither the previous applications nor the subject proposal envisaged all traffic travelling via Dunsany. Accordingly, mandatory travel / haul routes are unclear.
- There is no obligation on the applicant as regards the management of the existing or proposed site operations.
- Since the opening of the quarry in 2019 the road surface has suffered serious damage with remediation works having also fallen into a state of disrepair due to the number of truck movements.
- Instances of trucks having to mount the roadside verge to pass one another often results in soil and debris being deposited on the roadway. It should be a condition of any grant of permission that road sweeping be undertaken daily (or more frequently as the need arises).
- The narrow width and poor horizontal alignment of the surrounding road network pose a risk to public safety by reason of traffic hazard (with particular reference to cyclists and pedestrians).

5.0 Planning History

5.1. On Site:

5.1.1. PA Ref. No. 22507. Was granted on 21st July, 2022 permitting Kilsaran Concrete permission for change of use of an undeveloped c. 4.5ha area previously permitted as a community park / playing pitch under condition 3 of An Bord Pleanala reference PL17.248391 (and Reg Ref RA170127) to agricultural use only, through restoration with existing on site inert natural material. No increase in the amount of material permitted to be brought onto site is proposed. The application proposes a financial contribution to a community benefit fund in lieu of the provision of the community park/playing pitch amenity for the beneficial usage of local community initiatives and projects.

5.1.2. PA Ref. No. RA170127 / ABP Ref. No. PL17.248391. Was granted on appeal on 17th April, 2018 permitting Kilsaran Concrete permission for the restoration of the existing excavated quarry (previously granted permission under planning register reference number 99/1230 and TA/802731) to the original ground levels and use as agricultural land importing 5,600,000 tonnes (i) of imported inert natural materials, soil and stones, (ii) construct a community park and playing pitch with new entrance, fencing, landscaping and parking on existing ground, (iii) re-instating existing overburden contained on site and all other associated site works for a period of 14 years. The application relates to a restoration development for the purpose of an activity requiring a waste licence to be issued by the Environmental Protection Agency.

5.1.3. PA Ref. No. TA802731 / ABP Ref. No. PL17.233813. Was determined on appeal on 23rd December, 2011 whereby a split decision was issued to Kilsaran Concrete as follows:

- To **GRANT** permission for a development comprising the continuation of a quarry development (including associated plant and buildings) previously granted under planning authority register reference number 99/1230, including extraction by a further two benches within the previously approved extraction footprint area for a new permission term of 22 years (20 years extraction and two years to implement final restoration) on a 46 hectares site. The base of excavation will be at 37.1m above ordnance datum and to upgrade an existing septic tank by the addition of a second proprietary effluent treatment system (Puraflow).
- To **REFUSE** permission for a new readymix concrete batching facility to be located on the existing quarry floor, comprising;- batching house (maximum height 15.38m), 10 overground aggregate storage bins (maximum height 14.0m), three cement silos (maximum height 15.47m), intake hopper and two conveyor belts, Electricity Supply Board sub-station, three ground storage aggregate bays, bunded storage building, prefabricated office building, six bay water recycling installation, new septic tank and proprietary effluent treatment system (Puraflow).

    - Having regard to:

a) the location of the site in a landscape that is of exceptional value and high sensitivity (as identified in the Meath County Development Plan, 2007-2013),

b) the policies of the said plan which seek to facilitate development proposals for industrial or business enterprises in the countryside only where the proposed use has locational requirements that can only be accommodated in a rural location,

c) the alternatives available in terms of siting of the proposed development, and

d) the planning history of the site,

it is considered that, notwithstanding the mitigation measures proposed in the application in terms of landscape protection, the subject site is not an appropriate location for an industrial development of the kind proposed, which it is considered, would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- Having regard to the processes proposed under this scheme, the materials proposed to be stored and processed on site and the sensitivity of the ground water and surface water systems in the vicinity, the Board is not satisfied that the proposed development would not be prejudicial to the water quality of the ground and surface waters in the vicinity and would be prejudicial to public health. Accordingly, it is not considered appropriate to introduce development of this nature onto the subject site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.1.4. PA Ref. No. TA60605 / ABP Ref. No. PL17.223791. Was determined on appeal on 18th March, 2008 whereby a split decision was issued to Kilsaran Concrete as follows:

- To **GRANT** permission for the retention of an Electricity Supply Board substation (gross floor area 72m^2).

- To **REFUSE** permission for a readymix concrete and concrete block batching plants comprising of two batching houses, 10 aggregate storage bins, three cement silos, conveyors, two water storage tanks and other ancillary plant and machinery (maximum height of structures 13m), a storage building (maximum height 7.2m) for the storage of block making machinery and banding (gross floor area 368m^2), an Electricity Supply Board switch house (gross floor area 35m^2), three number ground storage aggregate bays (area 388m^2), concrete recycler and washwater recycling lagoons, block yard (area 23,800m^2), prefabricated office building (area 46.8m^2) and truck parking area.

5.1.5. PA Ref. No. 99/1230 / ABP Ref. No. PL17.119097. Was granted on appeal on 16th October, 2001 permitting Kilsaran Ltd. permission for development comprising retention of intensification of a quarry development and associated processing on 46.5 hectares including improvements to the existing quarry entrance with provision for new office, wheelwash and relocation of weighbridge.

6.0 Policy Context

6.1. Local Policy

6.1.1. **Meath County Development Plan, 2021-2027:**

Chapter 11: Development Management Standards and Land Use Zoning Objectives:

Section 11.11.3: *Special Development Contributions:*

In circumstances where additional specific infrastructure for an area is required, the Council may attach a special contribution.

Developers may also be required to carry out works at their own expense to facilitate their development and this would be specified as a condition of the planning permission.

6.1.2. **Meath County Council Development Contribution Scheme, 2024-2029:**

This Development Contribution Scheme was adopted on 4th December, 2023 and came into effect from 1st January, 2024. It includes an indicative list of the public infrastructure and facilities (please refer to Appendix A of same) which are considered to comprise projects that may benefit from development contributions received under the Scheme. The Scheme sets out the basis for the determination of the relevant development contributions, including those instances where a reduction / exemption in the contribution rate may apply, with Section 6 detailing the rates of contribution / schedule of charges applicable in respect of specified categories of development (with the apportionment of the contribution to the various classes of infrastructure set out in Section 5).

Section 3.2 of the Scheme states the following with respect to 'Special Development Contributions' imposed pursuant to Section 48(2)(c) of the Planning and Development Act, 2000, as amended:

> *'Section 48 of the Act also provides that a Planning Authority may, in addition to the terms of a General Development Contribution 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 the Local Authority in respect of public infrastructure and facilities which directly benefit the proposed development. The Planning Authority must specify in a planning condition attached to the grant of permission, the particular works carried out, or proposed to be carried out, to which the contribution relates. A special contribution shall be applied to a planning permission where it is considered that the development (or part thereof) is exceptional and / or different based on the nature, scale, extent, intensification or unforeseen impact(s) as a result of the construction or operation of the development, and as such would not be covered by the projects listed under Appendix A. The Act makes provision for the reimbursement of Special Contributions if the specified works are not carried out.*
>
> *For clarification purposes, exemptions and reductions shall not apply to Special Development Contributions'.*

6.2. **National Guidance**

6.2.1. The '*Development Contributions, Guidelines for Planning Authorities'* published by the Department of the Environment, Community and Local Government in January, 2013 aim to provide non-statutory guidance on the drawing up of development contributions to reflect the radical economic changes that have impacted across all sectors since guidance was last issued in 2007.

6.2.2. The '*Development Management, Guidelines for Planning Authorities'* issued by the Department of the Environment, Heritage and Local Government in June, 2007 are intended to promote best practice at every stage in the development management process and Section 7.12 of this document provides guidance regarding the attachment of planning conditions pertaining to Sections 48 & 49 of the Planning and Development Act, 2000, as amended.

6.3. Natural Heritage Designations

6.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299), approximately 4.38km to the northwest.
- The River Boyne and River Blackwater Special Protection Area (Site Code: 004232), approximately 4.48km to the northwest.

7.0 EIA Screening

7.1. This report concerns a first party appeal made pursuant to S.48 of the Planning and Development Act, 2000, as amended, in respect of the imposition of a special development contribution by way of Condition No. 14 as attached to the notification of the decision to grant permission for the proposed development.

7.2. In accordance with Section 48(13)(a) of the Act, where an appeal received by the Commission relates solely to a condition dealing with a special contribution, and no appeal is brought by any other person under Section 37 of the decision of the planning authority under that section, the Commission shall not determine the relevant application as if it had been made to it in the first instance, but shall determine only the matters under appeal (i.e. the special contribution).

7.3. In light of the foregoing, the subject appeal does not concern a project for the purposes of environmental impact assessment and, therefore, preliminary examination and / or EIA is not required.

8.0 The Appeal

8.1. Grounds of Appeal

- The Commission is advised that Section 3.2 of the Meath County Council Development Contribution Scheme, 2024-2029 states the following with respect to special development contributions:

  'Section 48 of the Act also provides that a Planning Authority may, in addition to the terms of a General Development Contribution 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 the Local Authority in respect of public infrastructure and facilities which directly benefit the proposed development. the Planning Authority must specify in a planning condition attached to the grant of permission, the particular works carried out, or proposed to be carried out, to which the contribution relates. A special contribution shall be applied to a planning permission where it is considered that the development (or part thereof) is exceptional and /. Or different based on the nature, scale, extent, intensification or unforeseen impact(s) as a result of the construction or operation of the development, and as such would to be covered by the projects listed under Appendix A. The Act makes provision for the reimbursement of Special Contributions if the specified works are not carried out'.

- The proposed development includes for the construction of a new energy-efficient washing plant with the capacity to recover c. 200,000 No. tonnes per year of sand, gravel and stone from imported material. These recovered materials are proposed to be reused at the applicant's paving manufacturing facility located at Dunboyne, Co. Meath (c. 20km away).

- The importation of up to 400,000 No. tonnes of inert material (soil and stone) per annum is permitted at the application site. This material is transported to the site by truck as part of the approved restoration works with the vehicles leaving the site unladen on their return journeys. The proposed washing plant will process imported material and is designed with a capacity of c. 200,000 tonnes per year. This volume is lower than the permitted intake volume for the site and, therefore, the proposed development will not increase the amount of material processed on-site or the number of truck movements.

- Under the particulars of the proposed development, a portion of the unladen HGVs leaving the site will be used to backhaul washed materials won from the proposed plant for reuse at the applicant's paving facility in Dunboyne, Co. Meath, c. 20km away (backhauling refers to using the return trip of delivery vehicles to transport materials back to a central location or delivery point thus reducing the number of empty trips). By backhauling recovered materials, vehicles generated by the site activities will operate efficiently in both directions thereby reducing wasted capacity. This approach is considered both appropriate and sustainable because it leverages the synergies between the proposed washing plant and the existing permitted recovery operation. Furthermore, it will not increase overall truck movements or material intake but will instead optimise the use of existing traffic and existing material importation flow.
- With respect to the imposition of Condition No. 14, Section 13.0 of the Planning Officer's Report states the following:

  'Development contributions shall be calculated and submitted in accordance with the DCS 2024-2029. Transportation have recommended a specific contribution for road restoration due to the significant volume of HGV traffic linked to the development'.

- It is not proposed to increase the intake volume of soil and stone at the site beyond the currently permitted level of 400,000 No. tonnes per annum. Given that a portion of the unladen vehicles leaving the site will be used to backhaul materials won from the proposed plant there will be no additional traffic movements associated with the proposed development.
- The term of the proposed development does not extend beyond the timeframe of the current permission (ABP Ref. No. PL17.248391). Furthermore, the subject proposal does not seek to extend the operational life of the permitted development.
- The imposition of the special contribution is not consistent with the terms of the adopted (development contribution) scheme for the following reasons:

a) There are no ‘specific exceptional costs’ incurred by the Local Authority in respect of public infrastructure and facilities which directly benefit the proposed development.

b) The particular works to be carried out or which are proposed to be carried out have not been specified.

c) A special contribution can be applied to a planning permission where it is considered that the development (or part thereof) is exceptional and / or different based on the nature, scale, extent, intensification or unforeseen impact(s) as a result of the construction or operation of the development, and as such would not be covered by the projects listed under Appendix A of the Meath County Council Development Contribution Scheme, 2024-2029.

- The applicant has already made payments to the Local Authority in respect of the current planning permission (the operational life of which expires in 2033). The amount paid to date represents a fair and equitable financial contribution towards the delivery of public infrastructure and facilities as regards that development. The requirement to pay an additional charge for ongoing road maintenance works amounts to double taxation.
- Condition No. 14 of the grant of permission is inconsistent with the terms of the Meath County Council Development Contribution Scheme, 2024-2029 and, therefore, the Commission is requested to delete the condition in its entirety.

8.2. **Planning Authority Response**

- The proposed development involves the backhauling of recovered materials which will entail the use of previously unladen vehicles leaving the site to transport / backhaul recycled materials won from the proposed washing plant off site. This will result in fully laden HGVs exiting the site via the haul route previously trafficked by unladen vehicles thereby giving rise to an increase in the total number of loads being transported which will inevitably weaken the carriageway giving rise to damage to the road network.

- The site is accessed / egressed directly by a priority junction on the northern side of Local Road No. L-2206 which connects the villages of Kilmessan and Dunsany. The haul route in the area of the proposed development includes Local Road Nos. L-2206 & L-2207.
- The following tables illustrate the extensive maintenance of local approach roads and junctions in the area of the proposed development in recent years.

Road	**Treatment**	**Length (m)**	**Cost (Euro)**	**Year**
L-2206	Resealing	2,203	50,771.96	2025
L-2207	Strengthening – surface restoration	494	166,595	2025
L-2207	Strengthening – structure rehabilitation	850	321,052	2024
L-2207	Resealing	1,414	44,420	2024
	Total	4,961	582,836.96	

Road	**Treatment**	**Length (m)**	**Cost (Euro)**	**Year**
L-2206	Strengthening – surface restoration	450	136,246 (estimated)	2026

Accordingly, a special levy of €200,000 to cover the future maintenance and restoration costs of the public roads as a result of the ongoing damage that will be incurred by the proposed development is being sought.

- It is considered that the contribution scheme has been correctly applied in accordance with Section 48(2)(c) of the Planning and Development Act, 2000, as amended, and therefore the Commission is respectfully requested to attach Condition No. 14.

8.3. **Observations**

None.

8.4. **Further Responses**

None.

9.0 Assessment

9.1. In accordance with Section 48(13)(a) of the Planning and Development Act, 2000, as amended, where an appeal is received by the Commission which relates solely to a condition dealing with a special contribution, and no appeal is brought by any other person under section 37 of the decision of the planning authority under that section, the Commission cannot determine the application as if it had been made to it in the first instance and can only determine the matters under appeal. Therefore, given that the subject appeal has been lodged under Section 48 of the Act as regards the imposition of a special contribution through the attachment of Condition No. 14 to the notification of the decision to grant permission, the Commission is restricted to the consideration of that condition and cannot assess the application *de novo*. I have therefore confined my assessment to the condition that has been appealed.

9.2. From a review of the available information, it would appear that the rationale for the imposition of the special contribution sought by Condition No. 14 derives from a recommendation contained in the report of the Transportation Dept. of the Local Authority which states that a special levy of €200,000 will be required to cover the costs of restoration works to public roads in order to repair damage attributable to the proposed development. Within that report while it is acknowledged that the subject proposal will not increase the rate of material intake at the site from the 400,000 tonnes per annum already permitted under PA Ref. No. RA170127 / ABP Ref. No. PL17.248391, it is also noted that the applicant proposes to utilise a portion of the (unladen) HGVs leaving the site to backhaul recycled materials won from the washing plant (up to a maximum of 200,000 tonnes per annum) for re-use elsewhere (at the applicant's paving manufacturing facility in Dunboyne, Co. Meath, c. 20km distant). The effect of the foregoing will be that a proportion of the previously unladen HGVs exiting the site will instead be fully laden with recovered material thereby increasing the overall number of loads / loadings utilising the public road network (without necessitating additional vehicle trips).

9.3. On the basis that the current intake of 400,000 tonnes of material per annum to the approved facility generates an average of 65 No. inward HGV trips per day (as set out in the 'Traffic Statement' prepared by Trafficwise Ltd. which has accompanied the planning application), it has been calculated that if the proposed washing plant were to operate at 100% efficiency (producing 200,000 tonnes of aggregates per annum) then approximately half of the vehicles importing would be required to accommodate the backhauling of the recovered material thereby equating to 32 No. HGVs. Such a scenario would effectively be traffic-neutral as it would not give rise to any additional HGV trips to or from the site, however, considering the variability in quarry restoration and soil recycling operations due to factors such as market forces, project timelines, and logistical considerations, the applicant has accepted that it would be reasonable to expect that there would be occasions when some source projects supplying materials to the site may not be able to avail of backhauling for logistical reasons. By way of example, it has been suggested that if only two-thirds of the 32 No. HGVs required to accommodate 100% backhaul were available to leave the site with a load of aggregate, this would result in 22 No. vehicles backhauling with the remaining 10 No. loads per day potentially generating additional HGV trips. While both the applicant and the Local Authority have referred to such a scenario as giving rise to 10 No. additional trips, I would submit that it could equate to 20 No. additional trips per day on the assumption that an unladen HGV would first have to visit the site in order to then transport a return load off site. Accordingly, it is this potential increase in overall HGV trips which would appear to have informed the recommendation of the Transportation Department that the applicant be required to pay a special contribution of €200,000 towards restoration costs of the public roads as a result of damage incurred by the development.

9.4. However, it is at this point that I would draw the Commission's attention to the report of the case planner as initially signed on 20th November, 2025 and the subsequent recommendation to grant permission. Section 10.7: '*Access'* of that report states that a response from the Transportation Dept. as regards the proposed development had yet to be received. It then refers to the imposition of a special levy in respect of the principal site restoration works as previously approved under PA Ref. No. RA170127 / ABP Ref. No. PL17.248391. The report continues by stating that '*Provided that the financial conditions associated with the restoration application are met, the proposal* *is deemed acceptable'* before recommending a grant of permission and the attachment of Condition No. 14 (thereby seeking a special contribution of €200,000 towards the restoration of the structural integrity of Local Road L2206). In my opinion, the foregoing would seem to imply that the special contribution sought by Condition No. 14 is intended as a reiteration of that attached to PA Ref. No. RA170127 / ABP Ref. No. PL17.248391 as opposed to an additional cost. Indeed, this would seem to find support by reference to Advice Note 23 of the planner's report which states that '*An allowance may apply where development contributions have already been paid in respect of a previously permitted development on the subject site'* with the possibility that no monies may be payable pursuant to Condition No. 14 if the special contribution required by ABP Ref. No. PL17.248391 has already been paid. While I would accept that the contents of Section 10.7: '*Access'* are contradicted somewhat by Section 13.0: *'Development Contributions'* of the same report wherein reference is made to the Transportation Dept. having *'recommended a specific contribution for road restoration due to the significant volume of HGV traffic linked to the development'*, it is of relevance to note that the recommendation of the case planner dated 20th November, 2025, was accepted by the A/Senior Executive Planner on 24th November, 2025 without alteration despite the Transportation Dept. having only completed its report on the same date. Therefore, it would appear that the justification for the special development contribution as set out in the planning report was not informed by that provided by the Transportation Department. This would seem to lend weight to my earlier suggestion that Condition No. 14 is simply intended as a reiteration of the relevant condition seeking a special contribution for PA Ref. No. RA170127 / ABP Ref. No. PL17.248391 as opposed to an additional contribution payable.

9.5. Notwithstanding the foregoing, I would revert the Commission back to the report prepared by the Transportation Department wherein the justification for the special development contribution is based on the potential for additional HGV trips to be generated along the public road in the event that some source projects supplying materials to the site would not be able to accommodate backhauling for whatever reason. Notably, this differs from the explanation provided by the Planning Authority in response to the grounds of appeal wherein the rationale for the contribution seems to derive from the introduction of fully laden vehicles backhauling material from the site as opposed to the current situation of only unladen HGVs exiting the site with the result that there is an increased loading to the public road and an associated potential for damage to or a weakening of the carriageway.

9.6. In assessing the merits of Condition No. 14, it is to be noted that Section 48(2)(c) of the Act states that a planning authority may 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. Further provisions as regards the payment of any such special contribution are set out in Section 48(12) as follows:

> *'Where payment of a special contribution is required in accordance with subsection (2) (c), the following provisions shall apply—*
>
> *(a) the condition shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the contribution relates,*
>
> *(b) where the works in question—*
>
> *i. are not commenced within 5 years of the date of payment to the authority of the contribution (or final instalment thereof, if paid by phased payment under subsection (15)(a)),*
>
> *ii. have commenced, but have not been completed within 7 years of the date of payment to the authority of the contribution (or final instalment thereof, if paid by phased payment under subsection (15)(a)), or*
>
> *iii. where the local authority decides not to proceed with the proposed works or part thereof.*
>
> *the contribution shall, subject to paragraph (c), be refunded to the applicant together with any interest that may have accrued over the period while held by the local authority,*
>
> *(c) where under subparagraph (ii) or (iii) of paragraph (b), any local authority has incurred expenditure within the required period in respect of a proportion of the works proposed to be carried out, any refund shall be in proportion to those proposed works which have not been carried out'.*

9.7. Although the condition itself states that the special contribution will be put towards *‘the reinstatement of public roads that may be damaged by construction transport’*, with specific reference being made to the ‘*restoration of the structural integrity of Local Road L2206 which benefits the proposed development’*, no explanation has been provided as to how the monies sought amount to ‘specific exceptional costs’. In this regard, the report of the case planner does not provide a clear explanation for the imposition of the special contribution whereas conflicting information has been proffered within the report of the Transportation Department and the response to the grounds of appeal as regards the rationale for the levy sought.

9.8. In my opinion, it is necessary at the outset to determine whether the traffic impact attributable to the proposed development warrants the imposition of a special development contribution pursuant to Section 48(2)(c) of the Act. In this regard, I would draw the Commission’s attention to the ‘Traffic Statement’ provided with the application and its summation of the projected trip generation wherein it has been submitted that the proposal could be considered traffic-neutral in the event that a sufficient number of the HGVs importing material to the site are also available to accommodate the backhauling of recovered aggregates off-site (a position further reiterated in the grounds of appeal). In such circumstances the proposed development would not result in any additional HGV trips to or from the site (when compared to the development already approved under PA Ref. No. RA170127 / ABP Ref. No. PL17.248391) and, therefore, there would be no basis from a trip generation perspective on which to justify the imposition of a further special development contribution towards road restoration works. However, the applicant has also acknowledged that it would be reasonable to expect that there would be occasions when some of the source projects supplying materials to the site may not be able to avail of backhauling for logistical reasons with the result that additional HGV trips could be required to transport the recovered aggregates off-site (with the possibility that an unladen HGV may first have to visit the site in order to then transport a return load off site). While the applicant has given an example of a scenario whereby an additional 10 No. HGVs would be required to accommodate backhauling from the site, it should be noted that this is purely speculative. Indeed, it could be argued that if none of the importing vehicles were available for backhauling purposes then it would be necessary for further unladen vehicles to visit the site thereby potentially giving rise to 64 No. additional HGV movements (based on a combined total of 32 No. inward trips and 32 No. outward trips), although it should be emphasised that this would represent a ‘worst-case’ scenario. A further complicating factor is that any need for additional vehicle movements to accommodate backhauling assumes that the proposed washing plant will be operating at 100% efficiency which may not be the case in practice. It is also possible that a higher proportion of the in-bound vehicles to the site (i.e. in excess of 50% of the anticipated average of 65 No. inward HGV trips per day) could be available for backhauling purposes.

9.9. On balance, I am amenable to the applicant’s position that the proposed development will be broadly traffic-neutral in terms of trip generation given the need for operational efficiencies both at the site and beyond. Moreover, it is my opinion that should any additional traffic generation arise, this is likely to be at the lower end of the spectrum and not of such significance as to warrant the imposition of a further special development contribution towards restoration of the public road network. I would also suggest that any assumption of a ‘worst-case’ scenario as a means by which to justify the attachment of a special contribution would involve an undue degree of speculation and could be potentially unduly punitive should any such circumstances not arise.

9.10. With regard to the explanation provided by the Planning Authority in response to the grounds of appeal that the introduction of fully laden vehicles backhauling material from the site (as opposed to the current situation whereby only unladen HGVs exit the site) would give rise to an increased loading on the public road with the potential for damage to the carriageway thereby warranting the special contribution, I am unconvinced of the merits of such an argument given the site history. In this regard, I would advise the Commission that the rationale of the Planning Authority to impose a special development contribution in its original assessment of PA Ref. No. RA170127 (i.e. the site restoration works subsequently approved on appeal under ABP Ref. No. PL17.248391) was based on the number of HGV movements likely to be generated by that development with no distinction having been made between laden and unladen vehicles. Accordingly, I would suggest that it would be reasonable to expect some level of consistency in the assessment of the subject proposal relative to the permitted site restoration works given that the former is effectively reliant on the latter. No explanation has been given as to why the Planning Authority now considers it appropriate to adopt a different approach to the calculation of any special contribution warranted by the proposed development. In my opinion, any attempt to distinguish between the impact of laden and unladen HGVs on the public road network would be inherently difficult given the complications arising from the potential use of smaller / larger vehicle types with differing weight capacities. The case could also be made that the equitable application of any such approach could have impacts during the construction stage across a wider spectrum of development types. Indeed, no such distinction is provided for in the Meath County Council Development Contribution Scheme, 2024-2029 with general development contributions applied in respect of quarrying and land infilling operations being calculated on the basis of the volume / tonnage of material involved (not trip generation or the impact of laden v. unladen traffic). Therefore, I am not of the opinion that the increase in the number of laden vehicles exiting the site consequent on the proposed development can be considered as having such an impact as to warrant the special development contribution sought.

9.11. Notwithstanding my determination in the preceding paragraphs that the traffic impact of the proposed development would not warrant the imposition of a special contribution, it remains necessary to consider whether the monies sought towards the '*restoration of the structural integrity of Local Road L2206'* would amount to *'specific exceptional costs'* by reference to Section 48(2)(c) of the Act. In this context, it is of relevance to note that a special development contribution in the amount of €200,000 has already been levied towards the *'restoration of the structural integrity of Local Road L2206'* by way of Condition No. 13 of the grant of permission issued in respect of ABP Ref. No. PL17.248391 which authorised the restoration of the excavated quarry to agricultural use through the importation of 5.6 million tonnes of inert material. Considering the significant scale and impact of that development along the full extent of Local Road No. 2206, it appears that the Board was satisfied that reference to the restoration of the structural integrity of that specific roadway was sufficient to comply with the legislative requirements of Section 48(2)(c) of the Act. Given that the subject proposal will involve the movement of HGVs along the same section of roadway, I am satisfied that the special development contribution sought towards the '*restoration of the structural integrity of Local Road L2206'* is also intended for specific works (i.e. the repair of any deterioration of the carriageway attributable to the increased traffic impact). However, while I would accept the 'specificity' of the identified works, I am not convinced that the works themselves can be considered 'exceptional' in light of the planning history of the site and the considerably greater traffic impact associated with the permitted quarry restoration works already underway. This is of particular note in the context of the monies already levied (and presumably paid) towards the *'restoration of the structural integrity of Local Road L2206'* in accordance with Condition No. 13 of ABP Ref. No. PL17.248391 which was imposed having considered the overall trip (HGV) generation attributable to the importation of 5.6 million tonnes of material for the restoration of the excavated quarry. It is in this respect that I would not consider any works to the public road resulting from the lesser (if any) impact of the traffic movements of the subject proposal as amounting to the threshold of 'exceptional'. In the absence of exceptional 'works' there can be no exceptional 'costs'. In my opinion, it is this lack of 'exceptionality' which undermines the test for 'specific exceptional costs' with the result that the imposition of Condition No. 14 fails to adhere to the requirements set out in Section 48(12)(a) of the Act. Such a conclusion would find support in the *'Development Contributions, Guidelines for Planning Authorities'* issued by the Department of the Environment, Community and Local Government in 2013 wherein it is stated that:

> *'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'.*

9.12. In addition to the foregoing, I would have concerns that neither the report of the case planner nor the Planning Authority's response to the grounds of appeal provide any detailed explanation of the methodology employed in the calculation of the special contribution. The tabulation of maintenance costs expended by the Council over a period of three years for Local Road Nos. L-2206 & L-2207 provided in response to the appeal is informative only and does not serve to establish any means by which the ‘specific exceptional costs’ pertinent to the ‘restoration’ works have been determined. This is of particular concern given that the sum of €200,000 sought as a special contribution in respect of the subject development equates to that already levied towards the ‘*restoration of the structural integrity of Local Road L2206’* by way of Condition No. 13 of the grant of permission issued in respect of ABP Ref. No. PL17.248391 despite the considerable difference in the anticipated HGV trip generation attributable to each of the developments. Indeed, it is difficult to understand how it has been determined that the proposed development (which is potentially traffic-neutral in terms of trip generation) would warrant the imposition of the same special contribution as the site restoration works permitted under ABP Ref. No. PL17.248391. Furthermore, given the lack of clarity as to the calculation of the ’specific exceptional costs’, it is unclear as to how the Planning Authority has apportioned these estimated costs to the proposed development and thus the imposition of the special development contribution lacks transparency.

9.13. Therefore, on the basis of the foregoing, with particular reference to the planning history of the application site, I am not satisfied that the trip generation or the increase in the number of laden vehicles attributable to the proposed development would be of such consequence as to necessitate works giving rise to ‘specific exceptional costs’ and the imposition of a special development contribution pursuant to Section 48(2)(c) of the Act. Additionally, in light of the monies already levied towards the ‘*restoration of the structural integrity of Local Road L2206’* in accordance with Condition No. 13 of ABP Ref. No. PL17.248391, I am unconvinced that any works to the public road resulting from the traffic impact of the subject proposal satisfy the test for ‘specific exceptional costs’. Finally, given the failure to provide any clear credence for the calculation of the special development contribution, I would recommend that Condition No. 14 be removed from the decision to grant permission.

9.14. (In the event the Commission determines that a special development contribution is warranted, I would recommend that consideration be given to a proportionate reduction in the amount sought).

10.0 Recommendation

10.1. Having regard to the foregoing, it is my recommendation that the Planning Authority should be directed to **REMOVE** Condition No. 14 for the reasons and considerations set out hereunder

11.0 Reasons and Considerations

1. Having regard to the planning history of the site, with particular reference to planning register reference number RA170127 (ABP Ref. No. PL17.248391) which authorised the restoration of the excavated quarry to agricultural use and included for the payment of a special development contribution towards the restoration of the structural integrity of Local Road L2206 pursuant to Condition No. 13 of that grant of permission, and to the nature and scale of the proposed development, the Commission is not satisfied that the public infrastructure and facilities the subject of the special development contribution condition are so exceptional as to meet the requirements of Section 48(2)(c) of the Planning and Development Act, 2000, as amended. The planning authority is, therefore, directed to remove condition number 14 from the decision to grant permission.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Robert Speer
Senior Planning Inspector

16th July, 2026