



An
Coimisiún
Pleanála

Inspector's Report

PL-501595-KK-26

Development	Retention of rock extraction outside of the existing permitted extraction areas under P. Reg. Ref. 05/1927
Location	Kellymount Quarry, Kellymount and Shankill Townlands, Paulstown Co. Kilkenny
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	2560634
Applicant(s)	Kilkenny Limestone Quarries Limited
Type of Application	Retention
Planning Authority Decision	Grant Retention with Conditions
Type of Appeal	First Party (s.48(13))
Appellant(s)	Kilkenny Limestone Quarries Limited
Inspector	Conor McGrath

1.0 Introduction

- 1.1. This report relates to a first party appeal under s.48(13) of the 2000 Act, as amended, against condition no. 3 of the planning authority decision to grant permission for the proposed development, which requires the payment of a special development contribution.

2.0 Site Location and Description

- 2.1. The appeal site comprises an existing quarrying operation located at Kellymount and Shankill, approx. 1km west of the M9 at Paulstown, Co. Kilkenny. Kilkenny City lies c.14km to the southwest. The existing quarry is served by the L2625. This local road is characterised by linear rural housing development between the site and the M9 / Paulstown. The road crosses the M9 and terminates at a T-junction with Regional Road R712. The surrounding area is otherwise agricultural in character. The application documentation indicates that the quarry has been in operation at the site since the 1970's.

3.0 Proposed Development

The proposed development relates to the retention of rock extraction that was carried out beyond the quarry extraction area permitted under planning register reference 05/1927. The total area for retention (c.1.2 ha) consists of Area A (c. 0.5 ha) and Area B (c. 0.7 ha). Both Area A and B were within the site of 05/1927 but fell outside the quarry extraction area (6.1 hectares) revised at FI stage.

Activities on the site are described as the extraction of dimension stone limestone rock in blocks, predominantly through the use of diamond cutting saws. The permitted development provides for blasting to remove the upper layers of weather rock which overly the dimension stone. These blocks are then transported to the stone processing facility where they are cut, trimmed and polished into a variety of products. Some blocks are delivered to customers without processing on site.

The main stone processing facility sheds, the quarry office / canteen; and the main administration office are all located along the southeastern landholding boundary. Screening berms have been planted around the periphery of the overall quarry site.

Unsuitable extracted stone, typically 80% of the extracted volume, is processed periodically into construction aggregates on site using conventional mobile crushing and screening plant. This activity is carried out to the north of the active extraction void area.

The application was accompanied by a range of documents including:

- Planning and Environmental Report
- EIA Screening Report
- AA Screening Report

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant retention permission for the proposed development, subject to 9 no. conditions, including:

No. 3 Road Pavement Rehabilitation Works

On receipt of the permission, the developer shall pay €195,000 to Kilkenny County Council as a special contribution towards the expenditure which is to be incurred by the said council in respect to the provision of road pavement rehabilitation works.

The estimated costs of the recommended rehabilitation work as described in the SLR report is €195,000 and a development contribution of this amount shall apply;

or alternatively

The applicant shall within a three-month period of granting of the application agree with the Planning Authority the full extent, specification and program of pavement rehabilitation works to be carried on the L2625 from its junction with the R712 and the Quarry entrance.

The requirement to pay this contribution is subject to the stipulations set out in sub paragraph (12) of Section 48 of the Planning and Development Act 2000 as amended. In the case of the said amount not having been paid or said works

completed to the satisfaction of the Kilkenny County Council, the amount shall be increased in accordance with the Wholesale Price Index– Building and Construction, Capital Goods Price Indices, the base period being the base applicable at the time of this permission.

Reason: It is considered that the developer shall contribute towards the expenditure proposed to be incurred by the Council in the respect of the provision/ improvement of public services facilitating the proposed development in relation to pavement rehabilitation works for traffic / pedestrian safety purposes, proper planning and traffic impact provisions of Quarries and Ancillary Activities Guidelines for Planning Authorities, 2004.

No. 4 Unless otherwise amended in this permission, the development and quarry operations shall be undertaken in accordance with all previous condition's concomitant to the original permission reference P05/1927

Reason: In the interests of development control, proper planning and environmental protection.

4.1.1. In considering the application, the planning authority sought **further information** in relation to a range of matters including:

1. Details of the extent of activities including the rate of extraction beyond the permitted quarry area.

2.Roads

a) Provision of an updated Traffic Impact Assessment (TIA) for the overall development.

b) Details of the anticipated lifetime for extraction operations on the site.

c) Location and total number of car parking spaces on site.

d) Having regard to the requirements of Condition 8 of planning ref 05/1927, the submission of an assessment of the local road L2625 from the development access to its junction with the R712 to determine what, if any, structural

requirement is required to cater for the development, to identify defects in the carriageway / drainage systems. and submit proposal to rectify same.

3. Environment –

- Details relating to blasting activities, watertable monitoring and noise.
- Provision of a noise assessment to verify that noise exceedance limits under Condition 13 of P05-1927, are achievable.
- Details of screening-berms.
- Dust management details.

4. Appropriate Assessment Screening, with particular reference to the presence of Peregrine Falcon within the site.

Clarification of Further Information was subsequently sought, which included:

Item 2a) Traffic Impact Assessment (TIA)

The applicant has submitted a Pavement Condition Survey and a visual assessment for the L2625 from the development access to the junction of the R712 and L2625. The assessment identifies sections of the public road exhibiting both structural and localised defects. However, the applicant has not provided proposals to address these defects arising from the development, as requested.

The development generates a significant volume of HGV traffic, which is considered the primary contributing factor to the deterioration identified. The applicant is therefore requested to submit detailed proposals outlining how the identified defects will be addressed. It is recommended that the applicant liaise with the Road Design Section in preparing these proposals.

Any required works to the public road would be carried out by Kilkenny County Council, and that a financial contribution would be sought from the applicant in respect of these works.

4.2. Planning Authority Reports

Planning Reports:

24/11/2025: No Traffic Impact Assessment (TIA) has been prepared for this retention application or updated since the 2005 permission. The amount of material extracted under the current application in terms of cubic meters or tonnes is also not given. This information is needed to assess potential lorry loads / trip generation. There would also be other traffic generated by staff, deliveries of material and equipment, maintenance etc. Condition 8 of planning ref 05/1927 required the applicant to submit a Pavement Maintenance Condition Report addressing the local road within five years of the grant and every subsequent five years. The Road Design Section is not aware of any such report being submitted to the Planning Authority.

The proposed extension of the quarry is acceptable in principle and accords with policies in the development plan for supporting extractive industry. Adverse significant impacts on the environmental amenities of the area, visual, heritage and/or residential amenity is not anticipated. There is potential for nuisance on residential amenity as a result of traffic movements, dust, vibration, noise. There is also potential for water pollution of the underlying aquifer, local water supplies and local surface water stream arising from suspended solids, silt etc from the quarry. There is also the risk that environmental standards may be breached.

19/03/2026: It is estimated that rock extraction amounting to c. 104,000m³ has been carried out in Area A and that rock extraction amounting to c. 64,000m³ has been carried out in Area B. The applicant confirms that there has been no intensification in employment and staff numbers and or associated plant/machinery/parking. Similarly, there has been no increase above the permitted annual extraction rate and no intensification of HGV traffic.

Item 2a) Traffic Impact Assessment (TIA)

The TIA has determined that the local road network will continue to operate within capacity for each of the assessment years 2026, 2031, 2041, and that the proposed development will have a negligible impact on the operation of the road network.

Roads Design are requesting further clarification on proposals to improve existing defects on the local road network.

Item 2b) Extraction life

The current planning permission (05/1927) is due to expire at the end of December 2026. Subject to this retention permission, the applicant will seek to extend the duration of extraction for a further period subject to a new planning application with accompanying EIAR. Reserves within the quarry landholding will allow for further planning application to be made for the next 25 years.

Item 2(d) Pavement Condition Survey

An evaluation and assessment of the L2625 identifies sections of the public road exhibiting both structural and localised defects. The applicant has not provided proposals to address these defects arising from the development, as requested. The applicant is therefore requested to submit detailed proposals outlining how the identified defects will be addressed.

Clarification of FI was sought

27/05/2026

Item 2: The applicants have developed recommended pavement rehabilitation measures to accommodate existing traffic combined with traffic associated with Kellymount Quarry operations. The applicant will liaise with the Road Design Section should there be any required alterations following their review. The report refers to the report of KCC Roads Engineer (20/05/206) which noted that there was no objection to the development subject to special development conditions.

A grant of permission was recommended subject to conditions.

4.2.1. Other Technical Reports

Road Design:

12/03/2026: The applicant has identified sections of the public road exhibiting structural and localised defects. The applicant has not provided proposals to address these defects.

20/05/2026: The development generates a significant volume of HGV traffic on the L2625, which is considered the primary contributing factor to the deterioration identified. The applicant is therefore requested to submit detailed proposals outlining how the identified defects will be addressed. Any required works would be carried out by Kilkenny County Council, and that a financial contribution would be sought from the applicant in respect of these works.

The applicant has submitted recommended pavement rehabilitation measures. The estimated cost of the recommended measures is €195,000 and a development contribution of this amount shall apply. Alternatively, the applicant shall agree the programme of works to be carried out by KCC / its agents. The applicant shall be liable for an element of the costs associated with the works apportioned on a pro-rata basis based on HGV usage. KCC shall conduct a traffic survey to determine the proportion of HGV traffic associated with the development.

Environment: 18/11/25 Further information sought on blasting protocol, details of water table monitoring programme, further details on noise monitoring data and a noise assessment, details of screening berms and details of sprinkler systems for dust management.

(18/03/2026) Following receipt of FI, no objection was raised subject to conditions.

Environment Dept. (Report on Discharge Licence ENV/W/66: Satisfied that the discharge licence is being properly maintained and managed by the applicant.

2026 - 2030 Development Contribution Scheme - Calculation Sheet: Provides the basis for the S.48 development contribution of €36,000.

4.3. Prescribed Bodies

Department of Housing, Local Government and Heritage:

Nature Conservation: The Department notes and accepts the conclusion of the AA Screening report. Conditions recommended on the timing of vegetation removal and further examination of effects on peregrine falcon.

4.4. Third Party Observations

No third party observations were received by the planning authority.

5.0 Planning History

There is an extensive planning history on the site. Key history cases include:

PA ref. 95/453 Permission granted 23/05/1995 for an extension to Dimension Stone Quarry, the construction of a tunnel under a public road and carparking.

Condition 2 of this grant of permission states: This grant of permission shall have effect for a period of 10 years and it relates only to the areas of land outlined in submission documents received on 23rd of May 1995.

06/2906 Unconditional Extension of Duration of Ref. No. 95/453

06/738 Unconditional Extension of Duration of ref. no. P95/453 and planning register no. 06/2906/1844, to further extend the appropriate period planning application Ref. No. P. 95/453

PA. Ref. 05/1927 (which superseded 95/453) was granted 13/12/2005 for:

- A. Continuance of use of the existing dimensional stone quarry to the permitted final quarry floor level of 53 mAOD (P.Ref.95/453)
- B. Integration of Quarry No. 1 and Quarry No. 2 and extension of same, to form a single quarry extraction area (11.5 ha.) facilitated by the re-alignment of a section of the existing public road (P. ref. 97/925) & 01/458.
- C. Retention of extraction area; stripped area, temporary over burden storage unsuitable rock storage area, and landscaped screening berm (2.8 ha.)
- D. Extension of product storage/display area.
- E. Crushing and screening of unsuitable stone.
- F. Provision of a hydrocarbon interceptor.
- G. Provision of a wheelwash facility.

- H. Soil/Overburden storage.
- L. Landscaped screening berms and quarry restoration works.
- J. All related ancillary works.

The proposed extraction area was identified as 6.1ha within a planning application area of 21.9 ha, with an extraction rate of 165,000 tonnes per annum over 25 years.

Condition no. 8 required that:

The Developer shall provide a Pavement Maintenance-Condition Report addressing the Local Road between the site and the N10 within 5 years of the date of grant of this permission and subsequently every 5 years by an agreed independent and competent third party with suitable experience of road maintenance. The pavement maintenance report shall be submitted to the Planning Authority and shall include an assessment of the road drainage, structural condition, surface condition and a detailed traffic count. The report shall use mechanical means of testing the road.

The report shall also propose remedial works options including accommodation works if adjacent properties are affected by the proposed remedial works. In addition, the report shall estimate the maintenance costs, which will be subject to verification by the Planning Authority. The applicant shall contribute to the cost of the maintenance with the amount of the contribution being based on a proportional calculation based on the volume of Quarry HGV traffic compared with the volume of the total HGV traffic on the Local Road.

Other cases include:

PA ref.	
QY23	Kilkenny Limestone Ltd. Section 261 quarry registration.
QR033	Section 261A Determination / Substitute Consent (Quarry Ref.).
96/110	Permission for new finishing plant for dimension stone products on lands within the existing quarry area at Kellymount Quarry

97/17	Grant (Conditional) for demolition and replacement of existing workshop, store and canteen building, and provision of a new effluent treatment plant and percolation area
97/673	Grant (Conditional) for revisions to 97/17
97/836	Grant (Conditional) to alter and extend the existing bungalow to facilitate change of use to office including a new car park area; replacement of existing wwtp and provision of new signage
00/822	Grant to retain modifications to new office bldg (previous permission P97/836).
01/458	Permission to revise the southern section of the proposed road re-alignment (existing planning permission P97/925) 07/2204 Extension of Duration of permission ref. 01/458
12/248 / ABP PL10.241434	Retention permission / permission for retention of permanent overburden storage area and other works.
12/250	Retention Permission of existing Production Shed (812m ²) and proposed extension to same (461m ²) to give an overall building footprint of 1273m ² ; retention of covered storage area (482m ²) and proposed extension to same (273.5m ²) to give an overall covered storage area of 755.5m ² ; extension of 908m ² to existing cut Stone Finishing Factory (916m ²) as permitted under Ref.96-10, with retention of portion of existing structure (462.5m ²) to give an overall building footprint of 2286.5m ² , with demolition of part of existing building structure (102m ²); provision of new covered storage area (494.5m ²). The buildings are within the existing permitted quarry area Ref.05/1927. The overall planning application area is c.0.52 hectares 17/486 Unconditional Ext of Duration
12/285	Grant permission for the retention of existing shed for the storage of crushed limestone and all associated works

13/610	Grant permission for retention of weighbridge, wheel wash, underground water storage tanks, boundary fencing and relocated entrance and all associated work
19/375	Grant for the revisions to Planning Ref. 12/250 (extension of time Ref. 17/486) to consist of an increase in eaves & ridge height

6.0 Policy Context

6.1. Kilkenny City and County Development Plan 2021 – 2027

Chapter 7 of Volume 1 of the KKCDP has the following strategic aim: To manage rural change and guide development to strengthen the rural economy and community through the network of towns and villages ensuring vibrant, sustainable and resilient rural areas whilst conserving and sustainably managing our environment and heritage.

Section 7.5 relates to ‘Extractive Industries’ and within that section is recognition of the importance of extractive industries to the local and national economy as valuable sources of raw material for industry in general and the construction industry in particular and as an important source of employment. The potential detrimental environmental impacts associated with the industry are also highlighted, along with the industry guidelines which are amongst the means by which best practice is implemented in avoiding and mitigating many of these potential impacts.

7.5.2 Extractive Industries – Development Management Requirements

Requirements to be considered in making planning applications relating to extractive industries:

The Council will have regard to the following:

- Quarries and Ancillary Activities, Guidelines for Planning Authorities.
- the ICF Environmental Code .
- Environmental Management Guidelines, Environmental Management in the Extractive Industry .

- Undertaking non-energy extractive activities in accordance with Natura 2000 requirements .
- NPWS Guidelines for the protection of Biodiversity within the Extractive Industry and the GSI's Geological Heritage Guidelines for the Extractive Industry.
- The Archaeological Code of Practice agreed between the ICF and the National Monuments Division in Section 6.4.2 Development Management Requirements.
- The Council will require adherence to the EPA Guidelines - Environmental Management in the Extractive Industry as a standard for the extractive industry in Kilkenny.

The Council will seek to minimise environmental and other impacts of mineral extraction through rigorous application of licensing, development control and enforcement requirements for quarry and other associated developments including, but not limited to, ... impacts on the road network (particularly with regard to making good any damage to roads), road safety, phasing, re-instatement and landscaping of worked sites.

Chapter 12 Movement and Mobility.

Regional and Local Road Objectives (include)

12AK To improve substandard sections of regional\county roads throughout the County, in particular those most heavily trafficked, and those providing access to existing or proposed industrial, residential or commercial developments as required and as resources permit.

12AL To maintain, develop and improve existing roads and to construct new roads as needs arise and resources permit in accordance with the Annual Roadworks programme.

6.2. Kilkenny Co. Co. Development Contribution Scheme 2026-2030

This scheme came into effect on 21/04/2026.

Section 2.2 notes the provisions of Section 48(2)(c) which provide for 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.

Appendix 1 identifies Public Infrastructure and Facility Projects included in the 2026-2030 Development Contribution Scheme. Works to the L2625 are not specified in the scheme.

6.3. National Guidance

6.3.1. Development Management Guidelines for Planning Authorities June, 2007

7.12 Conditions requiring development contributions (sections 48 and 49 of the Planning Act)

‘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 adopting a separate development contribution scheme for the relevant geographical area.

6.3.2. Quarries and Ancillary Activities Guidelines for Planning Authorities April 2004

2.4 Development control objectives

The planning authority may, as a matter of policy, attach planning conditions requiring the developer to lodge a financial bond to ensure satisfactory reinstatement of the site following the completion of extraction, or to pay a contribution towards the cost of upgrading or repairing the local road network;

4.7 Possible planning conditions

(j) Special contributions: In certain cases, the additional traffic - particularly in terms of heavy goods vehicles - generated by the proposed quarry may result in additional expenditure by the planning authority on the surrounding road network, including additional maintenance costs. A contribution may be required towards the cost of local authority inspections and monitoring.

Section 48(2)(c) of the Planning and Development Act, 2000 enables a planning authority, in addition to the terms of its development contribution scheme, to require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by the scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development. In such a case, section 48(12) requires that the planning condition shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the special contribution relates.

6.4. Natural Heritage Designations

River Barrow and River Nore SAC [site code 002162] c. 4km east;

Whitehall Quarries pNHA [site code 000855] c. 420m north.

7.0 EIA Screening

- 7.1. This case relates to a first party appeal against a financial contribution conditions attaching to the planning authority decision to grant permission under s.48(13). Having regard to the nature of the appeal and the provisions of s.48(13)(a), I conclude that the appeal 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. Form 1 in Appendix 1 of this report refers.

8.0 The Appeal

8.1. Grounds of Appeal

The first party make the following points in their appeal against condition no. 3 under S.48(13) of the 2000 Act, as amended:

- The Special Contribution is levied in respect of road pavement rehabilitation works.
- While condition no. 3 states that the estimated cost of the works is based on the findings in SLR report, the relevant report is the McCurdy report, which did not provide any costs.
- That report was to review the findings of previous pavement investigations and reports and develop rehabilitate measures to accommodate:
 - Existing traffic and
 - Traffic associated with the quarry.
- Despite requests following notification of decision, no breakdown of the contribution cost was provided by the planning authority.
- Neither the Planners Report nor the Area Road Engineers Report provide a breakdown of how the sum was calculated.
- It is not disputed that contributions are required, however, clarification is required from the planning authority on:
 - How the sum of €195,000 was calculated?
 - What proportion of works are attributable to quarry related traffic?
 - Whether existing background traffic or other road users have been considered?
 - Whether the contribution is proportionate to the development?

- ACP should consider whether S.48 has been correctly and fairly applied, seek clarification from the planning authority on the calculation of the contribution and determine if the sum is proportionate to the development.

The appeal was accompanied by copies of the PA decision, the McCurdy Report and PMS reports submitted to the PA on 30/04/20026, and a copy of an internal planning authority Roads Design report dated 20/05/2026.

8.2. Planning Authority Response

In response to the first party appeal, the planning authority make the following comments:

- The detailed basis for the contribution of €194,846.19 is set out, calculated on a first principle method, as determined by the engineering report.
- With regard to proportionality to the level of HGV or other traffic, it is not possible to determine that without the appropriate data.
- The provisions of s.48(2)(c) have been applied in accordance with the legislation.
- Condition no. 3, as framed, allows for an alternative approach. Within 3 months, the applicant can agree the full extent, specification and programme of rehabilitation works to be carried out. This will allow for an evidence based re-assessment and potential reduction in projected costs where the applicant can justify same.

8.3. Further Responses

The planning authority response was circulated to the first party for comment; however, no response was received within the relevant period.

9.0 Assessment

This is a first party appeal under S.48(13) and against condition no. 3 of the planning authority decision to grant permission. Condition no. 3 requires the payment of a Special Development Contribution under S.48(2)(c) of the 2000 Act, as amended

There has been no other third-party appeal against the decision. In this regard and in accordance with s.48(13)(a), this report confines its consideration to only the matters under appeal and does not consider the relevant application as if it had been made to the Commission in the first instance.

9.1. Scope of Application

The proposed development relates to the retention of rock extraction that was carried out beyond the quarry extraction area permitted under planning ref. 05/1927. The total area for retention comprises c.1.2 hectares consisting of Area A (c. 0.5 hectares) and Area B (c. 0.7 hectares).

The applicant's submission at Clarification of Further Information Stage (30/04/2026) stated that the planning application under consideration is for retention permission and that no further extraction will be carried out within Areas A & B until such time as:

- Retention permission has been secured for the previous extraction activities; and
- A new (future) planning application has been secured to allow for extraction within these areas at depth below their existing ground profile levels.

The scope of this application is therefore limited to past activities on the site.

9.2. Planning History PA ref. 05/1927

Under PA ref. 05/1927, condition no. 8 required that the developer provide a Pavement Maintenance-Condition Report to the Planning Authority addressing the Local Road between the site and the N10 within 5 years of the date of grant of this permission and subsequently every 5 years. The report was to include an assessment of the road drainage, structural condition, surface condition and a detailed traffic count, and propose remedial works options, and estimate the maintenance costs. The condition further stated that the applicant shall contribute to the cost of the maintenance based on a proportional calculation based on the volume of Quarry HGV traffic compared with the volume of the total HGV traffic on the Local Road.

The planning authority have advised that such reports have not been received from the operators of the quarry, and there is no correspondence or evidence from the operator / first party to contradict this position. I note that enforcement of such conditions lies within the remit of the planning authority.

This application relates to an extension to the previously permitted extraction area. A special contribution under s.48(2)(c) should be specific to the development under consideration and in this regard, any costs should relate to the subject development rather than the wider permitted development.

Impacts on the adjoining road network arising from those previously permitted operations may be pursued under condition no. 8 of ref. 05/1927 and I do not consider it appropriate to replicate such requirements or effectively seek compliance with such condition through the application of a special development contribution condition on this application. Condition no. 4 of the subject permission otherwise requires compliance with the conditions attaching to P05/1927, including condition no. 8 above.

9.3. **S.48(2)(c)**

S.48(2)(c) provides for the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a scheme are incurred by a local authority in respect of public infrastructure and facilities which benefit the proposed development. Conditions requiring a special contribution must be amenable to implementation under Section 48(12). It will be necessary to identify the nature / scope of works, expenditure involved and the basis of the calculation, including the apportionment to the particular development. In this instance, I note the following:

- The special contribution has been levied in respect of this particular development. The manner of application of the costs to this specific development is considered in more detail below.
- The condition describes the contribution as being related to Road Rehabilitation Works and indicates that the costs relate to the recommended rehabilitation work as described in the SLR report. The condition further clarifies that the works are

to be carried on the L2625 between its junction with the R712 and the Quarry entrance. I acknowledge the appellants comment that the correct report was the McCurdy report. Notwithstanding this reference, I consider that read in its entirety, the contribution relates to specific works which are clearly identifiable in the file documentation.

- While not set out in the application documentation, the planning authority have provided a breakdown of costs of the rehabilitation works at appeal stage.
- The costs relate to specific exceptional works which appear to be sufficiently specific to be compatible with the terms of Section 48 (12)(a) and exceptional as not to be capable or appropriate for incorporation within the terms of a development contribution scheme formulated in accordance with S.48 of the Act.
- The costs are not covered by a scheme made under S.48.

Matters Arising

The First Party do not dispute the requirement for a special contribution, however they question the calculation of the contribution and its apportionment between the subject development, the previously permitted quarry operation and existing non-quarry related traffic.

In respect of the basis for the cost identified in Condition no. 3, I note that the first party have not responded to or contested the costings identified in the planning authority response to the appeal. In respect of such costs, I note that the schedule does not specifically correspond to the detail of works contained in Table 2 of the McCurdy report or the PMS Level 2 report.

Apportionment between the subject development and the previously permitted quarry operation:

It is clear, however, that the planning authority have applied 100% of the rehabilitation works cost to the subject development. As noted above, the subject development comprises an extension to an overall permitted development granted in

2026 which is otherwise subject to conditions on the maintenance and remediation of the public road.

Condition no. 4 of the subject decision to grant permission already requires compliance with all previous conditions on the original permission ref. 05/1927. Condition no. 8 of P05/1927 provided for contributions toward rehabilitation of the road network serving the site, proportionate to the volume of Quarry HGV traffic compared with total HGV traffic volume on the local road. I do not consider it appropriate to require a special contribution in respect of works already the subject of condition no. 8 of 05/1927. It remains open to the planning authority to enforce extant conditions in respect of the road maintenance requirement arising from operations permitted under PA ref. 05/1927.

Notwithstanding the above, it is noted that the two extraction areas for retention were excluded from the extraction area under 05/1927 and would therefore seem to be excluded from any cost apportionment under condition no. 8 of 05/1927. It is considered reasonable therefore that a proportionate contribution toward the estimated costs be applied to the subject development.

In this regard, I note that Areas A & B for retention provide a combined total extraction area of c.1.2 ha., which would constitute an increase of c. 19.67% on the overall extraction footprint permitted under 05/1927 of c. 6.1 ha.

Apportionment between the subject development and other non-development related traffic:

The initial Roads Dept. report dated 12/03/2026, and the Request for Clarification of Further Information noted that significant HGV movements from the development were considered to be the primary contributing factor to the deterioration of the pavement condition. This would appear to be a reasonable assertion and was not contested by the first party during the course of the application. This would appear to be aligned with the advice set out in the Guidelines on Quarries and Ancillary Activities.

The planning authority Roads Design report dated 20/05/2026 was the basis for the condition recommended by the planning officer and included in the PA decision. That

report stated that the applicant was to be liable for an element of the costs associated with the works apportioned on a pro-rata basis based on HGV usage, subject to a traffic survey. Such apportionment would be consistent with the approach of the planning authority under P05/1927 but was not incorporated into condition no. 3, notwithstanding that an alternative approach was out in the condition.

In respect of quarry related HGV movements, I note that the applicant's FI response, submitted to the planning authority on 20/02/2026 included a Traffic Impact Assessment(TIA). This TIA noted that 100% of quarry traffic will continue to utilise the existing access from the L2625 Local Road. The information available in the TIA and in the PMS Level 2 report submitted to the PA on 30/04/2026, indicate that overall quarry HGV traffic (previously permitted and subject development) accounted for c.88% of HGV movements on the L2625 in the base year. Use of the base year is considered appropriate having regard to the retention nature of this application.

On the basis of the foregoing, I consider it reasonable that the apportionment of costs be based on quarry related HGV movements as a proportion of overall HGV movements on the road, and in this regard a contribution based on 88% of costs is considered reasonable.

Conclusion:

Having regard to the foregoing it is considered that:

- On-going quarry operations have negatively impacted on the integrity of the adjoining road network, and a special development contribution is warranted in this regard. This is not disputed by the first party.
- As HGV movements are the primary factor in the deterioration of the road network (L2625), it is appropriate to apportion costs based on HGV movements associated with the quarry compared with overall HGV movements on this road.
- Any contribution should relate to the subject development and not the requirements of previously permitted development, subject to separate conditions.
- The contribution payable may therefore be reasonably calculated as follows:

Total cost of rehabilitation works	€194,846.19
Apportionment based on quarry HGV movements on L2625 (88%)	$€194,846.19 \times 0.88 = \textbf{€171,464.65}$
Apportionment to subject development (19.67% extension of permitted extraction area)	$€171,464.65 \times 0.1967 = \textbf{€33,727.09}$

Total contribution payable under S.48(2)(c) would therefore be €33,727.

10.0 AA Screening

10.1. This first party appeal has been made under the provisions of section 48(13) of the Planning and Development Act, 2000, as amended. In this regard, the Commission shall therefore determine only the matters relating solely to a condition dealing with a development contribution. As such, the requirements S177U of the Planning and Development Act 2000, as amended, do not apply.

11.0 Water Framework Directive

11.1. The appeal has been made under the provisions of section 48(13) 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.

12.0 Recommendation

12.1. Having regard to the foregoing I recommend that the planning authority be directed to amend condition no. 3.

13.0 Reasons and Considerations

The development the subject of the appeal comprises retention of rock extraction outside of the extraction area permitted under planning ref. 05/1927. The costs the subject of condition no. 3 of the planning authority decision to grant permission relate to rehabilitation costs necessitated by, or arising from, the ongoing quarry operations at Kellymount and Shankill and are not proportionate to the development the subject of this application. Furthermore, the Commission had regard to the requirements of condition no. 8 of planning reference 05/1927 and concluded that the costs relating to development under that permission would more properly be pursued under that condition. In this regard, and accordance with the requirements of s.48(2)(c) and s.48(12) of the Planning and Development Act 2000, as amended, the Council are directed to amend condition no. 3 in order to reflect the proportionate allocation of costs to the subject development.

14.0 Condition no. 3

The developer shall pay a financial contribution of **€33,727 (Thirty three thousand, seven hundred and twenty seven euros)** to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of pavement rehabilitation works to be carried out on the L2625 from its junction with the R712 to the quarry entrance, which will benefit the proposed development. The contribution shall be paid within 6 months of the date of this permission for retention, or such phased payments as may be agreed in writing with the planning authority, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

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

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.

Conor McGrath ADP
28/09/2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501595-KK-26
Proposed Development Summary	Retention of rock extraction outside of the existing permitted extraction areas under P. Reg. Ref. 05/1927
Development Address	Kellymount Quarry , Kellymount and Shankill Townlands, Paulstown Co. Kilkenny
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?	☐ Yes, it is a 'Project'. Proceed to Q.2.
	☒ No, No further action required.
(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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1.	State the Class here

EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☐ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, 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?	
☐ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☐ 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)	State the Class and state the relevant threshold

4. 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 ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Conor McGrath Date: 28/09/2026