



An
Bord
Pleanála

Board Order
ABP-316012-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: ED/989

WHEREAS a question has arisen as to whether:

- (a) the importation and deposit of soil and/or subsoil from off-site into a number of heaps on the land,
 - (b) the parking of an industrial vehicle bearing a large arm (or a type which can be used to distribute/move soil and/or subsoil) on this land and parking of commercial trucks on site,
 - (c) the use of this property for non-agricultural external storage,
 - (d) the erection of a circa 3.0-metre-tall timber fence on the land,
 - (e) the sorting of soil and subsoil, the placing the sorted matter into bags and the transportation of these bags off the site, and
 - (f) the use of a large barrel-vaulted structure which has been erected on the site for the sorting, bagging and dispatch of soil and subsoil,
- all at Painestown, Kill, County Kildare is or is not development or is or is not exempted development,

AND WHEREAS An Bord Pleanála, in considering the referral, decided, in the interest of clarity, to modify the question as follows:

whether the importation of and deposit of soil and/or subsoil, the use of the shed and activities on site for sorting, bagging of soil and/or subsoil and transportation off site, the parking of commercial vehicles, and the erection of a three-metre-high timber fence is or is not development or is or is not exempted development,

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2, 3 and 4 of the Planning and Development Act 2000, as amended,
- (b) Section 4(1)(l) of the Planning and Development Act 2000, as amended,
- (c) Article 6(1) and Article 9(1) of the Planning and Development Regulations 2001, as amended,
- (d) Parts 1 and 3 of Schedule 2 to the Planning and Development Regulations 2001, as amended,
- (e) the Waste Management (Facility Permit and Registration) Regulations 2007 (as amended by SI No. 86 of 2008),
- (f) the submission on file by the referrer and by the owner to the planning authority,
- (g) the planning history of the site, and

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the importation of and deposit of soil and/or subsoil, the use of the shed and activities on site for sorting, bagging of soil and/or subsoil and transportation off site, the parking of commercial vehicles, and the erection of a three-metre-high timber fence is development and is not exempted development.



Stewart Logan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 23rd day of April 2024.