



Planning and Development Acts 2000 to 2019

Planning Authority: Carlow County Council

Planning Register Reference Number: 18/444

APPEAL by Smith Groundworks and Civil Engineering Limited care of John Creed and Associates of 145 The Faythe, Wexford against the decision made on the 11th day of July, 2019 by Carlow County Council to refuse permission to Smith Groundworks and Civil Engineering Limited.

Proposed Development (1) The restoration of a 6.17 hectare abandoned sand and gravel quarry to agricultural grassland, by backfilling, using imported inert soil and stone, (2) the construction of a blockwork boundary wall, and (3) all temporary ancillary development including (a) one number site office, (b) one number portable toilet, (c) one number wheelwash and (d) improvement to the site entrance, access gates and access road and internal access tracks, all at Tinnaclash, Hacketstown, County Carlow.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the previous use of the site for quarrying and to the absence of information submitted with the application and appeal regarding the existing environmental status of the subject site, and the consequent potential implications for design measures related to the implementation of the proposed development, the Board is not satisfied that the proposed development would not pose a risk of environmental pollution and would not be prejudicial to public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board agreed with the Inspector that the proposed development could be

assessed on its merits, notwithstanding the previous quarrying use on site. However, the Board concluded that the information submitted with the application and the appeal was insufficient to provide a comprehensive assessment of the existing environmental status of the subject site and on this basis it could not be certain that the proposed development would not pose a risk of environmental pollution and, therefore, be prejudicial to public health.

Chris McGarry

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020.