



An
Coimisiún
Pleanála

Direction
CD-021354-25
ABP-321208-24

The submissions on this file and the Inspector's report were considered at a meeting held on 20/11/2025.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:

Mary Garrie
Mary Garrie

Date: 21/11/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the location of the lands within a rural agricultural area, the purpose of the development to improve agricultural land, to the nature and volume of inert material to be imported into the site and associated low volume of traffic movements likely to be generated, it is considered that, subject to compliance with the conditions set out below, the proposed development would not endanger public safety by reason of a traffic hazard, would not adversely affect the residential, visual, or cultural amenities of the area, would be acceptable in terms of biodiversity and would not increase the risk of flooding. It is, therefore, considered that the proposed

development would be in accordance with objectives CDP11.36(a) (waste transfer and recovery facilities), CDP 11.38(c) (construction and demolition waste) and CDP8.4 (Agriculture) of the Clare County Development Plan 2023-2029. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 17th day of September 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The imported material to be deposited on the land shall comprise of inert soil, stone and topsoil only, and shall be levelled, contoured and seeded upon the completion of the works and protected until established.

Reason: In order to assimilate the development into the surrounding rural landscape, in the interest of visual amenity.

3.
 - (a) This permission shall apply for a period of five years from the date of this Order. Following the expiration of this period, the importation of material to the site and operations on site shall cease.
 - (b) Reinstatement works shall be completed in accordance with a plan to be submitted to the planning authority for their written approval prior to commencement of development.

Reason: In the interest of clarity.

4. (a) The maximum quantity of inert soil and stone to be accepted at the site shall not exceed 102,950 tonnes in total over the period referred to in condition number 3 and shall not exceed 22,000 tonnes in any one year.
- (b) The developer shall keep a written record onsite of all the material imported to the site (date accepted, volume and classification) and this shall be made available for inspection by the planning authority upon request.
- (c) A maximum of eight loads per day shall be imported to the site.

Reason: In the interest of clarity, traffic safety, to protect residential amenities and for the protection of the environment.

5. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the following:
- (a) The developer shall be responsible for the full cost of repair in respect of any damage caused to the public roadway arising from the construction works and operations and shall make good any damage to the road to the satisfaction of the planning authority.
- (b) Proposals for the suppression of dust on site and on the access road.
- (c) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.
- (d) Proposals for the disposal of waste material offsite.
- (e) Proposals to prevent the introduction of invasive species onsite.
- (f) Proposals for keeping the public road free of muck, dirt and debris including cleaning arrangements, and location of the wheelwash facility.
- (g) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

Reason: In order to safeguard local amenities.

6. The final use of the site after completion of the importation of materials shall be for agricultural purposes only and the lands shall be reinstated, and infrastructure associated with the proposed development removed to the written

satisfaction of the planning authority.

Reason: In the interest of clarity.

7. (a) All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Impact Assessment prepared by TVAS Ireland Limited submitted as Further Information on the 17th day of September 2024 shall be implemented in full.
- (b) The developer shall engage a suitably qualified and licensed archaeologist to monitor all site clearance works, topsoil stripping and groundworks, and/or the implementation of agreed preservation in-situ measures associated with the development. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the NMS as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation.
- (c) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest

8. (a) All trees and hedgerows on the boundaries of the site shall be retained and maintained, with the exception to those necessary to provide for the proposed entrance and sightlines.
- (b) Any hedgerow removed within the site shall be replanted with native species.
- (c) Any hedgerow removed to the west of the proposed entrance to accommodate sightlines shall be replanted with native species along the new boundary with the public road and such details shall be submitted to the planning authority for their written approval prior to commencement of the development.
- (d) All hedgerow/tree removal and stripping of soils shall be undertaken outside the bird breeding season.

Reason: In the interest of visual amenity and biodiversity.

The importation of inert soil and stone and the operation of associated machinery shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays, between 0800 to 1300 hours on Saturdays and not at all on Sundays, bank or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of good traffic management and to protect the amenities of the area.

9. Vehicles transporting material to the site and leaving the site shall use the haul route outlined within the submitted preliminary Operational Traffic Management Plan submitted to the planning authority on the 20th day of December 2023.

Reason: In the interest of traffic safety and residential amenity.

10. Details of road signage, including advance warning notices along the public road, and proposals for traffic management at the site entrance, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of the development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.