

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Limerick City and County

Planning Register Reference Number: 15/101

An Bord Pleanála Reference Number: PL 91.245623

APPEAL by Concerned Residents of Quarry Hill care of Teresa O'Doherty of Ardkilmartin, Kilmallock, County Limerick against the decision made on the 17th day of September, 2015 by Limerick City and County Council to grant subject to conditions a permission to Noel Halpin of Coolroe, Kilmallock, County Limerick in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Permission for: (a) To backfill the remainder of a disused quarry with 23,381 tonnes of inert topsoil and subsoil. (b) The retention of the existing entrance and ancillary site works including temporary passage-way, wheelwash and office facilities for the duration of the works. This application is to complete the works as previously granted under planning register reference number 07/3665 and subsequently extended under planning register reference number 12/7094, all at Coolroe, Kilmallock, County Limerick. An Environmental Impact Statement will be submitted as part of this application.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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.

Environmental Impact Assessment

The Board considered that the Environmental Impact Statement submitted, together with associated documentation on file, identified and described adequately the direct and indirect effects of the development on the environment. The Board noted the Environmental Impact Assessment carried out by the Inspector in relation to the development in question and considered that the Inspector's report was satisfactory in addressing the environmental effects of the development. The Board adopted this report and agreed with the Inspector's conclusions in relation to the acceptability of mitigation measures proposed and residual effects and, therefore, concluded that the subject development would not be likely to have a significant effect on the environment.

REASONS AND CONSIDERATIONS

Having regard to the nature and scale of the proposed development, to the pattern of development in the vicinity, and to the planning history of the site, and having regard to the fact that the operation of the development is required to be undertaken under a Waste Facility Permit from the local authority, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not detract from the character of the area, and would not represent an undue risk to groundwater, surface water, or ecology or have significant effects on the environment. The proposed development would, therefore, not be contrary to 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 submitted to the planning authority on the 24th day of August, 2015, 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. All road widening, provision of roadworks, and signage shall be in accordance with the detailed requirements of the planning authority.

The works outlined in drawing reference ARUP T-001 as submitted with planning register reference number 07/3665, An Bord Pleanála appeal reference number PL 13.232462, and resubmitted in respect of the current application by way of further information on the 24th day of August, 2015, shall be completed in full, at the developer's expense, and to the satisfaction of the planning authority.

No further landfilling activity shall be undertaken on this site until such time as these road works have been completed, and the developer has been formally notified, in writing, by the planning authority that the works have been completed in accordance with the details in this drawing, and to its satisfaction.

Reason: In the interest of traffic safety.

3. The backfilling of the disused quarry shall consist solely of inert subsoil and topsoil, and no other forms of waste shall be infilled on the site. The subsoil and topsoil shall be deposited within the site in accordance with the details contained in the Environmental Impact Statement submitted with the planning application, in terms of overall volumes of material to be deposited on the site, the manner of deposition within the site, and the phasing of development during the lifetime of the planning permission.

Reason: In order to limit the infill of the site to the forms of waste applied for - that is, subsoil and topsoil only - and to control the rate of development, in the interests of protecting surface water and ground water.

4. This permission shall be for a period of two years from the date of resumption of landfilling, following completion of the works specified in condition number 2 of this permission. If the filling of this quarry is not complete within this time, a further planning application shall be submitted for the remainder of the site.

Reason: In the interest of residential amenity and to permit the planning authority to consider the impacts of the development over this period.

5. The maximum number of heavy goods vehicle movements to and from the site on any day shall be limited to 25 (50 movements).

Reason: In the interests of traffic safety and to protect residential amenity.

6. The operations on site shall take place only between the hours of 0700 to 1800, Monday to Friday and 0800 to 1400 on Saturdays. No landfilling shall take place at any other times, nor at any time on Sundays or Public Holidays.

Reason: In the interest of residential amenity.

7. The protection of the existing kiln area within the site shall be carried out in accordance with the details contained in the Environmental Impact Statement submitted with the planning application. Adequate protection measures shall be provided to prevent damage to the kiln area during the operation of the landfill activity.

Reason: In the interest of protecting historical and archaeological features within the site.

8. The site shall be reinstated in accordance with the detailed landscape plan submitted to the planning authority on the 24th day of August, 2015.

Reason: In the interest of visual amenity.

9. 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 the re-commencement of 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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.

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

Dated this day of 2016.