

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Meath County

Planning Register Reference Number: AA/150544

An Bord Pleanála Reference Number: PL 17.246042

APPEAL by Fergus Carey of Littlewood Lodge, Kilbrew, Curragha, Ashbourne, County Meath against the decision made on the 14th day of December, 2015 by Meath County Council to grant subject to conditions a permission to John Coyle care of Declan Brassil and Company Limited of Lincoln House, Phoenix Street, Smithfield, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Land reclamation works over an area of approximately 3.16 hectares comprising of the importation of inert soil (approximately 96,700 tonnes); and the redistribution of approximately 1,300 tonnes of soil from part (0.35 hectares) of the adjoining previously permitted reclamation area (planning register reference number DA/20014, appeal reference number PL.17.129591) to reduce the finished ground level in that part of the reclaimed area by approximately 0.2 metres. The increase in ground level on the proposed reclamation area is approximately 1.8 metres. The proposed development also includes for the repair and reinstatement of existing internal haul road; creation of a hard standing area of approximately 135 square metres surrounded by a 0.45 metres high wall; reinstatement of an existing (currently unused) wheel wash and relocation of existing container on site and temporary use as site office at Loughlinstown and Kilbrew, Ratoath, County Meath. The proposed development was revised by further public notices received by the planning authority on the 20th day of November, 2015

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.

REASONS AND CONSIDERATIONS

Having regard to the policies and provisions of the Meath County Development plan 2013-2019, which seek to support the continuing viability of agriculture and promote agricultural related industries in rural areas, together with the planning and permitted history of the site and the nature and scale of the development proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development, which seeks to reclaim lands for agricultural use, would not seriously injure the amenities of the area, would not give rise to an unacceptable risk of increased flooding and would be acceptable in terms of traffic safety and convenience. It is considered, therefore, that the proposed development would 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 submitted on the 3rd day of November 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 the mitigation measures outlined in the Environmental Impact Statement submitted to the planning authority on the 28th day of May, 2015 shall be implemented in full.

Reason: In order to protect the environment and the amenities of the area.

3. A buffer zone shall be maintained between the land reclamation works and the drainage ditches as shown on drawing number 106 submitted to the planning authority on the 3rd day of November 2015 and no inert material shall be deposited in this area.

Reason: In order to protect surface water.

4.
 - (a) The importation of soil shall be completed within 18 months of commencement.
 - (b) The maximum number of truck loads to the site per day shall be limited to seven.
 - (c) The importation of soil and operation of associated machinery shall be carried out only between the hours 0800 and 1800 from Mondays to Fridays inclusive. 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 amenities of the area.

5. A traffic management plan for the operations shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety and convenience.

6. A wheel wash facility shall be provided, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All vehicles (other than private cars and vans) existing the site shall pass through the wheel wash facility.

Reason: In the interest of traffic safety and convenience, and to protect the amenities of the area.

7. Details of a monitoring programme for dust shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. Details to be submitted shall include monitoring locations, the commencement date and the frequency of monitoring results.

Reason: To control dust emissions arising from the development and in the interest of amenity of the area.

8. The imported material shall comprise inert soil and topsoil only and shall be levelled, contoured and seeded upon the completion of the works in phases and protected until established.

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

9. Prior to any material being brought on site, the developer shall apply to the planning authority for a waste permit in accordance with the Waste Management (Facility Permit and Registration) Regulations, 2007.

Reason: In the interest of proper planning.

10. 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 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.