

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Waterford City and County

**Planning Register Reference Number: 15/629**

An Bord Pleanála Reference Number: PL 93.246478

**APPEAL** by Claire Dalton and others of Raheen, Kilmeaden, County Waterford against the decision made on the 24<sup>th</sup> day of March, 2016 by Waterford City and County Council to grant subject to conditions a permission to Tony Kirwan Civil Engineering Contractors Limited care of Enda Kirwan Consulting Engineer Limited of Fruithill, Dungarvan, County Waterford in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** A new roadside entrance, removal of rock outcrops and filling of lands with clean inert soil and stones (EU Waste Class 17 0504) with a view to using lands for agricultural purposes at Ballycraddock, Kilmeaden, County Waterford. An application for a waste disposal permit will be sought post planning. (As amended by the further public notice received by the planning authority on the 10<sup>th</sup> day of March, 2016).

### 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 existing condition of the site and the proposal to remediate the site and restore it to beneficial agricultural use, it is considered that the proposed temporary use for the importation of soil and stone to fill the ground, subject to compliance with the conditions set out below, would be in accordance with Waterford City and County Development Plan, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and 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 6<sup>th</sup> day of November 2015, the 12<sup>th</sup> day of December 2015, the 13<sup>th</sup> day of January 2016 and the 2<sup>nd</sup> day of March 2016, except as may otherwise be required in order to comply with the following conditions. In particular the development shall be carried out, completed and maintained in accordance with mitigation measures set out in the Hydrological/ Hydrogeological Assessment Report lodged with the planning authority on the 2<sup>nd</sup> day of March 2016 and subsequent documentation received from the developer, except where altered by conditions of this permission.

**Reason:** In the interest of clarifying the terms of this permission.

2. The development shall be carried out and completed within five years of the date of this Order. Prior to commencement of any development, the developer shall submit for the written agreement of the planning authority, a revised phasing plan and restoration sequence for the proposed development in accordance with this revised timeframe of five years.

**Reason:** In the interests of the proper planning and sustainable development of the area and adequate development management.

3. No materials shall be deposited on this site except those classified in the European Waste Catalogue (2002 edition) code 17 05 04 soil and stones other than those mentioned in 17 05 03.

**Reason:** In the interest of clarifying the terms of this permission.

4. The hours of operation shall be limited to between 0800 to 1700 hours Monday to Friday and 0800 to 1300 hours Saturday and not at all on Sundays/public holidays.

**Reason:** In the interest of residential amenity.

5. (a) Prior to the commencement of the development, a system of advanced warning signs shall be erected along the regional road as agreed in writing with the planning authority prior to the commencement of development.
- (b) A wheelwash facility shall be installed at the exit of the site. The public roadway shall be kept clean and tidy at all stages of the development.

**Reason:** In the interest of traffic safety.

6. Prior to the commencement of the development, the developer shall submit to and agree in writing with the planning authority, details of the culverting of the proposed entrance, roadside drainage proposals, gradients of the proposed entrance and access road, sightlines, wing walls, roadside boundary setback and fencing.

**Reason:** In the interest of traffic safety.

7. Prior to the commencement of the development, the developer shall submit to and agree in writing with the planning authority, arrangements to test the nine wells identified in the Hydrological/Hydrogeological Assessment Report to provide baseline water quality and quantity conditions. The tests shall be carried out annually following the commencement of the development.

**Reason:** In the interests of public health.

8. The southern field boundary ditch shall be retained and maintained throughout the entire development to ensure the preservation and protection of the Recorded Monuments located in the general vicinity of the site.

**Reason:** In the interests of the proper planning and sustainable development of the area and adequate development management.

9. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance of the land restoration/aftercare plan for this site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of the land restoration/aftercare plan. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

**Reason:** To ensure the satisfactory completion of the development.

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

**Dated this            day of            2016.**