

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Meath County

Planning Register Reference Number: TA/160678

An Bord Pleanála Reference Number: PL 17.247792

APPEAL by Emmet Egan of Ballinamona, Galtrim, Summerhill, County Meath against the decision made on the 8th day of December, 2016 by Meath County Council to grant subject to conditions a permission to Shannon Valley Plant Hire care of P.D. Lane Associates of 1 Church Road, Greystones, County Wicklow in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting of: (1) The importation of subsoil and topsoil for the purpose of land reclamation with a consequential benefit for an agricultural activity and (2) The importation, recovery and recycling of concrete and brick materials by crushing and screening for dispatch/re-use in construction and engineering projects. The development will include a proposed truck wheel-wash, weighbridge, mobile crushing/screening plant, aggregate storage bays, portable office/chemical toilet, new vehicular entrance, access road and ancillary site development works, all at Basketstown and Ballynamona, Summerhill, County Meath, as revised by the further public notice received by the planning authority on the 17th day of October, 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 location of the site adjacent to established quarry uses and a former landfill, to the Environmental Impact Statement and information in support of the application and also the licencing regime under which the operational phase of the facility would be regulated, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have unacceptable impacts on the environment, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, and would be acceptable in terms of traffic safety and convenience. 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 submitted on the 6th day of October, 2016, 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 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, unless prior to the end of the period, planning permission shall have been granted for a further period.

Reason: In the interest of clarity.

3. All the environmental and construction mitigation measures set out in the Environmental Impact Statement as updated by additional information, shall be implemented in conjunction with the timelines set out, except as may otherwise be required in order to comply with the following conditions. No development shall commence prior to issuance of an Environmental Protection Agency Waste Licence.

Reason: In the interest orderly development and the amenities of the area and to safeguard the receiving environment.

4. The importation of soil and recovery of construction and demolition waste and operation of associated machinery shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays, between the hours of 0800 and 1400 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.

5.
 - (a) A traffic management plan for the operations shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (b) Details of road signage warning the public of the entrance and of proposals for traffic management at the site entrance, shall be submitted to, and agreed in writing with, the planning authority prior to re-commencement of development at the site.

- (c) Pull-in bays shall be completed to the satisfaction of the planning authority prior to acceptance of materials into the site.

Reason: In the interest of orderly development and traffic safety.

6. The developer shall be responsible for the full cost of repair in respect of any damage caused to any adjoining 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.

Reason: In the interest of traffic management of the area.

7. A 10-metre-wide buffer zone shall be maintained along the edge of the Dangan River in accordance with Drawing Number: S-39-4 Revision A – Site Layout Plan, as received by the planning authority on the 6th day of October, 2016 and no inert material shall be deposited in this area.

Reason: In order to protect receiving waters.

8. The imported material to be deposited on the land 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. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000, in respect of the provision of pull-in bays to allow for passing traffic along the L-6209. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

10. During the construction phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed-

(a) an $L_{Ar,T}$ value of 55 dB(A) between the hours of 0800 and 1900 from Mondays to Fridays, between the hours of 0800 and 1300 on Saturdays (excluding public holidays).

(b) an $L_{Aeq,T}$ value of 45 dB(A) at any other time.

Reason: To protect the residential amenities of property in the vicinity.

11. During the construction stage, dust emissions shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge). 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 protect the residential amenities of property in the vicinity.

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

Dated this day of 2017.