



An  
Bord  
Pleanála

## Board Order PL 27.248297

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### Planning and Development Acts 2000 to 2017

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 16/574**

**Appeal** by Albert Kerr of 92 Seacrest, Bray, County Wicklow against the decision made on the 10<sup>th</sup> day of March, 2017 by Wicklow County Council to grant subject to conditions a permission to Roadstone Limited care of SLR Consulting Ireland of 7 Dundrum Business Park, Windy Arbour, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (i) Restoration of a large quarry void created by previous extraction of bedrock by backfilling to former ground level and establishing a heathland/grassland habitat similar to that which existed prior to quarrying; (ii) establishment of an inert soil waste recovery facility to provide for the importation of approximately 3,280,000 tonnes of natural inert waste materials, principally excess soil, stone and/or broken rock to backfill the quarry void; (iii) construction of temporary site and services infrastructure including site office, staff welfare facilities, weighbridge (with dedicated office), wheelwash, settlement ponds, pumphouse, hardstand areas, fuel and water storage tanks, waste inspection and quarantine facility and storage sheds; (iv) temporary stockpiling of topsoil pending reuse as cover material for final restoration of the site all at Calary Quarry, Killough Upper and Glencap Commons Upper, Kilmacanogue, County Wicklow.

## **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 provisions of the Eastern-Midlands Region Waste Management Plan 2015-2021, to the provisions of the Wicklow County Development Plan 2016 – 2022, to the planning history of the site and its permitted use as a quarry and to the requirement to obtain a Waste Management Licence from the Environmental Protection Agency under the Waste Management Act 1996, as amended, it is considered that the proposed development, subject to compliance with the conditions set out below, would not give rise to water pollution, traffic hazard or injury to the visual amenity of the area or the residential amenity of property in the vicinity. The restoration of the existing quarry void to its former ground level would have a positive landscape effect. The current need for an inert waste recovery facility for south Dublin and north east Wicklow has also been established. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment**

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on Wicklow Mountains Special Protection Area (Site Code number 004040) or any other European site, in view of the Conservation Objectives for those sites. The Board was satisfied that a Stage 2 Appropriate Assessment and submission of a Natura Impact Statement is not, therefore, required.

## **Environmental Impact Assessment**

The Board completed an Environmental Impact Assessment of the proposed development, taking into account:

- the nature, scale, extent and location of the proposed development;
- the Environmental Impact Statement submitted with the application,
- the documents on file including the submissions from the planning authority and from the parties and observer lodged in the course of the application and appeal,

- the requirement to obtain a Waste Management Licence from the Environmental Protection Agency under the Waste Management Act 1996, as amended, and
- the Inspector's report.

The Board considered that the Environmental Impact Statement identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board completed an Environmental Impact Assessment in relation to the subject development, by itself and in combination with other development in the vicinity, and agreed with the Inspector in her assessment of the likely significant effects of the development, and agreed with her conclusions on the acceptability of the mitigation measures proposed. The Board concluded that, subject to the implementation of the mitigation measures proposed, and subject to the following conditions, the effects of the proposed development on the environment would be acceptable. In doing so, the Board adopted the report of the Inspector.

## 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 18<sup>th</sup> day of January 2017 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. Development shall not commence until a licence under the Waste Management Act 1996, as amended, has been granted by the Environmental Protection Agency.

**Reason:** In the interest of clarity and environmental protection.

3. The developer shall establish, maintain and implement an invasive species management plan having regard to relevant published guidance and codes of practice. The plan shall be prepared by an appropriately qualified consultant. Details of the invasive species management plan shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of nature conservation and to prevent the possible spread of invasive species.

4. The developer shall submit by 31<sup>st</sup> January annually, for the lifetime of this grant of permission, a record of the quantity of material imported into the site and details, including drawings based on an up-to-date 3D topographic survey which facilitates the planning authority to monitor the progress of the phases of restoration.

**Reason:** In order to facilitate monitoring and control of the development by the planning authority.

5. 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 commencement of development.

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

6. Operations shall occur between 0700 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays only. No activity shall take place outside these hours or on Sundays or public holidays.

**Reason:** In order to protect the residential amenities of property in the vicinity.

7. A maximum of 3,280,000 tonnes of material shall be imported into the site within the lifetime of this grant of permission.

**Reason:** In the interest of clarity.

8. (a) During backfilling operations, the site shall be screened in accordance with a scheme of screening measures and boundary treatment, details of which shall include all planting proposed on existing and proposed screen berms, details of the ongoing care and management of such planting as well as details of an adequate barrier to prevent unrestricted access to the site from adjacent lands, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (b) A detailed landscape plan, which shall include details of all planting, hedging and boundary treatment to be undertaken on completion of backfilling, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and to safeguard the amenities of residential property in the vicinity during the operating phase of the development.

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 road improvement works to the R755 regional road. 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. 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 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 the Board 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.

11. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. 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 referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory restoration of the site in the interest of visual amenity.

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

**Dated this          day of                                  2018**