



An
Bord
Pleanála

Board Order

PL 27.248500

Planning and Development Acts 2000 to 2017

Planning Authority: Wicklow County Council

Planning Register Reference Number: 17/64

Appeal by Irish Water of PO Box 6000, Dublin against the decision made on the 18th day of April, 2017 by Wicklow County Council to grant subject to conditions a permission to John O'Donoghue care of O'Callaghan Moran and Associates of Unit 15, Melbourne Business Park, Model Farm Road, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Reclamation of 1.61 hectares of farmland at Moanaspick, Brittas, 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 small scale of the proposal, the location of the development site and to the provisions of the Wicklow County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not give rise to risk of water pollution and would be satisfactory in terms of environmental impact. 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 24th day of May 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. This site shall be used only for the development proposed, that is the acceptance of inert soil material for use in land reclamation for agricultural purposes. No other activity, including any industrial activity, shall occur on this site whether or not such change of use would otherwise constitute exempted development.

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

3. (a) The appropriate period for this permission is three years from the date of this order.

(b) The importation of soil shall be completed within 12 months of commencement of the development.

Reason: In the interest of good traffic management and to protect amenities of the area.

4. Records, including the source, of all materials entering the site and copies of all soil classification reports shall be maintained on site for inspection by the planning authority, as and when requested.

Reason: To ensure that materials entering the site are appropriate and in the interest of environmental protection.

5. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, details for a temporary net fence to be erected the full extent of the infill area boundary. This net fence shall be set back 10 metres from the boundary with the stream shown on the revised topographical survey drawing submitted to the planning authority on the 24th day of March, 2017 and no material shall be deposited within this 10 metre buffer area.

Reason: In order to protect surface water and to prevent pollution.

6. Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority the following: -
- (a) The location and details for a wheel wash facility. All vehicles (other than private cars and vans) exiting the site shall pass through the wheel wash facility.
 - (b) Measures to prevent the spilling or deposit of clay, rubble or other debris on the public road network.
 - (c) Measures for maintaining the adjoining road network in a clean state and free from mud and other debris resulting from the development.
 - (d) The siting and specification for a weighbridge within the site.

Reason: To ensure that materials entering the site are appropriate and in the interest of environmental protection.

7. (a) The maximum number of truck loads to the site per day shall be 40.
- (b) The importation of soil shall take place between the hours of 0930 and 1630 Monday to Friday and 0930 to 1400 on Saturday and not at all on Sundays and public holidays.
- (c) The operation of associated machinery shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays and between 0800 and 1400 on Saturdays and not at all on Sundays and 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 traffic safety and convenience and to protect the amenities of the area.

8. Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority the following:
 - (a) A traffic management plan for the operations.
 - (b) The material, content, design and location of metal advance warning signs which shall be erected on both sides of the entrance along the N81 prior to commencement of development. These signs shall be maintained in good and clean condition and removed on completion of the land reclamation works.

Reason: In the interest of traffic safety and convenience.

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 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 2017