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Bord  
Pleanála

**Board Order  
PL 15.248738**

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## **Planning and Development Acts 2000 to 2018**

**Planning Authority: Louth County Council**

**Planning Register Reference Number: 16/743**

**Appeal** by Frank McArdle of Bog Road, Mullins Cross, Dunleer, County Louth against the decision made on the 25<sup>th</sup> day of May, 2017 by Louth County Council to grant subject to conditions a permission to Barry Connolly care of Bernard Dowdall of Carrickedmond, Kilcurry, Dundalk, County Louth in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Filling of existing lands to include for 96,000 tonnes suitable of waste, comprising of stone, concrete and soil (over four years - circa 24,000 tonnes per year). (The filling will also be subject to a Waste Facility Permit), provision of new vehicular entrance, temporary office accommodation, truck wash area and all associated site development works at Bolies, Kilsarin, Castlebellingham, County Louth.

## **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.

## **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, the Screening Report for Appropriate Assessment submitted with the application, and the Inspector's report and submissions on file. In completing the screening exercise, the Board accepted that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Stabannan-Braganstown Special Protection Area (Site Code: 004091), the Dundalk Bay Special Area of Conservation (Site Code: 000455), the Dundalk Bay Special Protection Area (Site Code: 004026), the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) or any other European Site, in view of the sites' conservation objectives, and a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required. In doing so, the Board adopted the report of the Inspector.

## **Environmental Impact Assessment Screening**

The Board noted the screening exercise carried out by the Inspector in relation to Environmental Impact Assessment, and concurred with the conclusion of the Inspector that the proposed development, having regard to the proposed limit of 24,000 tonnes per annum, would not require mandatory environmental impact assessment and also concurred with the Inspector's analysis that a sub-threshold Environmental Impact Assessment was not warranted in this instance. The Board was, therefore, satisfied that Environmental Impact Assessment was not required in this case and, therefore, that the submission of an Environmental Impact Statement was not necessary in respect of this development. In doing so, the Board adopted the report of the Inspector.

## **Reasons and Considerations**

The proposed development is located in an area designated in the Louth County Development Plan 2015 to 2021 to protect and provide for the development of agriculture and sustainable rural communities and to facilitate certain resource based and location specific developments of significant regional or national importance. Having regard to the previous use of the site for quarrying and the scale of the proposed use, it is considered that, subject to compliance with the conditions set out below, the proposed development would not endanger public safety by reason of traffic hazard or give rise to risk of water pollution and would not seriously injure the residential amenities of nearby properties. The proposed development would, therefore, be in accordance with the provisions of the County Development Plan and 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 2<sup>nd</sup> 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 material for use in land reclamation for agricultural purposes. Notwithstanding any exempted development provisions in the Planning and Development Regulations, 2001, as amended, no other development shall be carried out on site save with a separate grant of planning permission.

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

3. The amount of waste to be imported into the site for the purpose of filling of the site shall not exceed 24,000 tonnes per annum. Prior to commencement of development, details of how this limit is to be recorded and enforced shall be submitted to, and agreed in writing with, the planning authority. Such details may include the provision of a weighbridge, and the provision of records relating to this weighbridge to be notified to the planning authority at such intervals or periods as the authority may require.

**Reason:** In the interest of clarity and to ensure that the importation of materials into the site for the purpose of filling of the site does not exceed that for which application has been made.

4. (a) Surface water run-off from the site shall not be discharged directly to any wetland or watercourse. All such water shall be trapped and directed to temporary settling ponds.
- (b) The developer shall manage drainage in accordance with a drainage management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate a monitoring programme relating to control and management of water on the site.

**Reason:** In the interest of public health and to protect water quality.

5. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the following:
  - (a) Proposals for the suppression of on-site noise.
  - (b) Proposals for the suppression of dust on site.
  - (c) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.
  - (d) Details of safety measures to include warning signs and stock proof fencing.
  - (e) Management of all landscaping and boundary treatment.
  - (f) Management of all human waste arising within the site.

**Reason:** In order to safeguard local amenities.

6. The proposed development shall operate between 0700 hours and 1800 hours, Monday to Friday and between 0700 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 amenities of property in the vicinity.

7. A wheel-wash facility shall be provided adjacent to the site exit, the location and details of which 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, and to protect the amenities of the area.

8. The final level of infilling shall not exceed the levels shown on the approved cross sections, Drawing Numbers 1621-P-11-B and 1621-P-12-B, received by the planning authority on the 13<sup>th</sup> day of October, 2016.

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

9. Within three months of infilling reaching the height of the approved levels or upon cessation of infilling operations for a period of six months, whichever is earlier, the deposit shall be graded to an even contour, covered with a minimum of 300 millimetres of topsoil and sown with grass.

**Reason:** In the interest of visual amenity and to ensure the restoration of the site.

10. All side slopes created by landfilling shall be no steeper than one vertical to three horizontal.

**Reason:** To ensure the site integrates into the landscape.

11. Within six months of the completion of waste disposal operations, all remaining buildings and structures shall be removed from the site.

**Reason:** To ensure the reinstatement of the site.

12. The new site entrance provided for in the plans and particulars submitted with the planning application shall be constructed, to the written satisfaction of the planning authority, prior to commencement of importation of any fill material into the site.

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

13. Prior to 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, which shall ensure that haulage vehicles do not conflict with morning and evening periods of peak traffic flow, as determined by the planning authority.

(b) The material, content, design and location of advance warning signs which shall be erected on both sides of the site entrance. 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.

14. 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 maintenance and repair of the public road in the vicinity of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such maintenance and repair. 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 the Board for determination.

**Reason:** To ensure the satisfactory maintenance and repair of the public road in the vicinity of the site, having regard to the extent and duration of additional heavy traffic resulting from the proposed development, in the interest of safety.



