



An
Bord
Pleanála

**Board Order
PL27.249167**

Planning and Development Acts 2000 to 2018

Planning Authority: Wicklow County Council

Planning Register Reference Number: 17748

Appeal by Austin Stephenson care of Declan Brassil and Company Limited of Lincoln House, Phoenix Street, Smithfield, Dublin against the decision made on the 4th day of August, 2017 by Wicklow County Council to refuse permission to the said Austin Stephenson for the proposed development.

Proposed Development: The restoration of a 2.3-hectare disused sand and gravel quarry to agricultural grassland by backfilling using imported inert soil and stone, applying a cover layer of soil and seeding with grasses and all temporary ancillary development including one number site office, one number portable toilet, one number wheelwash and improvements to site entrance, access gate, access road and internal access tracks. The activity will involve the importation of approximately 227,250 tonnes of inert soil and stones and will, therefore, also require a Waste Licence from the Environmental Protection Agency (EPA). An Environmental Impact Statement (EIS) has been prepared, all at Davidstown, Donard, 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, and to the planning history of the site and its permitted use as a quarry, it is considered that, subject to compliance with the conditions set out below, the proposed development would not give rise to water pollution, pedestrian or traffic hazard or injury to the visual amenity of the area or the residential amenity of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Environmental Impact Assessment

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

- (i) The nature, scale, extent and location of the proposed development;
- (ii) The Environmental Impact Statement submitted with the application;
- (iii) The documents on file including the submissions from the planning authority and from the parties and observer lodged during the course of the application and appeal; and
- (iv) 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's assessment of the likely significant effects of the development, and agreed with the Inspector's 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 conditions set out below, the effects of the proposed development on the environment would be acceptable. In doing so, the Board adopted the report of the Inspector.

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 sites' 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 the Slaney River Valley Special Area of Conservation (Site Code 000781), or any other European site, in view of the sites' Conservation Objectives.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 permission relates to the area identified within the red line boundary and coinciding with the area of the permitted development under planning reference number 99/1815.

Reason: In the interest of clarity.

3. The period during which the development hereby permitted may be carried out shall be seven years from the date of this order.

Reason: Having regard to the nature of the development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. The developer shall submit annually to the planning authority for the lifetime of this grant of permission, a record of the quantity of material imported into the site and details, including drawings, 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.

6. All activities occurring therein, shall only operate between 0800 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays. 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 313,200 tonnes of material shall be imported into the site within the lifetime of this grant of permission.

Reason: To limit traffic impacts in the interests of road safety and residential amenity.

8. The developer shall submit by the 31st 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.

9. Only clean, uncontaminated soil and stones shall be imported into the site.

Reason: In the interest of amenity.

10. 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.

11. (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.

12. 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.

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

Dated this day of 2018