



Planning and Development Acts 2000 to 2018

Planning Authority: Carlow County Council

Planning Register Reference Number: 17/80

Appeal by John and Janette Keogh care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 13th day of February, 2018 by Carlow County Council to grant subject to conditions a permission to Paul Walshe care of Peter Bolger Consulting, Newton House, Bachelors Walk, Bagenalstown, County Carlow in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention and completion of the importation of soil for the purposes of land improvements at Park, Tinryland, County Carlow.

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 pattern of development in the area and the nature and extent of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not seriously injure the visual amenities of the area, would not have an adverse impact on the environment and would be acceptable in terms of traffic safety and amenity. The proposed development and the development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development and the development to be retained, would not be likely to have a significant effect on any European Site in view of the site's conservation objectives.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 16th day of August, 2017 and on the 22nd day of January, 2018 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 retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development, the applicant shall liaise with Inland Fisheries Ireland to agree proposals to de-culvert the sections of the watercourse bordering the site, as identified on the site layout plan received by the planning authority on 22nd day of January, 2018. No development shall be commenced on the site until (i) this condition is complied with and (ii) evidence of consultation with Inland Fisheries Ireland is submitted for the written agreement of the planning authority. The agreed works shall be carried out prior to the importing of any further materials onto the site

Reason: In the interest of environmental protection.

3. (a) Prior to the commencement of development, a revised Construction Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority. The revised CEMP shall take account of the requirements of condition number 2 of this permission to include revised measures to prevent the discharge of suspended solids to the watercourse bordering the site, for example, buffer zone and bunding. The revised CEMP shall also be accompanied by a site layout plan specifying all measures proposed.
- (b) All works on the site shall be carried out strictly in accordance with the measures specified in the Construction Environmental Management Plan (CEMP).

No development shall be commenced on the site until part (a) of this condition is complied with.

Reason: In the interest of environmental protection.

4. (a) This permission provides for the retention of the importation of a maximum of 3,180 tonnes of inert soil onto the site and the proposed importation of a maximum of 8,309 tonnes of inert soil onto the site.
- (b) All soil imported onto the site shall comprise inert material EWC 17 05 04, soil and stones.
- (c) The soil shall be levelled and seeded to a depth of not greater than 0.7 metres above the existing ground level.

Reason: To regulate the development in the interest of the proper planning and sustainable development of the area.

5. Prior to the commencement of development, details regarding the origin/source of the inert soil to be used for the proposed importation of a maximum of 8,309 tonnes onto the site, including haul routes, shall be submitted to, and agreed in writing with, the planning authority.

Reason: To regulate the development in the interest of the proper planning and sustainable development of the area.

6. In accordance with the details specified in the further information received by the planning authority on 22nd day of January, 2018, works on the site shall be commenced and completed within a period of seven months, unless otherwise agreed with the planning authority.

Reason: To regulate the duration of the development in the interest of the amenities of the area and the proper planning and sustainable development of the area.

7. (a) The number of truck trips to and from the site for the importation of inert soil, shall be restricted to a maximum of three truck movements per day each weekday and one trip on Saturday.
- (b) The operational hours shall be from 0800 to 1800 hours Monday to Friday and 0800 to 1400 hours on Saturday. No operations are to take place on Sundays or public holidays.

Reason: In the interest of traffic safety, to mitigate against any negative impact the proposed development may have on the existing road network and in the interest of the amenities of the area.

8. The development shall not commence on this site until a Waste Permit or Certificate of Registration, under the Waste Management Act, has been issued and site operations shall be in accordance with the said permit or certificate.

Reason: In the interest of amenity and to prevent environmental pollution.

9. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

10. All site operations shall be carried out in such a manner as to ensure that no odour or dust nuisance occurs off site.

Reason: In the interests of pedestrian and traffic safety and to protect the amenities of the area.

Terry Ó Niadh
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2018.