



Planning and Development Acts 2000 to 2019

Planning Authority: Wicklow County Council

Planning Register Reference Number: 18/309

APPEAL by John Poole of Mongnacool, Rathdrum, County Wicklow and by Jonathan Poole, Mongnacool, Rathdrum, County Wicklow against the decision made on the 13th day of September, 2018 by Wicklow County Council to grant subject to conditions a permission to JOC Construction Recruitment Limited care of SK Design of Rednagh Road, Aughrim, County Wicklow.

Proposed Development Landfill facility consisting of the importation and depositing of inert subsoil/topsoil for land profiling and contouring of agricultural land and also improvements to access roadway and associated works, at Mongnacool Lower, Aughrim, County Wicklow.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations 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 inadequacy of the road network serving the subject site, in terms of width, gradient and structural condition, and to the lack of adequate evidence that the applicants have sufficient legal title in order to enable these deficiencies to be rectified, it is considered that the existing road network serving the subject site is not suitable to cater for traffic movements generated by the proposed development. The proposed development would, therefore, endanger public safety by reason of traffic hazard. Furthermore, having regard to the condition of the existing road network serving the site, it is considered that, without significant improvement, including surfacing of the laneway where it adjoins existing residential properties, the proposed development would seriously injure the residential amenities of these properties by reason of the generation of noise and dust from the heavy commercial vehicles associated with the proposed land reclamation works, and it is considered that the applicants have not demonstrated sufficient legal title in order to carry out such improvements and surfacing, as proposed. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board had regard to the detailed submissions made by the appellants, including evidence of title, and considered that the applicants had not demonstrated sufficient legal title to enable them to carry out the improvement works and surfacing of the road network serving the site. In the absence of these works, the development is unacceptable, as outlined in the reasons set out in the Board Order. In the circumstance of this case, it is not considered that the issue can be left to future resolution under Section 34 (13) of the Planning and Development Act, 2000, as amended, given the necessity of these works to the acceptability, or otherwise, of the subject development.

Philip Jones

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

Dated this day of 2019.