



Planning and Development Acts 2000 to 2019

Planning Authority: Wicklow County Council

Planning Register Reference Number: 18/833

APPEAL by Ger Devlin Haulage and Plant Hire Limited care of Enviroguide Consulting of 3D, Core C, Block 71, The Plaza, Park West, Dublin against the decision made on the 9th day of January, 2019 by Wicklow County Council to refuse permission.

Proposed Development: Importation and deposition of inert subsoil and topsoil for land profiling and recontouring purposes, construction of a new entrance, installation of temporary site office and canteen, portaloo and temporary wheelwash, including all ancillary site works at an existing agricultural holding of 3.09 hectares. The purpose of this work is to improve the site for agriculture, all at Boleynass Upper, Ashford, 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

1. Having regard to the size of the site upon which development is proposed, to the thresholds set down in Class 11(b) of Part 2 of Schedule 5 to the Planning and Development Regulations 2001, and to the criteria set out in Schedule 7 to those Regulations, it is considered that the proposed development would be likely to have significant effects on the environment and should be subject to an Environmental Impact Assessment within the meaning of Part X of the Planning and Development Act, 2000, as amended. The Board has therefore determined that the proposed development would require an Environmental Impact Assessment. In these circumstances, it is considered that the Board is precluded granting permission for the proposed development.
2. On the basis of the information provided with the application and appeal, and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on The Murrough Wetlands, Special Area of Conservation (site code: 002249), in view of the site's Conservation Objectives, having regard to the linkage of the proposed development site via the Knockfadda Stream to this European site. In such circumstances, the Board is precluded from granting permission for the proposed development.

3. Having regard to the evidence of the presence on the site of a species listed under Annex II of the Habitats Directive, the Marsh Fritillary, it is considered that, in the absence of detailed information on the importance of the local habitat to this species and of an adequate management plan for the works, the proposed development would materially contravene policies NH1 and NH8 of the Wicklow County Development Plan 2016-2022, which seek to protect non-designated habitat sites from inappropriate development.

4. The proposed development would generate a significant volume of traffic, including a high number of movements by heavy goods vehicles, which the road network in the vicinity of the site is not capable of accommodating safely due to the restricted width and capacity of the minor country road in the vicinity of the site. The proposed development would, therefore, endanger public safety by reason of traffic hazard and obstruction of road users, and would be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2019.