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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 191345**

**Appeal** by Sur Le Mer Limited care of Enviroguide Consulting of 3D, Core C, Block 71, The Plaza, Park West, Dublin against the decision made on the 18<sup>th</sup> day of February, 2020 by Wicklow County Council to refuse permission for the proposed development.

**Proposed Development:** Development of a waste management facility for the acceptance, storage, sorting and transfer of non-hazardous skip waste, construction and demolition waste, green waste and mixed dry recyclables and a public recycling centre for the acceptance of non-hazardous household bulky waste, timber, dry recyclable waste, green biodegradable (landscaping type) waste, metal, glass and household WEEE and batteries. The total waste intake at the facility will be up to 24,500 tonnes per annum. The development will include the construction of a waste management facility to include site entrance, waste reception sorting and storage building, office building, a weighbridge, a weighbridge reception hut, car parking facilities, concrete hardstanding, a wastewater treatment system, a foul water holding tank, surface water soakaway, silt trap, interceptor and all associated site works and additionally, the construction of a public recycling centre to include

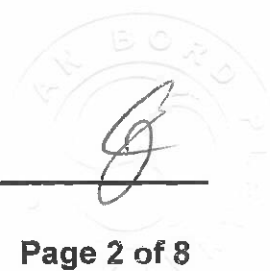
site entrance, non-fixed waste receptacles (skips, bins, cages and bottle banks) a reception hut, traffic barriers and all associated site works. Works will also include the demolition of existing derelict buildings on the site (approximately 1,960 square metres area) and the clean-up and removal of historical waste at the existing site, the erection of boundary walls and railings and entrance gates, landscaping and native wildflower patches and provision of suitable lighting. It is proposed to operate the facility from 08.00 until 17.00 Monday to Friday and 08:00 to 14:00 on Saturdays. It is not proposed to operate the facility on Sundays or Bank Holidays. The development will require a waste management facility permit from Wicklow County Council at Bollarney, Murrough, Wicklow, 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.

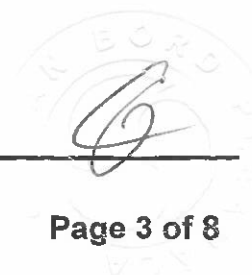


## **Reasons and Considerations**

Having regard to the provisions of the Wicklow Town – Rathnew Development Plan 2013 – 2019 and the Eastern-Midlands Region Waste Management Plan 2015-2021, the nature and scale of the proposal, the zoning of the site, the pattern of development in the area and the proximity of the site to the regional and local road network, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute a sustainable development located on appropriately zoned lands which would align with national and regional and local waste management policy enabling increased rates of resource recovery. It is further considered that the development would not seriously injure the amenities of the area and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment**

The Board agreed with the screening assessment and conclusion carried out in the Inspector's second addendum report that The Murrough Wetlands Special Area of Conservation (Site Code: 002249), the Wicklow Reef Special Area of Conservation (Site Code: 002274), the Wicklow Mountains Special Area of Conservation (Site Code: 002122) and The Murrough Special Protection Area (Site Code: 004186) are the only European Sites for which there is a possibility of significant effects and must therefore be subject to Appropriate Assessment.



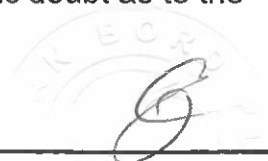
The Board considered the revised Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for European Sites in view of the sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following:

- (i) Site Specific Conservation Objectives for these European Sites,
- (ii) Current conservation status, threats and pressures of the qualifying interest features,
- (iii) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and
- (iv) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's second addendum report in respect of the implications of the proposed development on the integrity of the aforementioned European Sites, having regard to the sites' Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European Sites in view of the sites' Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.



## 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 received by An Bord Pleanála on the 13<sup>th</sup> day of March, 2020, 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. All the mitigation measures indicated in the revised Natura Impact Statement shall be implemented in full.

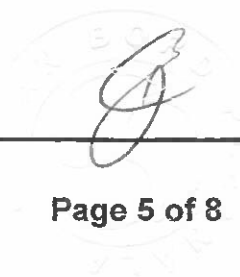
**Reason:** To ensure the protection of the integrity of European Sites.

3. Prior to the commencement of development, the applicant shall obtain as necessary a waste facility permit and shall comply with any conditions attached therein.

**Reason:** To comply with all statutory requirements.

4. Details of the materials, colours and textures of all the external finishes, signage and external hard surfaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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



5. (a) The signage scheme for the facility shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) With the exception of the signage scheme agreed under (a) above, no advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001-2021, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of planning permission.

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

6. The construction of the development shall be managed in accordance with a site-specific detailed Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate all mitigation measures indicated in the revised Natura Impact Statement and shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of nature conservation, public safety and residential amenity.

7. There shall be no unloading, deposit, handling, storage or sorting of waste materials outside of the proposed facility.

**Reason:** In the interest of amenities, public health and safety.

8. 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:** To ensure adequate servicing of the development, and to prevent pollution.

9. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

10. (a) Hours of construction shall be between 0700 and 1900 hours Mondays to Fridays, 0800 and 1400 on Saturdays and not at all on Sundays or bank or public holidays.
- (b) Hours of operation shall be between 0800 and 1700 hours Mondays to Fridays, 0800 and 1400 on Saturdays and not at all on Sundays or public holidays.

Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.



11. 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 the 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.



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



Dated this  day of  2022