



Planning and Development Acts 2000 to 2020

Planning Authority: Meath County Council

Planning Register Reference Number: RA/191230

Appeal by Rossmore Civils Limited care of MF Dineen and Company Limited of Clohane, Ironmills, Killarney, County Kerry against the decision made on the 30th day of July, 2020 by Meath County Council to refuse permission for the proposed development.

Proposed Development: The importation of uncontaminated soil and stones for the improvement of lands for agricultural purposes. The importation of crushed concrete will be required to facilitate the construction of a temporary internal haul road (which will be removed upon completion of development). Permission is also sought for one temporary onsite welfare hut (office and toilet unit) which will serve as an office for the duration of the infilling process. An Article 6(3) of the Habitats Directive Screening for Appropriate Assessment report has been prepared in respect of the proposed development. Subsequent to planning a waste facility permit will be sought from Meath County Council Environment/Waste Section for the duration of the infilling process at Knockmark, Drumree, County Meath as revised by the further public notices received by the planning authority on the 7th day of July, 2020.

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 nature and extent of the proposed development and its location within a rural agricultural area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health, would not injure or interfere with a Recorded Monument, and would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would not contravene Development Plan policy and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 submitted on the 5th day of June 2020 and by the further plans and particulars received by An Bord Pleanála on the 26th day of August, 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. The period for the deposition shall apply for a period of five years from the commencement of development. Following the expiration of this period, the importation of material to the site and operations on site shall cease, unless prior to the end of the period, planning permission shall have been granted for a further period.

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

3. The imported material to be deposited on the land shall comprise clean uncontaminated inert soil, stone and topsoil only, and shall be levelled, contoured and seeded upon the completion of the works and protected until established.

Reason: In order to assimilate the development into the surrounding rural landscape, in the interest of visual amenity.

4. Prior to commencement of development, details regarding the origin/source of the proposed 90,000 tonnes of clean / uncontaminated soil and stone to be imported onto the site, and the crushed concrete to facilitate the construction of the temporary internal haul road, shall be submitted for the written agreement of the planning authority.

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

5. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. Drainage details shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

Reason: In the interest of environmental protection and public health.

6.
 - (i) A minimum five metre-wide buffer zone shall be maintained between that part of the site to be filled and adjacent drainage ditches and streams.
 - (ii) The buffer zone shall be cordoned off from earth movement works and suitable bunds, barriers and/or silt fencing shall be erected along the boundary of the infill area and the buffer zone to prevent soil and sediment from entering watercourses throughout the course of works.
 - (iii) Details of the buffer zone and the provision of bunds, barriers and/or silt fencing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity and in order to protect receiving drainage water courses.

7. (i) Prior to commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted for the written agreement of the planning authority.
- (ii) All works on the site shall be carried out strictly in accordance with the mitigation measures specified in the Construction Environmental Management Plan (CEMP).
- (iii) No development shall be commenced on the site until part (i) of this condition is complied with.

Reason: In the interest of environmental protection.

8. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

9. The importation of inert soil, stone and topsoil and the operation of associated machinery shall be carried out only between the hours of 0800 and 1800 from Mondays to Fridays, between the hours of 0800 and 1300 on Saturdays and not at all on Sundays, Bank or Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of good traffic management and to protect the amenities of the area.

10. Details of road signage including advance warning notices and proposals for traffic management at the site entrance shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

11. During the construction phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed-
 - (a) an L_{Ar,T} value of 55 dB(A) between the hours of 0800 and 1800 from Mondays to Fridays, between the hours of 0800 and 1300 on Saturdays (excluding public holidays).
 - (b) an L_{Aeq, T} value of 45 dB(A) at any other time.

Reason: To protect the residential amenities of property in the vicinity.

12. During the construction stage, dust emissions shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details to be submitted shall include monitoring locations, the commencement date and the frequency of monitoring results.

Reason: To protect the residential amenities of property in the vicinity.

13. The development shall not commence on this site until a Waste Facility Permit, has been issued and site operations shall be in accordance with the said permit.

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

14. All trees and hedgerows on the boundaries of the site shall be retained and maintained. Retained trees and hedgerows shall be protected from damage during construction and infill development works.

Reason: To protect trees and planting during the construction and infill period, in the interest of visual amenity and biodiversity.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

16. 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.

Maria FitzGerald
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this day of 2021