

An  
Bord  
Pleanála

Board Order  
ABP-308214-20

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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 19/976**

**Appeal** by Oliver Wolohan care of Enviroguide Consulting of 3D, Core C, Block 71, The Plaza, Park West, Dublin against the decision made on the 21<sup>st</sup> day of August, 2020 by Wicklow County Council to refuse a permission to Oliver Wolohan for the proposed development.

**Proposed Development:** The importation of greenfield soil and stone for the improvement of land for agriculture and ecological improvement, requiring the importation of 9,936 cubic metres of inert greenfield soil and stone over a period of up to two years. The development will include a temporary hardstand haul road and all ancillary site works. The development will be subject to a waste management certificate of registration from Wicklow County Council, all at Raheen, Roundwood, County Wicklow.

AMP6

## **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 location of the lands within a rural agricultural area, to the relevant provisions of the Eastern Midlands Region Waste Management Plan, 2015 - 2021 and of the Wicklow County Development Plan 2016 - 2022, to the pattern of development in the area and to the scale, nature and extent of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of pedestrian and traffic safety, would not seriously injure the visual or landscape amenities of the area and would constitute an acceptable form of development at this location. The proposed development 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 29<sup>th</sup> day of July, 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. This permission shall apply for a period of two 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 enable a review of the effect of the development on the amenities of the area.

3. The maximum quantities of inert soil and stone to be accepted at the site shall not exceed 7,400 cubic metres in total over the period referred to in condition number 2 of this permission.

**Reason:** In the interest of clarity.

4. The imported material to be deposited on the land shall comprise 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.

5. 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 1900 from Mondays to Fridays, between 0800 and 1400 hours on Saturdays and not at all on Sundays 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 interests of good traffic management and to protect the amenities of the area.

6. (a) 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.
- (b) A wheel wash facility shall be installed at the exit of the site. The public roadway shall be kept clean and tidy at all stages of the development.

**Reason:** In the interest of traffic safety.

7. Prior to commencement of the development, the developer shall submit to, and agree in writing with, the planning authority, details for the maintenance, repair and upgrading of that area of pavement at the junction of Raheen Lane with the R755 Regional Road shown on Drawing Number F1-01 received by the planning authority on the 29<sup>th</sup> day of July, 2020.

**Reason:** In the interest of traffic safety.

8. 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<sub>Ar,T</sub> value of 55 dB(A) between the hours of 0800 and 1900 from Mondays to Fridays, between the hours of 0800 and 1400 on Saturdays (excluding public holidays).
  - (b) an L<sub>Aeq, T</sub> value of 45 dB(A) at any other time.

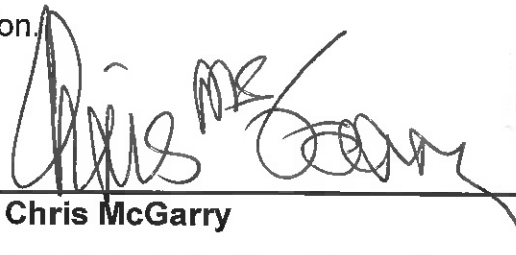
**Reason:** To protect the residential amenities of property in the vicinity.

9. 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.

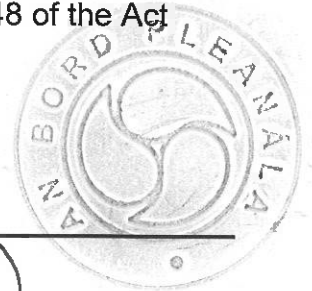
10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



**Chris McGarry**

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



Dated this 23<sup>th</sup> day of June 2021.