

An  
Bord  
Pleanála

Board Order  
ABP-314858-22

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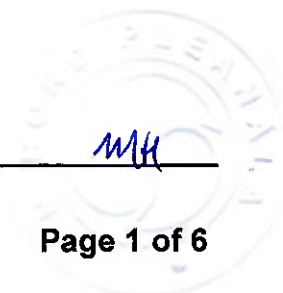
**Planning and Development Acts 2000 to 2022**

**Planning Authority: Limerick City and County Council**

**Planning Register Reference Number: 21/1092**

**Appeal** by Anne and John McCarthy of Ballinroche East, Crecora, County Limerick and by others against the decision made on the 21<sup>st</sup> day of September, 2022 by Limerick City and County Council to grant subject to conditions a permission to Michael Bagnell care of Gus Ahern Architectural Technology of Routagh, Ballysheedy, County Limerick in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Raising the level of land consisting of the infilling of 0.96 hectares of land using inert soil and stone complying with European Waste Catalogue Code 17 05 04, and construction and demolition waste complying with European Waste Catalogue Code 17 01 07 at Ballinroche, Crecora, County Limerick. A waste licence is required for the development.



## **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 condition(s) set out below.**

## **Reasons and Considerations**

Having regard to the provisions of the Limerick Development Plan 2022 – 2028 specifically the location of the site within in a rural area which is designated as Agricultural Lowlands, and to the provisions of the National Waste Management Plan for a Circular Economy 2024-2030, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have unacceptable impacts on the environment, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment**

The Board considered the information on the file, the Board concluded that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, and a Stage 2 appropriate assessment is not, therefore, required.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as revised by the further plans and particulars submitted to the planning authority on the 31<sup>st</sup> day of March 2022, the 22<sup>nd</sup> day of July 2022 and the 26<sup>th</sup> day of July 2022, 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 developer shall submit annually to the planning authority for the lifetime of this grant of permission, a record of the quantity of material imported into the site, the source of this material and details, including drawings, which facilitate the planning authority to monitor the progress of the phases of restoration.

**Reason:** In order to facilitate monitoring and control of the development by the planning authority.

3. This permission is for three years from the date of commencement of development; the applicant shall submit to, and agree in writing with, the planning authority the date on which this permission is commenced.

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

4. Hours of operation shall be between 0800 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays.

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

5. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:-
  - (a) notify the planning authority in writing at least at least four weeks prior to the commencement of any site operations (including hydrological and geotechnical investigations) relating to the proposed development, and
  - (b) employ a suitably-qualified archaeologist prior to commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:-

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development of such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any

further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

6. A wheel-wash facility shall be provided adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of traffic safety and convenience, and to protect the amenities of the area.

7. 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.



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**Mary Henchy**

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

Dated this 26<sup>th</sup> day of April 2024.

