



An
Bord
Pleanála

Board Order ABP-315013-22

Planning and Development Acts 2000 to 2022

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 22/178

Appeal by James Maloney of Unit 5A, Moyvalley Business Park, Primrose Hill, Ballina, County Mayo against the decision made on the 7th day of October, 2022 by Waterford City and County Council to grant subject to conditions a permission to TBEB Limited care of Donal J. Power and Associates of Ballaghblake, Curracloe, Enniscorthy, County Wexford.

Proposed Development: Restoration of a disused rock and gravel quarry comprising some 3.26 hectares to agricultural use using imported inert soil and stone classified as Article 27 by-products of the construction industry. It is proposed to import some 270,000 cubic metres of that material over a period of five years, all at Powersknock, Kilmeaden, County Waterford, as revised by the further public notices received by the planning authority on the 18th day of August, 2022.

Decision

REFUSE permission for the above proposed development for the reasons and considerations set out below.

Reasons and Considerations

The Board is not satisfied that there was sufficient information provided in the submitted Environmental Impact Assessment Report and accompanying documentation such as to enable it to carry out a complete environmental impact assessment and conclusively reach a reasoned conclusion in respect of all of the resultant likely significant environmental effects, taking into account the mitigation measures, arising from the proposed development as is required under Directive 2011/92/EU, as amended by Directive 2014/52/EU (the EIA Directives).

Notwithstanding the conclusion that the most viable option is to restore the lands using uncontaminated soil and stone from excavation works in the information provided, the Board is not satisfied that the information provided in the submitted Environmental Impact Assessment Report and accompanying documentation adequately identifies, describes, and assesses in an appropriate manner the direct and indirect significant effects of the proposed development on:

- **Population and Human Health and Air Quality and Climate**, with particular attention to the impact of dust generation on the nearest existing residential receptors.
- **Traffic and Transport**, with particular reference to the safe and efficient passage of trucks along the right-of-way, outside of the red-line boundary.
- **Surface Water**, with particular attention to the impact on the nearby watercourses.

In the absence of an ability for the Board to carry out a complete environmental impact assessment and conclusively reach a reasoned conclusion in respect of all of the likely significant environmental effects arising from the proposed development, the proposed development, if permitted, would be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board shared the view of the Inspector that the Environmental Impact Assessment Report was lean in respect of the information provided, but it did not agree with the Inspector that it provided sufficient information to identify and describe the direct, indirect and cumulative effects of the proposed development on the environment and, therefore, the Board concluded that it would not be appropriate to permit the proposed development based on the information provided in the planning application.



Mick Long

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board**

Dated this 16th day of April 2024.