

An
Bord
Pleanála

Board Order
ABP-318397-23

Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: 2360364

Appeal by Stephen Nugent of 9 Woodbrook, Cratloe, County Clare against the decision made on the 1st day of November, 2023 by Clare County Council to grant subject to conditions a permission to Kieran Kelly Haulage Limited care of P. Coleman and Associates of Bank Place, Ennis, County Clare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Improve agricultural land by placing inert fill, modification of existing access route to lands with provision of new entrance/exit to replace entrance/exit and all ancillary site works required to facilitate the proposed development at Cratloemoyle, Cratloe, County Clare.

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.

Reasons and Considerations

Having regard to the location of the lands within a rural agricultural area, to the purpose of the development to improve agricultural land, to the separation from any watercourses, to the nature and volume of inert material to be imported into the site and associated low volume of traffic movements likely to be generated, it is considered that, subject to compliance with the conditions set out below, the proposed development would not endanger public safety by reason of a traffic hazard, would not adversely affect the residential or visual amenities of the area, would be acceptable in terms of biodiversity and would not increase the risk of flooding. The proposed development would be in accordance with the provisions of the Clare County Development Plan 2023-2029, including objectives CDP 11.36(a) (waste transfer and recovery facilities), CDP 11.38(c) (construction and demolition waste) and CDP 15.19(g) (hedgerows) of the development plan. 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, 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 imported material to be deposited on the land shall comprise of 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.

3. (a) This permission shall apply for a period of five years from the date of this Order. Following the expiration of this period, the importation of material to the site and operations on site shall cease.

(b) Reinstatement works shall be completed in accordance with a plan to be submitted to the planning authority for written approval prior to commencement of development.

Reason: In the interest of clarity.

4. (a) The maximum quantity of inert soil and stone to be accepted at the site shall not exceed 104,000 tonnes in total over the period referred to in condition number 3 above and shall not exceed 20,800 tonnes in any one year.
- (b) The developer shall keep a written record onsite of all the material imported to the site (volume and classification) and this shall be made available for inspection by the planning authority upon request.
- (c) A maximum of five loads per day shall be imported to the site.

Reason: In the interest of clarity, traffic safety, to protected residential amenities and for the protection of the environment.

5. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the following:
 - (a) The developer shall be responsible for the full cost of repair in respect of any damage caused to the public roadway arising from the construction works and operations and shall make good any damage to the road to the satisfaction of the planning authority.
 - (b) Proposals for the suppression of dust on site and on the access road.
 - (c) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.
 - (d) Proposals for the disposal of waste material offsite.

- (e) Proposals to prevent the introduction of invasive species onsite.
- (f) Proposals for keeping the public road free of muck, dirt and debris including cleaning arrangements, and location of the wheel wash facility.
- (g) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

Reason: In order to safeguard local amenities.

- 6. The final use of the site after completion of the importation of materials shall be for agricultural purposes only and the lands shall be reinstated, and infrastructure associated with the proposed development removed to the written satisfaction of the planning authority.

Reason: In the interest of clarity.

- 7. (a) All trees and hedgerows on the boundaries of the site shall be retained and maintained, with the exception to those necessary to provide for the proposed entrance and sightlines.
- (b) Any hedgerow removed to the west of the proposed entrance to accommodate sightlines shall be replanted with native species along the new boundary with the public road and such details shall be submitted to the planning authority for written approval prior to commencement of the development.
- (c) All hedgerow/tree removal and stripping of soils shall be undertaken outside the bird breeding season.

Reason: In the interests of visual amenity and biodiversity.

8. The importation of inert soil and stone and the operation of associated machinery shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, between 0800 to 1300 hours 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.

9. Vehicles transporting material to the site and leaving the site shall use the haul route outlined within the submitted preliminary operational traffic management plan submitted to the planning authority on the 7th day of September 2023.

Reason: In the interest of traffic safety and residential amenity.

10. Details of road signage, including advance warning notices along the public road, 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. The noise level from within the boundaries of the site, measured at noise sensitive locations in the vicinity, shall not exceed
- (a) an L_AT value of 55 dB(A) between the hours of 0800 and 1900 from Mondays to Fridays and between the hours of 0800 and 1400 on Saturdays (excluding public holidays); and
 - (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).

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

13. 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 reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory reinstatement of any defects. 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: In the interest of traffic safety.

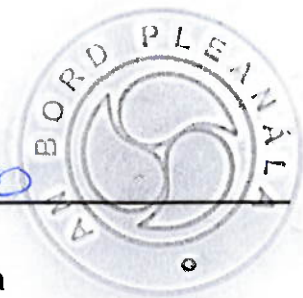
14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the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

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.



Patricia Calleary

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



Dated this 13 day of August 2024.