



An
Coimisiún
Pleanála

**Commission Order
ACP-322973-25**

Planning and Development Act 2000, as amended

Planning Authority: Cork County Council

Planning Register Reference Number: 24/5108

Appeal by Christine O'Dowd and others against the decision made on the 10th day of June 2025, by Cork County Council to grant, subject to conditions, a permission to Scariff Plant Hire Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission for the importation of clean inert soil and stone for the restoration of a former quarry in order to improve the agricultural output and the construction of a new temporary haul road. There will be a temporary wheel wash on site for the duration of the project, and the entrance gate will be widened all at Trabolgan, Middleton, County Cork.

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 provisions of the Cork County Development Plan 2022-2028, in particular Objective EC: 8-15 (Agriculture and Farm Diversification) which encourages the development of sustainable agriculture and Objective BE 15-17 (Waste Prevention and Management) which supports the infilling of marginal land subject to the protection of environmental resources, and to the nature, extent and duration of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have unacceptable ecological impacts or 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.

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 received by the planning authority on the 15th day of May 2025, 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 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 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 mitigation measures contained in the Construction Environmental Management Plan and Ecological Impact Assessment submitted with the application shall be implemented in full, except where otherwise required by conditions attached to this permission. A compliance monitoring report shall be submitted to the planning authority at the end of the main construction period.

Reason: To protect biodiversity and safeguard the amenities of the area.

4. The importation of inert soil and stone and the operation of associated machinery shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays, between 0800 to 1400 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.

5. Noise levels emanating from the proposed development shall not exceed
- (a) 55 dB(A) rated sound level between the hours of 0800 to 1800, and
 - (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times,
- (corrected for a tonal or impulsive component) as measured at the nearest noise sensitive location. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. The maximum quantities of inert soil and stone to be accepted at the site shall not exceed 48,328 tonnes in total over the period referred to in condition number 2 of this permission and shall not exceed 25,000 tonnes in any one year.

Reason: In the interests of clarity and traffic safety.

7. (a) Only clean, uncontaminated soil and stones (delivered as separate streams) shall be imported into the site.
- (b) The fill material to be used on site shall not be a mixture of waste soil and stone and non-waste soil and stone. The mixing of waste and non-waste soil and stone fill material shall not be allowed prior to delivery to the site. The developer shall ensure each stream of infill soil and stone material has its own unique site acceptance records and unique site location placement records.

Reason: In the interests of clarity and to safeguard the amenities of the area.

8. The soiled water containment measures, as detailed in the application documents and drawings, shall be installed on site prior to the commencement of infilling activities. The design, installation and decommissioning of the soiled water containment measures shall be undertaken by an appropriately qualified person.

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

9. The final use of the site after completion of the importation of materials shall be for agricultural purposes only. The restoration of the site shall be managed in accordance with the Closure Plan submitted with the application, except where otherwise required by conditions attached to this permission. Implementation of this plan shall be carried out under the supervision of an ecologist/ecological clerk of works.

Reason: To ensure the satisfactory restoration of the site, in the interest of visual amenity.

10. (a) Prior to the commencement of any works on site, the developer shall submit photographic evidence of the installation of the Temporary Bench Mark (TBM), for the written agreement of the planning authority.
- (b) 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 and details, including drawings, which facilitates 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.

11. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority a detailed and site specific Invasive Alien Plant Species Management Plan which shall address: the eradication of any invasive alien plant species; measures to avoid the risk of transporting or spreading invasive alien plant species during the construction phase; and landscaping works to avoid the risk of invasive alien plant species re-establishing. Treatment methods shall be specific to the site and extent of invasive species recorded onsite.

Reason: To control the risk of spread of invasive alien species from this site.

12. (a) All trees and hedgerows on the boundaries of the site shall be retained and maintained, with the exception of those necessary to provide for the improved entrance.
- (b) All hedgerow/tree removal and clearance of ground vegetation shall be undertaken outside the bird breeding season.

Reason: In the interests of visual amenity and biodiversity.

13. The site shall be landscaped in accordance with a revised landscaping scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall clearly show the extent of all existing planting and hedgerow to be retained, together with details of proposed new tree, hedge and shrub planting. The planting shall be carried out within the first planting season following substantial completion of the infilling works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

14. 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). The monitoring and mitigation measures outlined within Section 4.4 of the submitted Construction and Environmental Management Plan shall be implemented in full during the construction of development.

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

15. Details of road signage warning the public of the entrance to the subject site, and proposals for traffic management in the vicinity of the site entrance, including banksman operations, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The detailed design of the entrance, signage and any works to the public road network shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All costs incurred by the planning authority, including any repairs to the public road and services which become necessary as a result of the development, shall be undertaken at the expense of the developer.

Reason: In the interests of traffic safety, public safety and amenity.

16. Prior to the commencement of development, the existing mobile home, any existing end-of-life vehicles, plant/machinery/equipment and construction and demolition waste on site shall be removed (by a licensed operator as appropriate), to the satisfaction of the planning authority. The developer shall submit confirmation to this effect in writing to the planning authority in advance of the importation of any new infill material on site.

Reason: In the interests of public health and to safeguard the amenities of the area.



Mary Rose McGovern

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.

Dated this 9th day of July 2026.