

An
Coimisiún
Pleanála

**Commission Order
PL-500781-WD-26**

Planning and Development Act 2000, as amended

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 2560436

Appeal by Lindsay and Ger Boland against the decision made on the 20th day of January, 2026 by Waterford City and County Council to grant subject to conditions a permission to Fennell Machine Hire and Sales Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: The infill of existing agricultural lands with inert soil and stones (EU Waste Class 17 05 04), less than 25,000 tonnes in total, together with all associated site development works at Ahanaglogh, Kilmacthomas, County Waterford as revised by further public notices received by the planning authority on the 17th day of December, 2025

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 Waterford City and County Development Plan 2022-2028 specifically the location of the site within a rural area on lands which have an Agriculture zoning objective, and 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.

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 9th day of December 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. The mitigation measures identified in the Ecological Impact Assessment (EclA) submitted on the 9th day of December 2025 shall be carried out in full except as may otherwise be required in order to comply with other conditions.

Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

3. (a) Prior to the commencement of the development, the developer shall either:
 - (i) for and obtain a reviewed authorisation under the Waste Management (Facility Permit and Registration) Regulations 2007, covering the infilling of the site from the local authority, or
 - (ii) shall carry out the infilling in line with by-product process for soil and stone under article 27 of the European Communities (Waste Directive) Regulations 2011 (as amended), with prior notification to the Environmental Protection Area prior to the acceptance of any soil and stone.
- (b) The developer shall install profile boards on the site which indicate the design fill level, to allow the ongoing monitoring of the infill level on site.

- (c) On completion of the infilling, a topographical survey of the infilled site shall be carried out and a drawing showing the planned and actual levels shall be submitted to the planning authority.
- (d) Prior to the commencement of the infilling, the developer shall erect a fence demarking the extent of the area to be infilled.
- (e) Prior to the commencement of the infilling works, the developer shall install silt fences and silt dams to the drainage network to prevent the washing of sediment into the drains and watercourses. These measures shall be maintained until the new grass seed/vegetation has re-grown on the site.
- (f) The developer shall undertake steps to minimise dust during the infilling, including through the use of water bowsers to dampen areas during dry weather, and through the regular sweeping of public roads during the active infilling period.

Reason: In the interests of protecting the environment, ensuring proper management of waste and the proper planning and sustainable development of the area.

4. The developer shall consult with Inland Fisheries Ireland (IFI) with regard to the preparation of a Method Statement for the piping/culverting of the existing drain at the site. Prior to the commencement of development, the developer shall submit the Method Statement for the piping/culverting of the existing drain at the site, for the written agreement of the planning authority.

Reason: In the interests of protecting the environment and the proper planning and sustainable development of the area.

5. Operations shall occur between 0700 and 1900 hours, Mondays to Fridays and between 0800 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.

6. Prior to commencement of development, the developer shall employ a suitably qualified archaeologist to assess the site and monitor all site development works' The developer shall facilitate the archaeological appraisal of the site and provide for the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer must 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.

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 Coimisiún 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.

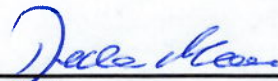
7. A wheel-wash facility shall be provided adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

8. 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 Coimisiún 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.



Declan Moore

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.

Dated this 11th day of JUNE 2026