



An
Bord
Pleanála

Board Order 17.RL.3604

Planning and Development Acts 2000 to 2018

Planning Authority: Meath County Council

Planning Register Reference Number: TA/S51724

WHEREAS a question has arisen as to whether the reinstatement of land by the importation of 94,683 cubic metres of non-waste/by-product soil and stones, consisting of 43,900 cubic metres of topsoil and 50,783 cubic metres of subsoil, sourced from greenfield development sites in the Dublin Region at Basketstown, Summerhill, County Meath is or is not development or is or is not exempted development:

AND WHEREAS Jacinta and Conor Murtagh care of Rossmore Civils Limited of Unit 3022, Euro Business Park, Little Island, Cork requested a declaration on this question from Meath County Council and the Council issued a declaration on the 19th day of June, 2017 stating that the matter was development and was not exempted development:

AND WHEREAS Jacinta and Conor Murtagh care of Rossmore Civils Limited of Unit 3022, Euro Business Park, Little Island, Cork referred the declaration for review to An Bord Pleanála on the 17th day of July, 2017:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Sections 2(1), 3(1) and 4 of the Planning and Development Act 2000, as amended,
- (b) Articles 6(3), 8, 8A, 8B, 8C, 8D and 9 (1) of the Planning and Development Regulations 2001, as amended,
- (c) the European Waste Framework Directive, 2008/98/EC, as amended, and
- (d) the submissions on file and the nature of the proposal:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the importation of soil and subsoil for infilling on lands constitutes ‘works’ as defined in Section 2(1) of the Planning and Development Act, 2000, as amended and is, therefore, development,
- (b) it has not been established that the soil and subsoil does not constitute ‘waste’ and, therefore, the development does not fall within the scope of Section 4 (1)(l) of the Planning and Development Act, 2000, as amended, and does not come within the meaning of the term ‘land reclamation’ as set out in Article 8 of the Planning and Development Regulations, 2001, as amended,

- (c) in such circumstances, the development would require environmental impact assessment and would come within the scope of Section 4 (4) of the Planning and Development Act, 2000, as amended, and would, therefore, not be exempted development,

- (d) if it could be established that the soil and subsoil was not waste, then the development in question would be classified as land reclamation, but would not come within the scope of Article 8C of the Planning and Development Regulations, 2001, as amended, because this exemption relates only to land reclamation works including infilling of soil within a farm holding and does not provide an exemption for importation of soil to a farm holding for the purposes of re-contouring of land from external sources (as in the current case), and, therefore, the development in question would not be exempted development:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the reinstatement of land by the importation of 94,683 cubic metres of non-waste/by-product soil and stones, consisting of 43,900 cubic metres of topsoil and 50,783 cubic metres of subsoil, sourced from greenfield development sites in the Dublin Region at Basketstown, Summerhill, County Meath is development and is not exempted development.

