



An
Bord
Pleanála

Inspector's Report PL27.249167

Development	Restoration of a 2.3 hectare disused sand and gravel quarry to agricultural grassland by backfilling using imported inert soil and stone with all associated site works.
Location	Davidstown, Donard, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	17/748
Applicant(s)	Austin Stephenson
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First-v-Refusal
Appellant(s).	Austin Stephenson

Date of Site Inspection

24th November 2017

Inspector

Colin McBride

1.0 Site Location and Description

1.1 The appeal site, which has a stated area of 2.3 hectares, is located approximately 5k to the south of Donard, Co Wicklow in a rural area. The appeal site is accessed from the L-4321-0, which has a junction with the N81 approximately 2km to the west of the site. The site is currently a disused sand and gravel quarry. The appeal site is accessed through an existing vehicular entrance off the L-4321 and is located at the end of an existing laneway that provides access to a dwelling to west of the site. There is another dwelling located to the north west of the site, which is also accessed off the laneway running along the western boundary. Adjoining lands to the north, north west and east are agricultural lands.

2.0 Proposed Development

2.1. Permission is sought for the restoration of a 2.3 hectare disused sand and gravel quarry to agricultural grassland by backfilling using imported inert soil and stone, applying a covering layer of soil and seeding with grasses and all temporary ancillary development including 1 no. site office, 1 no. portable toilet, 1 no. wheelwash and improvement to site entrance, access gates, access road and internal access tracks.

The proposal entails importation of 174,000m³ of material equating to 310,000 tonnes. There is be two phases with Phase 1 taking place over 2 to 4 years and requiring ca. 227,243 tonnes of material and Phase 2 taking between 1-2 years and requiring ca. 85,957 tonnes.

An EIS was submitted with the application and it is considered that the EIS contains all the general information and chapters as statutorily required under relevant legislation. Impacts and mitigation measures are presented within each of the chapters.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on two reasons...

1. Having regard to:

- i. Planning permission PRR 99/1815 which provided for extraction on site to a level of 175mOD poolbeg, and for a volume of 105,000 tonnes.
- ii. The identification of extraction that took place to 161 OD Malin Head, and which would require backfilling with a volume of 227,000 tonnes.

It is evident that the extraction that took place on site below the permitted level identified in the terms and conditions of PRR 99/1815 was unauthorised, and therefore to permit this development would consolidate this unauthorised development, such unauthorised development would it is considered have required a determination as to whether and Environmental Impact Statement was required, and would have required an Appropriate Assessment given that the unauthorised development would have gone below the water table , overlies a vulnerable aquifer and is hydro geologically linked with the Slaney River Valley SAC. Therefore to allow this development would be contrary to the EIA Directive, the Habitats Directive and to proper planning and sustainable development.

2. The Environmental Impact Statement and Appropriate Assessment Screen documents submitted are incomplete as insufficient information has been submitted with respect to the existing ground water regime and the materials to be deposited on site, and in the absence of such information it is considered the development may impact on the Slaney River Valley SAC and would be contrary to proper planning and sustainable development.

3.2

CBJDMjk5MzA2	00000023		BxJDnzMwMTg=	00000027
--------------	----------	--	--------------	----------

Local Authority

and external reports

3.2.1 Water & Environment (14/07/17): Further information required including details regarding drinking water supply, baseline monitoring of both surface water and groundwater sources and details of how only inert soils from greenfield sites will be accepted on site.

3.2.2 Environment & Water Services (25/07/17): No objection.

3.2.3 EPA (21/07/17): The proposed development will require a licence under the Waste Management Act.

3.2.4 Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (25/07/17): The location of the development in the context of the River Slaney SAC and Wicklow Mountains SAC and SPA is noted, it is recommended that all mitigations measures listed in the EIS should be implemented.

3.2.5 Planning Report (31/07/17): Concerns are expressed regarding the level for excavation carried out on site relative to that permitted under PRR 99/1815. It is noted that to permit the development would consolidate unauthorised development and that the level of extraction (which includes below water table level) would have required a determination regarding EIA as well as being subject to an appropriate assessment. The Planning Authority noted Section 34(12) of the Planning and Development Act, 2000 (as amended). It was noted that the EIS and Appropriate Assessment are deficient in terms of information regarding existing ground water regime. Refusal was recommended based on the reasons outlined above.

4.0 **Planning History**

4.1 99/1815: Permission granted for retention of sand and gravel pit (on 0.53 hectares_ continued sand and gravel extraction on (1.77 hectares) including modification to site access, temporary screening banks and restoration of land to agri use on cessation of works at Davidstown, Donard, Co. Wicklow.

4.2 S261A/QY53: Section 3 noticed issued in respect of extraction outside permitted boundary of PPR 99/1815 directing the owner/operator to apply to An Bord Pleanala for substitute consent.

5.0 Policy Context

5.1. Development Plan

5.1.1 The relevant development plan is the Wicklow County Development Plan 2016-2022.

5.1.2 Chapter 9 Infrastructure:

WE3: To facilitate the development of existing and new waste recovery facilities and in particular, the development of 'green waste' recovery sites.

5.1.3 Chapter 10 Heritage:

Landscape Classification: Area of High Amenity; Transitional Lands

NH2: No projects giving rise to significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal of land, water or air), transportation requirements, duration of construction, operation, decommissioning or any form of other effects shall be permitted on the basis of this plan (either individually or in combination with other plans or projects).

NH49: All development proposals shall have regard to the County landscape classification hierarchy in particular the key landscape features and characteristics identified in the Wicklow Landscape Assessment (set in Volume 3 of this plan and the 'Key Development Considerations' set out for each landscape area set out in Section 5 of the Wicklow Landscape Assessment.

NH51: To resist development that would significantly or unnecessarily alter the natural landscape and topography, including land filling/reclamation projects or projects involving significant landscape remodelling, unless it can be demonstrated that the development would enhance the landscape and/or give rise to adverse impacts.

6.0 The Appeal

6.1 Grounds of appeal

6.1.1 A first party appeal has been lodged by Declan Brassil & Company Ltd on behalf of Austin Stephenson, Davidstown, Donard, Co. Wicklow. The grounds of appeal are as follows...

- It is noted the proposal entails land reclamation for agricultural use of a disused quarry that had been subject to permission ref no. 99/815. It is noted that the Section 261A assessment determined that the northern portion of the quarry site should have been subject to EIA and AA screening and as all quarrying activity had ceased no application for substitute consent was submitted. It is noted that this northern portion is not part of the application.
- It is noted that the Planning Authority incorrectly assessed the proposed use as a quarrying use rather than the intended works, which are land reclamation and restoration for agricultural use. An opinion prepared by Professor Yvonne Scannell is submitted in support of this view.

- The opinion from Professor Yvonne Scannell notes a number of factors. Firstly the reason number 1 is not acceptable on the basis that proposal does not consolidate unauthorised development as it seeks to restore the quarry and is not a continuation of quarrying activities.
- The opinion notes that substitute consent cannot be applied for in relation to the unauthorised excavation in the quarry that previously authorised under ref no. 99/815 with it noted that substitute consent under section 37L shall only be made for further development of a quarry as a quarry. The development proposed does not come under the definition of a quarry. It is also noted that such applies to the area of quarry to north outside of the permission ref no. 99/815 (not included in the application). It is also noted that the Planning Authority did not come to the conclusion when carrying out inspections under section 261A that the quarrying activities carried out on the site permitted under ref no. 99/815 required substitute consent under section 177B, but did in the case of the area to the north not within the area of ref no. 99/815.
- It is noted that the proposal would not impact adversely on the receiving environment and would have a positive impact restoring the land back to agricultural use.
- The proposal provides for a sustainable reuse of inert soil and materials and is consistent with European policy on waste (Waste Framework Directive) as well as national policy (Regional Waste Management Plan for the area).
- The proposal accords with the proper planning and sustainable development of this rural area and is consistent with Development Plan objectives under Section 5.6 relating to the rural economy (Objective AGR1). The proposal would have a positive impact in terms of providing agricultural lands consistent with existing lands at this location as well as a positive visual impact by restoring the existing abandoned quarry.
- It is noted that it was a condition under ref no. 99/1815 that restoration of the quarry would take place. It is noted that the Planning Authority could have sought restoration of the quarry by way of enforcement proceedings under Section 157 of the Planning and Development Act, 2000 (as amended) without necessity for this application. It is suggested that the Board could

require by way of condition, the restoration of the northern portion of the site as it is within the blue line boundary of the site. It is noted that the restoration of this portion of the site were fully assessed in the EIA carried out and the EIS submitted. It is noted that the Board has the powers to attach conditions requiring works on adjoining lands under the control of the first party under Section 37(1)(b) of the Act.

- An addendum hydrogeological report has been submitted. This report notes that there is no evidence to suggest that extraction was carried out below water table level with it noted that extraction did not occur below the water table level. The report outlines a number of facts that demonstrate the works on site did not result in any impact on the River Slaney.
- In relation impact on the Slaney River SAC the local hydrogeological regime is outlined and the nature of the materials to be deposited and their potential impact is noted as being acceptable. A groundwater monitoring programme is proposed.

6.2 Responses

6.2.1 Response by the EPA.

- It is noted that the proposed development will require a licence under the Waste Management Act and that the EPA has not received a licence application as yet. It is noted that if and when licence is applied for to the EPA, all matters to do with emissions to the environment from the activities proposed, the licence application documentation and EIS will be considered and assessed by the EPA.

6.3 Submissions to Local Authority:

6.3.1 No submission received.

7.0 Assessment

7.1 Having inspected the site and examined the associated documentation including the associated EIA and carried out a site inspection, the following are the relevant issues in this appeal.

Principle of the proposed development/development plan policy

Unauthorised development/substitute consent

Environmental Impact Statement

Design, scale, visual impact, adjoining amenity

Surface water/groundwater

Traffic impact

Appropriate Assessment

Other Issues

7.2 Principle of the proposed development/development plan policy:

7.2.1 The appeal site is occupied by a disused sand and gravel quarry. Permission was granted on site under ref no. 99/1815 for retention of sand and gravel pit (on 0.53 hectares and continued sand and gravel extraction on (1.77 hectares) including modification to site access, temporary screening banks and restoration of land to agri use on cessation of works. Quarry restoration was part of this proposal and there was conditions attached requiring such to be carried out. The proposal does not include the northern portion of the area extracted, which is outside the boundaries of the quarry permitted under ref no. 99/1815. The proposal entails restoration using imported inert soil and stone, applying a covering layer of soil and seeding with

grasses to restore the site as agricultural lands. The restoration of an existing quarry to agricultural lands in an existing rural area would be a positive development and in keeping with the objectives of the County Development Plan in regards to land character and waste recovery (NH49, NH51 and W3 outlined above). The proposal seeks to return the land to its previous state and use, which is in keeping with the nature of adjoining lands. I would consider that the principle of the proposed development is acceptable.

7.3 Unauthorised development/substitute consent:

7.3.1 The first reason for refusal notes that proposal would consolidate unauthorised development with it noted that under permission ref no. 99/1815, permission was granted for extraction to a level of 175mOD poolbeg, and for a volume of 105,000 tonnes and that extraction has taken place to a level of 161 OD Malin Head and would require backfilling of a volume of 227,000 tonnes. Permission was refused on the basis that the proposal would consolidate unauthorised development and that such unauthorised development would have required a determination as to whether an EIS was required, and would have required an Appropriate Assessment.

7.3.2 The appellant has submitted an opinion from Professor Yvonne Scannell that notes a number of issues, which are outlined under the grounds of appeal. The main views expressed are that the proposal is not consolidation of unauthorised development as it is not a continuation of quarrying activity and is restoration of a disused quarry at which quarrying activity has ceased. The second view is that substitute consent cannot be applied for in the case the appeal site or the section to the north not included in the appeal site as such only relates to further development of a quarry as a quarry.

7.3.3 The appeal site coincides with a quarry permitted under ref no. 99/1815. It appears that quarrying has ceased on site for some time. It also appears that the level excavation has been carried out below the level permitted under ref no. 99/1815 and

also over an additional area to the north of the site (0.87 hectares). The proposal entails restoration of the disused quarry and only relates to the area subject to permission ref no. 99/1815 and not the additional area of 0.87 hectares quarried to the north. Permission has been refused on the basis that it would consolidate unauthorised development. I would note that the matter of unauthorised development is an issue for the Local Authority. The proposal is for restoration of a quarry that ceased operation and would consider that such should be examined on its merits. In this case the application is accompanied by an Environmental Impact Statement and was subject to a screening assessment for Appropriate Assessment, which are dealt with in further sections of this report.

7.3.4 It is noted under when the quarrying activity on site was examined under Section 261A that no issues were raised regarding the quarrying activity that had taken place on the appeal site coinciding with ref no. 99/1815 and that an application for substitute consent is required for the portion of quarrying activity to the north of the site (0.87hectares). As pointed out in the opinion submitted by the appellant substitute under Section 37L of the Planning and Development Act, 2000 (as amended) 'shall only be made for further development of a quarry as a quarry'. I am satisfied that the development proposed is not a continuation of quarrying activity and can be assessed on its merits.

7.4 Environmental Impact Statement:

7.4.1 The application is accompanied by an Environmental Impact Statement. In relation to the adequacy of the EIS, I consider that it contains the information specified in Schedule 6 of the Planning and Development Regulations 2001, as amended and can be considered as a contribution towards the process of assisting the relevant decision maker and the competent authority, in this case the Board, to enable a decision to be made. The EIS has set out impacts and identified these under a series of headings and chapters including...

Population and Human Health

Flora and Fauna

Soils and Geology
Hydrology and Hydrogeology
Acoustics
Landscape and Visual
Cultural Heritage
Material Assets

7.4.2 In accordance with the requirements of the European Directive 2011/92/EU and Section 171A of the Planning & Development Act 2000-2010, this process requires the Board, as the competent authority, to identify, describe and assess in an appropriate manner, in light of each individual case and in accordance with Articles 4 to 11 of the Environmental Impact Assessment Directive, the direct and indirect effects of the proposed development on the four indents listed in Article 3 of that Directive as set out below:

- a) Human beings, flora and fauna,
- b) Soil, water, air, climate and the landscape,
- c) Material assets and the cultural heritage, and
- d) The interaction between the factors mentioned in paragraphs (a), (b) and (c).

7.4.3 Impact on human beings:

Impact on human beings is outlined under Chapter 5 of the EIS. The proposed development is not considered to pose a significant impact on human beings. The main impacts relate to traffic, noise, air quality and water quality and are directly assessed under the other sections of the EIS.

7.4.4 Flora and Fauna

Impact on Flora and Fauna is explored in Chapter 6 of the EIS. The EIS includes detail of Desk Study and Field Survey of the site as well as identifying designated sites in the vicinity of the site. Impact on human beings is outlined under Chapter 5 of the EIS. The proposed development is not considered to pose a significant impact on human beings. The main impacts relate to traffic, noise, air quality and water quality and are directly assessed under the other sections of the EIS. The site is determined to be of low ecological interest with overall impact insignificant. The proposed restoration of the quarry will entail a landscaping plan with the site restored to agricultural use. A number of mitigation measures are proposed to protect bats (retention of tree lines/hedgerows) and birds (buffer zones during breeding season).

7.4.5 Soil

Impact on soil and geology is under Chapter 7. The geological characteristics of the site is outlined. The proposal is anticipated to have no impact on soil and geology with mitigation measures proposed including prevent of pollution/spillages as well as control of the materials to be used (inert soil and stone) to restore the quarry.

7.4.6 Water

Impact on hydrology and hydrogeology is outlined under Chapter 8 of the EIS. The EIS identifies surface water features in the vicinity, outlines the status of the site in regards to flood risk and outlines the hydrogeological characteristics of the area underlying the site. The impact of the proposal on water quality is estimated to be insignificant with mitigation measures proposed to prevent contamination through pollution and spillages. It is noted that flood risk on site is low and appropriate measures will be taken to manage stockpiles of materials, control run-off and use of fuels/hydrocarbons on site.

In response the reason for refusal the appellant has submitted an addendum hydrogeological report. The report notes that the Planning Authority are incorrect in stating that excavation of the quarry was carried out below water table level, in particular it is noted that the quarry is permanently filled with water and any water on

the quarry floor is surface water accumulation. It is also noted there is evidence that quarrying activities on site did no impact on the River Slaney SAC.

7.4.7 Air and Climate

Impact in relation to air and climate is under Chapter 9. The EIS identifies sensitive receptors in the vicinity of the site and outlines the potential sources of impact on air quality (dust). It is noted that the works will be operated taking consideration within the emission limit values set down by the EPA with a number of measures including control and storage of stockpiles of material, traffic management and provision of wheel wash facilities. The proposal development is not anticipated to have a significant impact on air and climate subject to mitigation measures.

7.4.8 Noise

Noise impact is set out under Chapter 10. The nearest noise sensitive receptors are identified and baseline survey was carried out. The predicted sources of noise associated with the proposed development are outlined and the predicted operational noise levels estimated. Mitigation measures proposed including noise monitoring, speed limits control of drop heights from machinery. It is that the former quarry on site would have has noise impact including noise emission levels with it considered that the impact of the proposal would not be significant.

7.4.9 Landscape

Chapter 11 relates to landscape and visual impact. This section outlines the characteristics of the site and its context regarding the County Development Plan including landscape objectives, Landscape Character Assessment and views and prospects. The site is in an Area of High Amenity and in an area of low to medium sensitivity. The site is assessed from 3 viewpoints in the vicinity and is estimated to have an imperceptible to medium term visual impact with it noted that the visual impact of the restored quarry will be a positive impact and a changing impact as the works area carried out in site. It is noted that proposal entails landscaping proposals and will return the site agricultural use (grassland).

7.4.10 Cultural Heritage

Chapter 12 relates to cultural heritage. This section outlines all recorded monuments within 2km of the site. It is noted that the nearest are two monument 25m from the site. The proposal is anticipated to have no impact on existing archaeological features or any structures of heritage value. The proposal is restoration of a disused quarry and therefore it is not anticipated to uncover material of archaeological significance.

7.4.11 Material Assets

The section on material assets deal with roads and traffic. The details of the road network in the vicinity of the site and access to the site is outlined. A Traffic Impact Assessment is included, which identifies the type and level of traffic likely to be generated and includes assessment of relevant junctions (junction of local road serving the site and the N81), a road condition survey and assessment of sightlines. It is proposed to alter the entrance onto the public road to achieve adequate sightlines (90m in accordance with DRMB standards). The section concludes that the road network is of sufficient standard to cater for the level of traffic likely to be generated. This section also includes details of wastewater infrastructure with it noted that temporary sanitary facilities are to provide on-site during site preparation and restoration stage with no foul water discharge proposed.

7.5 Surface water/groundwater:

7.5.1 The proposal is for the restoration of a quarry using inert soil and stones. There are no contaminants expected to be in material and measures are proposed to prevent contamination from operation on site. Notwithstanding such the activity is subject to waste licence from the EPA , which will deal which will apply the appropriate. The nearest watercourse to the site is the Castleruddery Stream located approximately 40m west of the site boundary which drains into the Slaney River 0.3km to the south. It is noted that there are no potential for surface water discharge to the existing stream or the Slaney River due do the location of the site and existing topography

between the site and the watercourses. In relation to groundwater the Planning Authority note that the excavation on site is below the level of the water table. The appellants note that this is not the case. I would consider that the information available and site inspection (carried out in November) indicate that the lowest level excavation is not below the water table level. I am satisfied having regard to the nature of the proposed activity/use and subject to mitigation measures outlined in the documents submitted, the proposal would have no adverse impact on water quality at this location.

7.6 Landscape character, visual impact, adjoining amenity:

7.6.1 A noted above the EIS includes a landscape character assessment. The site is located in an Area of High Amenity as identified under the landscape character assessment and is at location defined as being of low to medium sensitivity. Despite the location of the site in an Area of High Amenity, the site is not located at a prominent location that would be highly visible in the surrounding area. In addition the proposed development entails restoration of a disused quarry and the proposed restoration proposals (agricultural grassland) would eliminate an existing scar on the landscape. I am satisfied that the proposed development would be acceptable in the context of landscape character and visual amenity.

7.7 Traffic Impact:

7.7.1 The EIS also includes details of traffic impact including a Traffic Impact Assessment detailing trip generation and road condition. The appeal site is accessed off a local road, the L-4321. This L-4321 forms a junction with the N81 2km west of the site. The appeal site is well positioned in regards to the national road network and I am satisfied based on the information in the traffic impact assessment that the existing road network is of sufficient capacity to cater for the proposed development. In addition I would note that the proposed development is periodic in nature with traffic generation ceasing when restoration is complete. I am satisfied that sufficient sightlines are available at the proposed/existing vehicular entrance point and the proposal would be satisfactory in regards to traffic safety and convenience.

7.8 Appropriate Assessment:

7.8.1 The documents submitted include a screening report. This report includes a description of the location and the nature of development proposed. The report identified 4 no. Natura 2000 sites within 10km of the site. These are as follows...

Slaney River Valley SAC (Site Code 000781), 0.3km S/SE of the site.

Wicklow Mountains SAC (Site Code 002122), 4.9km NE of the site.

Wicklow Mountains SPA (Site Code 004040), 4.9km NE of the site.

Holdenstown Bog SAC (Site Code 001757), 9.7km SW of the site.

The report notes that the site is not located within or directly adjacent to any Natura 2000 site. It is noted that given the nature and scale of the development, separation distance from designated sites and lack of hydraulic connectivity, the proposed development would not give rise to any direct or indirect effects on the Wicklow Mountain SAC, Wicklow Mountains SPA and the Holdenstown Bog SAC. Given proximity of the site to the Slaney River SAC a more detailed assessment is included. The report outlines the qualifying interests and conservation objectives of the Slaney River Valley SAC. The qualifying habitats include estuaries, mudflats, old sessile woods and alluvial forests and qualifying species include otter, common seal, freshwater pearl mussel, sea lamprey, brook lamprey, river lamprey, twaite shad and salmon. The conservation status of the Slaney River SAC is dependent on maintaining water quality.

7.8.2 The screening assessment outlined potential effects including contamination of water quality. It is noted that the Castleruddery stream is located approximately 40m west of the site boundary and drains into the Slaney River to the south. It is noted that there are no potential for surface water discharge to the existing stream or the Slaney River due do the location of the site and existing topography between the site and the watercourses. It is noted that the only potential source of contamination of water quality is through contamination of groundwater and its subsequent infiltration into the Castleruddery stream and then the Slaney River. It is noted that the material

to be imported is inert material and that the development is subject to an EPA Waste Licence, which will restrict the nature of materials to be used to restore the site. It is concluded there is not potential for contamination groundwater or surface water and that the proposal is unlikely have any significant effects either on its own or in-combination with other plans and projects on the Slaney River SAC. It is noted that a Stage 2 Appropriate Assessment is note required.

7.8.3 I consider that information contained in the Appropriate Assessment screening is adequate and that the appeal site and proposed development has no linkages to the Wicklow Mountains SAC and Holdenstown Bog SAC. In regards to the Slaney River Valley SAC, I am satisfied that the location of the site relative to the Slaney River and Castleruddery stream and the intervening topography between them means that there is no possibility of direct surface water discharge to these watercourses. In regards to potential groundwater contamination and subsequent contamination of surface water, I am satisfied that the lowest level of the existing quarry is not below water table level (based on the information on file and site inspection). The materials to be imported is inert soil and stone (which will be subject to a waste licence) and should not result in contamination of groundwater. Implementation of mitigation measures including management of material on site and fuel/hydrocrabons, which are identified in the EIS should prevent contamination of ground water. Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1 I recommend a grant of permission subject to the following conditions.

9.0 Reason and Considerations

9.1

Having regard to the provisions of the Eastern-Midlands Region Waste Management Plan 2015-2021, to the provisions of the Wicklow County Development Plan 2016 – 2022, to the planning history of the site and its permitted use as a quarry and subject to compliance with the conditions set out below it is considered that the proposed development would not give rise to water pollution, traffic hazard or injury to the visual amenity of the area or the residential amenity of property in the vicinity. Therefore, the proposed development would accord with the proper planning and sustainable development of the areas.

10.0 Conditions

1. The proposed 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 permission relates to the area identified within the redline boundary and coinciding with the area of the permitted development under ref no. 99/1815:

Reason: In the interests of clarity.

3. The period during which the development hereby permitted may be carried out shall be 7 years from the date of this order.

Reason: Having regard to the nature of the development the Board

considers it appropriate to specify a period of validity of this permission in excess of five years.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. The developer shall submit annually 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.

6. Operations shall occur between 0700 hours and 1800 hours, Monday to Friday and between 0700 hours and 1400 hours on Saturdays only. 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.

7. A maximum of 313,200 tonnes of material shall be imported into the site within the lifetime of this grant of permission.

Reason: To limit traffic impacts in the interest of road safety and residential amenity.

8. Only clean, uncontaminated soil and stones shall be imported into the site.

Reason: In the interest of amenity.

9. 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.

10. The site shall be screened in accordance with a scheme of screening measures and boundary treatment in respect of the site, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the timeframe, specific locations, and final form and height of proposed screening berms, details of all planting proposed on existing and proposed screen berms, details of the ongoing care and management of such planting, details of a phased programme of landscaping within the site and details of an adequate barrier to prevent unrestricted access to the site from adjacent lands.

Reason: In the interest of visual amenity and to safeguard the amenities of residential property in the vicinity during the operating phase of the development.

11. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Colin McBride
Planning Inspector

26th June 2018