



An
Bord
Pleanála

Inspector's Report ABP-302727-18.

Development	Inert landfill.
Location	Mongnacoole, Lower Aughrim, County Wicklow.
Planning Authority	Wicklow County Council.
Planning Authority Reg. Ref.	18/309.
Applicant	JOC Construction Recruitment Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party
Appellant	Jonathan Poole John Poole
Observer(s)	None.
Date of Site Inspection	11 th July 2019.
Inspector	Philip Davis.

Contents

1.0 Introduction	3
2.0 Site Location and Description	3
3.0 Proposed Development	4
4.0 Planning Authority Decision	4
4.1. Decision	4
4.2. Planning Authority Reports	4
4.3. Prescribed Bodies	5
4.4. Third Party Observations	5
5.0 Planning History.....	6
6.0 Policy Context.....	6
6.1. Development Plan.....	6
6.2. Natural Heritage Designations	6
7.0 The Appeal	6
7.1. Grounds of Appeal	6
7.2. Applicant Response	7
7.3. Planning Authority Response	8
8.0 Assessment.....	8
9.0 Recommendation.....	20
10.0 Reasons and Considerations	20
11.0 Conditions	20

1.0 Introduction

This third party appeal is against the decision of the planning authority to grant permission for the use of inert material for land improvement and raising on a hillside in south county Wicklow.

2.0 Site Location and Description

2.1. Mongnacool Lower

Mongnacool lower is a townland located on an east facing slope in the uplands south of the Wicklow Mountains. It is some 3 km north-north-east of the town of Aughrim and four km west-north-west of the village of Avoca. The 400 metre high peak of Cushabawn is 1.5 km to the west. The R753 Aughrim to Rathdrum road runs north to south just east of the townland, following the base of a valley. The area is generally between the 120 to 220 metre contour, with gradually rising levels to the west. The area is largely agriculture, with grazing and arable land of variable quality below the 200 metre contour, above this is mostly open land and conifer plantation. The area is settled by a scattering of dwellings with some clusters along the road network and off minor roads and tracks with a number of large houses/farm complexes accessed via long private driveways.

2.2. Appeal site

The appeal site is an elongated grazing field with a site area given as 3.544 hectares located on the western side of the townland. It is on an east facing slope, between the 200 metre and 230 metre contour. It is approximately 500 metres west of the R753. It is accessed via a track from the R753 which for most of its length is roughly surfaced, and for its final section is a simple track across farmland. The east side is bounded with the overgrown remains of a private farmtrack which runs more or less parallel to the R753 along the 200 metre contour – this track is fenced at several points and previously provided access to a number of farm complexes but is now largely disused. The site appears to be generally low quality grassland but from aerial photographs the lower section has been in arable use in the past. The access track to the east (which is part of the appeal site) runs past two dwellings

closer to the R753 (and a third dwelling under construction) before its junction with the main road.

3.0 Proposed Development

The proposed development is described on the site notice as:

‘... a landfill facility consisting of the importation and depositing of inert subsoil / topsoil for land profiling and contouring of agricultural land and also improvements to access roadway and associated works.

The application was submitted with plans and particulars, a Landscape and Visual Impact Assessment, an Ecological Assessment, a Hydrological Assessment, and a Traffic Management Report.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission subject to 10 no. conditions. Most are standard conditions for this type of development. C.6 and C8 set out requirements for landscaping and finishing of the laneway.

4.2. Planning Authority Reports

4.2.1. Planning Reports

There are two planning reports on file, the second following a request for further information.

First report:

- Notes a range of relevant policies: AGR1, BH1; BH2; NH19; NH22; NH23; NH49; NH50; NH51 and NH52. Notes one ‘view and prospect’ close to the site.
- Notes previous application (17/851) refused for reason of inadequate road network.

- The proposed development is considered to be in accordance with AGR1 with regard to agricultural policy.
- Notes a range of objections relating to residential amenity.
- It is considered that EIA is not required due to its scale.
- Further information considered necessary to assess the adequacy of the laneway.
- It is considered acceptable with regard to visual impact and archaeology.
- Notes the Waste Management Section did not object with regard to drainage issues.
- An NIS is not considered necessary.

Second report

- The revised plans for the access are considered acceptable.
- It is considered that issues raised by the area engineer have been addressed.
- It is concluded that the proposed development is acceptable, and permission was recommended.

4.2.2. Other Technical Reports

Waste Management Services: Notes provisions for protecting a spring near the site – the proposal is considered acceptable.

A **secondary planning report** attached to the main report includes a Habitats Directive Project Screening Report, and also addressed the need for an EIAR – neither were considered to be required.

Environmental Health Officer: Recommended standard conditions.

4.3. **Prescribed Bodies**

None on file.

4.4. **Third Party Observations**

Five third party submissions were made, all objections.

5.0 Planning History

A previous planning application – **17/851** – for similar works on the lands was refused permission for the reason of an inadequate road network.

The Board decided to grant permission for the retention of changes to a previously permitted dwelling along with the widening of the access road to the R753 (**PL.27.240699**).

6.0 Policy Context

6.1. Development Plan

The site is in open countryside without a specific zoning designation in the Wicklow County Development Plan 2016-2022. There are no policies within the plan specific to this type of development, but there are a number of relevant policies including AGR1 with regard to agriculture and a number of policies relating to landscape and environmental protection.

6.2. Natural Heritage Designations

The Clara Woods SAC is some 7 km to the north of the site and there are none within the watershed (Avoca River) of the site, which drains towards Arklow Town. The site is approximately 12 km south-east of the Wicklow Mountains SAC/SPA.

7.0 The Appeal

7.1. Grounds of Appeal

Mr Jonathan Poole of Mongnacool

- It is argued that the proposed development should be refused for the same reason as the previous application – i.e. the substandard road network and the scale of the works.
- It is argued that it would generate excessive noise in a quiet rural area.

- It is argued that even with the proposed improvements, vehicles cannot pass each other on the access lane, and so there would be a traffic hazard, as heavy vehicles may have to reverse into the highway.
- It is argued that the structural soundness of the laneway has not been addressed.
- Concerns are expressed at the impact on groundwater (his house uses a private well).
- It is argued that the extra vehicular movements will detract from the privacy of his dwelling.
- It is argued that the proposed development will significantly impact on both visual amenity and local ecology.
- Concerns are expressed at the potential impact on local drainage patterns.
- It is argued that the applicant does not have standing to widen the laneway.
- It is argued that the works are not economically viable and questioned the nature of the material to be used.

Mr. John Poole of Mongnacool

- Argues that the applicant does not have standing to carry out the necessary improvements to the laneway.
- It is argued that the lane is inadequate for the proposed level of traffic.

7.2. Applicant Response

It is argued that all relevant issues were addressed in the planners reports and associated documents.

- It is noted that it is consistent with stated Development Plan policy on agriculture (AGR 1) and does not contravene other relevant policies such as NH22, NH49, NH 50; NH51 etc.
- It is argued that the issues in the previous refusal were fully addressed to the satisfaction of the planning authority.
- It is emphasised that the works will take place only over a limited time period.

- With regard to the point raised by the appellant on noise, it is argued that condition 4 is a default intervention and that noise will only be significant from truck movements, and this will be intermittent and temporary.
- It is submitted that the 40 truck movements suggested by the appellant is unsubstantiated and the real number will be very significantly less.
- It is stated that the applicant will repair any damage to the laneway and will upgrade as required.
- It is noted with regard to drinking water that the planning authority considered this and concluded that there would be no impacts.
- It is denied that passing trucks would have any impact on privacy.
- It is argued that visual and ecological concerns were fully addressed by the planning authority.
- It is submitted, with regard to rights to the laneway, that having regard to Section 34(13) of the Act this is not relevant to the application, and the Keane v ABP and Frescati Estates cases are referred to.
- It is argued that the issue of economic viability is not a relevant planning consideration.

7.3. **Planning Authority Response**

The planning authority did not respond to the grounds of appeal.

8.0 **Assessment**

Having inspected the site and reviewed the file documents, I consider that it can be addressed under the following general headings:

- Legal issues
- Principle of development (development plan and other policies)
- EIAR
- Appropriate Assessment
- Visual impacts

- Residential amenity
- Traffic impacts
- Ecology
- Archaeology
- Drainage/flooding
- Hydrogeology

8.1. Legal issues

The site is accessed at present via a track of varying quality, with the proposed access being via an existing laneway (to be upgraded) which runs north from the R473. This is a roughly surfaced lane with a number of sharp 90 degree turns, which reduces in quality further. This lane serves five dwellings – two via additional private tracks, and another under construction. Another lane runs east to west following the contour but this now appears disused and is gated for access to the north.

The appellants have submitted deeds to support their argument that the access cannot be improved to an appropriate level without their permission, and they will not give permission for the works. The appellant owns the north-eastern side of the lane on the stretch next to the main road. The proposed alteration works involve a widening of the laneway on the opposite side. It is not clear from the information on file if improvements need to be made to the north side of the junction, which could potentially involve the removal of a ditch belonging to the appellant. I would consider it unlikely that such a removal would be necessary as sight lines appear adequate at this point.

It therefore seems probable to me that the works can be carried out without the permission of the other landowners. Having regard therefore, to the provisions of Section 34(13) of the Act, I would conclude that the Board is not precluded from granting permission for this reason.

8.2. Principle of Development (development plan and other policies)

The site is within open countryside without a specific zoning designation in the Wicklow County Council Development Plan 2016-2022. Policy on Agriculture states:

Agriculture

Strategic Objective To encourage the continued operation of farming and its associated uses where it already exists, and to facilitate the diversification of the agricultural economy through the support of appropriate alternative farm enterprise sources.

AGR1: To facilitate the development of environmentally sustainable agricultural activities, whereby watercourses, wildlife habitats, areas of ecological importance and other environmental assets are protected from the threat of pollution, and where development does not impinge on the visual amenity of the countryside.

Developments shall not be detrimental to archaeological and heritage features of importance.

The stated objective of the proposed development is to facilitate the improvement of the land. It is not stated to what extent it will be improved, but it is currently low quality grazing land and appears to have been partially in arable use in the past. The lands are close to 200 metres AOD so I would consider there to be natural limits to the extent it can be improved although I note the land on somewhat lower levels supports maize and grain crops. It does not appear visually to suffer from particularly bad drainage and no species of wetlands or wet grasslands are visible, apart from in the spring area to the south of the site. Any improvement is likely therefore to be quite marginal. But I would still concur with the planning authority that the proposed works are, if not supported directly by policy, then is essentially neutral in terms of development plan policy for agriculture.

The proposed development involves the use of inert soil material much of which would likely be considered waste material – Wicklow is within the functional area of the **Eastern Midlands Region Waste Management Plan 2015-2021**. The Plan states that as of 2012 there was in the region of 2 million tonnes of C&D waste arisings, although that figure was rising rapidly. Section 11.2.4 of the Plan outlines

some of the specific issues with tracking and monitoring these wastes, specifically the problem of misclassification. While the material is described in the application as 'soil', I would consider it most likely comes under the general classification of C&D material.

More specific quantities and policy recommendations are set out in the report commissioned by the three waste management planning regions of the south and west – **Construction and Demolition Waste – Soil and Stone Recovery / Disposal Capacity** (December 2016). This policy notes there is one soil recovery facility in County Wicklow, at Fassaroe near Bray, with a capacity of 550,000 tonnes per annum (although the report states that at the time of writing it did not appear to be currently active). The report states that there is a shortfall of capacity for such wastes in the three waste planning regions, with significant amounts of this waste being accepted in licensed MSW sites such as Drehid and Ballyragan. With regard to future proposals it concludes (Section 6.1):

'It is concluded from the analysis that the preferred solution for providing secure and longer term outlets for soil waste recovery. Under the current system this can only be achieved through the waste licensing system. The lack of a consistent supply of licensed capacity across the regions is an issue. Alternative solutions are needed for areas which cannot support the investments required to develop these sites.

Secure and long term sites for soil recovery facilities are preferred. Locations which offer these benefits include exhausted quarries or pits. Many existing licensed sites are sited at such locations. This approach is favoured by the regional waste management plan with policy preference for large central sites which require restoration through the placement of clean soil returning the site back to its original profile.'

There are no figures available for Wicklow specifically, although the report states (page 30), that *'The region appears to have a reasonable balance in the make-up of facilities'*. Longford, Louth, Laois and Offaly are identified as the local authorities with a very low level of permitted capacity.

The **Wicklow County Council 2016-2022 County Development Plan** has a number of waste specific objectives (Chapter 9.3), although none relate specifically to this type of excess soil use.

General policies are set out as follows:

9.3.2 Solid Waste Management

It is the policy of the Council, as set out in the Regional Waste Management Plan, to:

- prevent or minimise the production of waste in the first instance;*
- reduce, re-use and recycle to the maximum extent possible;*
- endeavour to recover energy from waste where possible; and*
- ensure the efficient and safe disposal of any residual waste.*

The role of a land-use plan in the achievement of these objectives is somewhat limited, but it will play a role in guiding the location of new facilities and services that are necessary to implement the Waste Management Plan

Solid Waste Management Objectives

WE1 To require all developments likely to give rise to significant quantities of waste, either by virtue of the scale of the development or the nature of the development (e.g. one that involves demolition) to submit a construction management plan, which will outline, amongst other things, the plan for the safe and efficient disposal of waste from the site.

WE2 To require all new developments, whether residential, community, agricultural or commercial to make provision for storage and recycling facilities (in accordance with the standards set out in Development & Design Standards of this plan).

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

WE4 To facilitate the development of waste-to-energy facilities, particularly the use of landfill gas and biological waste.

WE5 To have regard to the Council's duty under the 1996 Waste Management Act (as amended), to provide and operate, or arrange for the provision and operation of, such facilities as may be necessary for the recovery and disposal of household waste arising within its functional area.

WE6 To facilitate the development of sites, services and facilities necessary to achieve implementation of the objectives of the Regional Waste Management Plan.

There is little specific relevant guidance or information within either the Regional or Development Plan or related guidance as to the appropriateness of this type of use for material, or any site selection criteria, or information on sources of this material or whether there is a shortfall of this type of facility. WE6 is probably the only relevant specific policy as it does set a requirement to facilitate appropriate facilities, but I would note that the Regional Plan is largely silent on inert materials such as those proposed for this site.

There is no detailed information provided on the sourcing of material for the proposed development. It seems unlikely that there is sufficient construction or related activity in the immediate area to supply such a large quantity - the site is some distance from major urban areas under growth pressures. It would therefore be likely that the proposed development would involve significant distances for haulage of the materials, although it could not be ruled out that there may be local supply.

The **Construction and Demolition Waste – Soil and Stone Recovery / Disposal** report highlights a shortfall of appropriate sites for soil and construction waste treatment and disposal in the overall region. It identifies the need for more such facilities across the three regions with a stated policy preference for larger, more centralised facilities.

Notwithstanding the policies relating to landscape and ecology (discussed further below), in terms of general waste and agricultural policy I would conclude that the proposed development is within something of a neutral policy environment and should best be judged on its own merits.

8.3. **EIAR**

The planning authority screened the report and concluded that an EIAR was not necessary.

The proposed development involves the importation and deposition of material for land profiling and recontouring purposes, for a site just over 3 hectares. I note from previous Board decisions (e.g. **ABP-303182-18** and **ABP-302439-18**) that this type of operation is considered to be a waste operation for the purposes of EIA

Screening (even if not described as such on the application notice). Under Schedule 5, Part 2, 11(b) of the regulations:

Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.

The proposed development is sub-threshold this type of development as the annual disposal would be significantly less than this quantity. Schedule 7 of the Regulations sets out the criteria for determining whether development listed in Part 2 of Schedule 5 should be subject to an EIA. I would note in this regard that there are no particularly sensitive environments on or close to the lands, and it is not within the catchment of a watercourse flowing into or through an SAC, SPA or NHA. There is no evidence of protected species in or on the grassland. There are recorded ancient monuments close by, but none directly affected. I would therefore concur with the conclusion of the screening carried out by the planning authority.

8.4. Appropriate Assessment

The Clara Woods SAC is some 7 km north of the site, while the Wicklow Mountains SAC and SPA is about 12 km north-west. The site is within the catchment of the Avoca River, which is south of the site and flows to the sea at Arklow. There are no designated habitats within the Avoca catchment.

The Wicklow Mountains and Clara Woods habitats are designated for conservation objectives relating to sessile oak woodlands, uplands heath, and upland raptor bird species. I noted a Red Kite flying over the site during my site visit, but this species is not listed in the conservation objectives for any of the designated habitats. There are no pathways for pollution or other direct or indirect links or connections between the site and these designated habitats. There are no other projects in the vicinity that could cumulatively have an impact.

I consider it reasonable to therefore conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 000733, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.5. Visual impacts

The site is at the southern extent of an extensive area indicated as 'Mountain Uplands – Area of Outstanding Natural Beauty' in the Wicklow County Development Plan. These are described in the Development Plan as follows:

1(a) - The Mountain Uplands

The central mountain upland area extends from the Dublin border in the north of the County at Kippure towards Aughrim in the south and from east of the Glen of Imaal as far as west of Roundwood Village. A key characteristic of this area is mountainous topography with U-shaped valleys, lakes and glacial topography.

This area generally relates to lands immediately surrounding and above the 300m+ contour line.

An identified view – view 18 “*L6169, at Crone More Views from the L-6169 towards the R753 and the Avonbeg River Valley and across to Cushbawn Mountain*” includes the site. This view is from a high point on a minor road running west from Avoca, providing a very fine view over the valley at Mongnacool and the mountain behind it. The site is very prominent with this view, albeit at a distance of around 1.5 km. Relevant policy objective NH52 states that the objective is:

To protect listed views and prospects from development that would either obstruct the view / prospect from the identified vantage point or form an obtrusive or incongruous feature in that view / prospect. Due regard will be paid in assessing development applications to the span and scope of the view / prospect and the location of the development within that view / prospect.

The application includes a Landscape and Visual Impact Assessment, which includes photographs and descriptions.

While the site is clearly visible from the identified viewpoint 18, I would consider that as the works are temporary the impacts would be obtrusive only in the short term. I therefore do not consider that this would be a reason for refusal.

8.6. Residential amenity

The main part of the appeal site is approximately 300 metres from a dwelling, a small farm complex not associated with the ownership. The haul route (which is part of the site) goes within about 80 metres of this dwelling. The route then passes two dwellings close to the road junction, passing right in front of these houses, in addition to a third dwelling currently under construction.

The proposed works would undoubtedly have a significant impact on these dwellings during the construction works, primarily by way of noise, dust, general disturbance and traffic impacts. During the period of works I would consider it equivalent to a large construction scheme or a small quarry in terms of scale and impact, or over a shorter timescale, forestry felling.

The key question in my opinion is whether this level of disruption and impact is acceptable within the overall context of the area and stated policy. As I noted above, I consider the policy context to be generally neutral – while the Development Plan (and national policy) would generally see the improvement of agricultural land as a positive, given the elevation of the land I would really question whether there are major benefits to be gained. In the context of waste policy, there seems evidence of a shortfall of appropriate sites for inert waste, although I would question whether a site so far from any likely sources of such material is entirely consistent with the overall waste strategy of the region. Although the Regional Waste Plan and associated documents sets out a need for such facilities, it provides no guidance whatever on where they should be, or the appropriate characteristics that should apply. I would consider that as a general planning principle, the most appropriate sites are those where there is a genuine significant improvement of land quality, the location is close to areas where the material is generated, and direct access off main roads is easiest.

I would note of course that the dwellings are in open countryside, and as such it is not reasonable to assume the level of protection appropriate in zoned urban areas. Many normal rural activities associated with agriculture and forestry will be highly

disruptive for residents in the short term at least. Arguably, activities such as this can be seen in the context of general agricultural works.

I would consider this to be a finely balanced issue. But having specific regard to the nature of the lands and its location within a working agricultural landscape, in addition to the temporary nature of the works, I would consider that with appropriate conditions the proposed development would not seriously injure the residential amenities of the dwellings along the haul route.

8.7. Traffic impacts

All materials will be brought to the site via the R753 Aughrim to Rathdrum road. The total scheme involves the phased importation of 25,000 tonnes of material at a rate of no more than 12,500 per annum. This, according to the submitted traffic management report, equates to 568 truck deliveries over the course of a year, or 3 to 4 a day assuming a normal 5 day week, although realistically I would expect a highly variable number of vehicles accessing the site at any given time during the construction period. The vehicles would be 6-8 wheel trucks. Upgrade works are required to the lane and details were submitted with the planning application. The planning authority are satisfied that the local road system is adequate, and that the lane is adequate if upgraded according to the plans. I note the issue of ownership raised by one appellant, as noted above I consider that it is likely that the applicant can carry out the works, but the provisions of S.34(13) apply.

A previous application was refused for reason of its impact on the lane and the junction with the main road. The planning authority stated that they are satisfied with the revised proposals for the junction. I note from the RSA website that there was a fatality – described as a single vehicle motorcycle accident – next to the junction in 2014. The circumstances are not clear, but I note that permission was granted by the Board for widening of this junction in 2012 (PL27.240699).

I am satisfied that this lane and junction is safe for the type of traffic proposed and that otherwise the proposed development would not result in unacceptable traffic impacts, either for safety or congestions.

8.8. Ecology

The relevant policies in the Development Plan (as varied) are as follows:

NH1: To ensure that the impact of new developments on biodiversity is minimised and to require measures for the protection and enhancement of biodiversity in all proposals for large developments.

NH8: To protect non-designated sites from inappropriate development, ensuring that ecological impact assessment is carried out for any proposed development likely to have a significant impact on locally important natural habitats or wildlife corridors. Ensure appropriate avoidance and mitigation measures are incorporated into development proposals as part of any ecological impact assessment.

The works would likely include direct physical intervention to the upper reaches of a stream which runs alongside the access route – this flows into a series of proposed NHA's along the Avoca River. I do not consider the direct works are likely to have a significant effect as the existing field is largely low quality grassland with minimal ecological value. I would consider that standard management controls on the works would minimise any off-site impacts – the most important being to prevent excess suspended solids run-off to the stream if it is to be culverted. The associated proposals to improve the quality of the hedgerows along the ditches should provide long term benefits to wildlife.

8.9. Archaeology

There are a number of recorded ancient monuments within the two Mongnacool townlands, but none are on the site or the haul route. These are clustered south of the site and seem to represent a possible cluster of Neolithic or early Bronze age remains, but there are no indications that they extend to the appeal site and it seems that most of these identified remains have been removed or destroyed over the years since they were first identified. There is no visible evidence of anything

that may have historic or archaeological significance on or close to the site. There are no structures on the NIAH in the vicinity.

I therefore do not consider that any conditions relating to building heritage or archaeology would be required.

8.10. Drainage/flooding

The site is within the catchment of an unnamed stream which runs south, a tributary of the Avoca River, which meets the Irish Sea near Arklow. The nearest watercourse arises from a spring just south of the site. This watercourse runs south and flows along the laneway near where it meets the main road – the widening works for the access would probably have to include for culverting this stream although if it is not clear from the submitted documents if this is the intention. If carried out correctly this should not significantly increase run-off from the overall site so I do not consider that there is potential for increasing down-stream flooding, although I note that with any culverting operation there is a risk of floods if the culvert is ever blocked.

8.11. Hydrogeology

The site is apparently characterised by shallow acidic till soils overlying deep beds of schist. There is a spring immediately south of the site. The rocks are classified as a Locally Important Aquifer, Moderately Productive. The aquifer is considered of Extreme Vulnerability due to shallow soil cover and high water table. The dwellings in the vicinity appear to use individual private wells. The Hydrological Assessment indicates that groundwater flows are shallow in the local rocks and there is a low transmissivity.

The proposed development includes a buffer zone of 30 metres between the deposition of the material and the spring (which is enclosed in a crude concrete protective box). The proposal is that only 'clean' material is imported.

The Hydrological Assessment indicates that the land raising would not significantly impact on discharge rates to groundwater, and with appropriate controls will not impact on surface waters.

On the basis of the available information, I would consider that with the proposed controls, the works would not impact significantly on either surface or groundwater flows outside the bounds of the site. The appellant expressed concerns about the quality of material to be brought in – I concur that this is always a key issue with this type of development, but it is a matter of enforcement by the planning authority and licensing authority if appropriate.

9.0 Recommendation

I recommend that subject to the conditions set out in the schedule below, the proposed development be granted permission for the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to the location of the lands within a rural agricultural area and policy AGR1 of the Wicklow County Council Development Plan 2016-2022; the requirements of the Eastern Midlands Region Waste Management Plan 2015-2021; and the current nature of the site and its location relative to the highway network, it is considered that the proposed development is in accordance with development plan and regional waste management plan policy and would not seriously injure residential amenities or cause pollution and would otherwise be in accordance with the proper planning and sustainable development of the area.

11.0 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. Details of the internal road network to be used by construction traffic and by long-term maintenance traffic shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This shall include details for the protection of any watercourses to be diverted or culverted as part of these works.

Reason: In the interest of traffic safety.

3. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste or materials received which are found not to be suitable for use within the site.

Reason: In the interests of public safety and residential amenity.

4. 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 Bord 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.

5. 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 satisfactory completion of any part of the development. 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: To ensure the satisfactory completion of the development.

Philip Davis
Planning Inspector

15th July 2019
