



An  
Bord  
Pleanála

## Inspector's Report ABP-311331-21

### Question

Whether the deposition of construction and demolition waste at Keeagh, Maigh Cuilinn, Co. Galway is or is not development and is or is not exempted development.

### Location

Keeagh, Maigh Cuilinn Co. Galway

### Declaration

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

ED2165

Applicant for Declaration

Abaigáel Smyth

Planning Authority Decision

Is development and is not exempted development

### Referral

Referred by

Abaigáel Smyth

Owner/ Occupier

Unknown

Observer(s)

None

Date of Site Inspection

3<sup>rd</sup> August 2022

**Inspector**

Ian Campbell

## **1.0 Site Location and Description**

- 1.1. This case relates to a referral submitted under Section 5(3)(a) of the Planning and Development Act, 2000, as amended, where the Planning Authority has issued a declaration on a referral and this determination is now the subject of appeal.
- 1.2. The subject of this referral comprises a site in the townland of Keeagh, Maigh Cuilinn (Moycullen), Co. Galway. The subject site is located on the western side of the L1320, approximately 3.7 km south-west of Maigh Cuilinn (Moycullen). Loughkip River is located to the north-west of the subject site.
- 1.3. The subject site accommodates a recently constructed dormer style house. An area of land to the side/east of the house appears to have been recently cleared and there are rocks and boulders strewn at this location. There is a large steel framed shed located to the rear/west of the house. To the front of this shed is a shipping container. At the time of my site inspection I observed a number of tractor tyres and a mound of sand/soil in the vicinity of the shed. I did not observe the subject site being used in connection with the deposition of construction and demolition waste.

## **2.0 The Question**

- 2.1. The question that has been submitted in the referral is as follows:
  - Whether the deposition of construction and demolition waste at Keeagh, Maigh Cuilinn, Co. Galway is or is not development or is or is not exempted development.

## **3.0 Planning Authority Declaration**

### **3.1. Declaration**

On the 16<sup>th</sup> July 2021, a request for a Declaration in accordance with Section 5 of the Planning and Development Act, 2000, as amended, on the above question was received by Galway County Council from Abaigáel Smyth.

In accordance with Section 5(2)(a) of the Planning and Development Act, 2000, as amended, Galway County Council issued a Declaration on the 16<sup>th</sup> August 2021 that

'the deposition of construction and demolition waste at Keeagh, Maigh Cuilinn, Co. Galway' is development and is not exempted development.

### 3.2. **Planning Authority Reports**

#### 3.2.1. Planning Reports

The report of the Planning Officer includes the following comments;

- There is no provision for the deposition of construction and demolition waste in the Planning and Development Regulations, 2001, as amended.
- The deposition of construction and demolition waste is not exempt development.

#### 3.2.2. Other Technical Reports

None received.

## 4.0 **Planning History**

### 4.1. **Subject Site:**

PA. Ref. 08/462 – Permission GRANTED for a house, garage and waste water treatment system.

### 4.2. **Referral History:**

I have undertaken a review of the referrals database in order to determine if there are any history cases that relate to development of the same form as that the subject of this case.

RL2169 - The question arose as to whether the filling of lands is or is not development, and whether it is or is not exempted development. The referral related to large-scale landfilling on a site with construction and demolition waste, and other items coming under the definition of landfill waste or hazardous waste. The Board decided that the filling of lands was development and not exempted development. The deposition of material on the land was considered to constitute a material change of use of the land by reference to Section 3(2)(b)(iii) of the Planning and Development Act, 2000, by reason of the type of materials deposited. The deposition of materials on the land did

not come within the scope of Class 11 of Part 3 of Schedule 2 of the Regulations having regard to the type of materials deposited.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The relevant Development Plan is the Galway County Development Plan 2022 – 2028. The subject site is not zoned in the Galway County Development Plan 2022 – 2028. The subject site is indicated as having a high landscape sensitivity however it is not subject to any specific objectives relating to the protection of views or prospects.

### 5.2. Natural Heritage Designations

- Moycullen Bogs NHA (Site Code 002364) – located within.
- Connemara Bog Complex SAC (Site Code 002034) – c. 1.6 km north-west.
- Lough Corrib SAC (Site Code 000297) – c.3.8 km east.
- Ross Lake & Woods SAC (Site Code 001312) – c. 5.6 km north.
- Connemara Bog Complex SPA (Site Code 004181) – c. 7.2 km south-west.
- Galway Bay Complex SAC (Site Code 000268) – c. 8 km south.
- Inner Galway Bay SPA (Site Code 004031) – c. 8 km south.

## 6.0 The Referral

### 6.1. Referrer's Case

The following is a summary of the main issues raised by the referrer in the submission to the Planning Authority and to the Board.

#### Issues raised in application for Declaration from Galway County Council:

- The proposal relates to waste tipping, past and present at the subject site.

- The referrer contends that the development is in proximity to a SAC and would require a Stage 2 Appropriate Assessment and as such cannot be considered to be exempt development.
- The referrer contends that the proposal does not have a waste facility permit.

#### Issues raised in application for Declaration from An Bord Pleanala:

- The referrer is in agreement with the decision of Galway County Council however is seeking a Declaration from An Bord Pleanala for a number of reasons;
  - Galway County Council issued a decision 3 days after the last date for making the decision, rendering the decision legally flawed for the purposes of enforcement action;
  - Galway County Council did not assess the need for EIA and/or NIA, and as such the application is precluded under Section 34(12), and;
  - The decision of Galway County Council was based on a 'proposed development', whereas the proposal has been ongoing for a number of years and the Board are requested to address past and ongoing development in this regard.

## **6.2. Planning Authority Response**

None received.

## **7.0 Statutory Provisions**

### **7.1. Planning and Development Act, 2000**

#### **Section 2 (Works)**

*Works includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the*

*application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.*

**Section 3(1) (Development)**

*Development means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.*

**Section 3(2) (b) (ii)**

*For the purposes of subsection (1) and without prejudice to the generality of that subsection — (b) where land becomes used for any of the following purposes — (iii) the deposit of vehicles whether or not usable for the purpose for which they were constructed or last used, old metal, mining or industrial waste, builders' waste, rubbish or debris, the use of the land shall be taken as having materially changed.*

**Section 4 (4) (Environmental Impact Assessment or Appropriate Assessment)**

*Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.*

**Section 177U (9) (Appropriate Assessment)**

*In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.*

**7.2. Planning and Development Regulations, 2001**

**Article 6 (1)** states the following:

*Subject to Article 9 the development of a Class specified in Column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with conditions and limitations*

*specified in Column 2 of the Act opposite the mention of that Class in the said Column 1.*

**Article 9 (1)(a)** provides that development to which Article 6 relates shall not be exempted development for the purposes of the Act, if the carrying out of such development would,

*(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,*

*(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,*

*(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.*

## **8.0 Assessment**

8.1. I have examined all the documentation on the file, inspected the site, and have had regard to the legislative provisions set out in both the Planning and Development Act, 2000, as amended, and the Planning and Development Regulations, 2001, as



amended. I consider that the issues raised in the referral can be assessed under the following headings.

- Whether the deposition of construction and demolition waste at Keeagh, Maigh Cuilinn, Co. Galway, is or is not development, or is or is not exempted development.
- Whether the works can be considered exempted development under the provisions of the Planning and Development Act, 2000 as amended, or under the Planning and Development Regulations, 2001, as amended.

## **8.2. Is or is not development**

- 8.2.1. Section 3(2) (b) (ii) of the Planning and Development Act, 2000, as amended, states that where land becomes used for the deposit of mining or industrial waste, builders' waste, rubbish or debris, the use of the land shall be taken as having materially changed. Section (3) (1) of the Planning and Development Act, 2000, as amended defines development as including 'the making of any material change in the use of any structures or other land'. I therefore consider that the deposition of construction and demolition waste is development.

## **8.3. Is or is not exempted development**

- 8.3.1. Section 4 of the Planning and Development Act, 2000, as amended, sets out certain forms of development which shall be exempted development. Additionally, Schedule 2 of the Planning and Development Regulations, 2001, as amended set out forms of development which are exempted development within specific context.
- 8.3.2. The referrer is contending that the proposal is not exempted development and as such is not proposing that any specific exemption is provided under the Planning and Development Act, 2000, as amended, or the Planning and Development Regulations, 2001, as amended. I have reviewed the provisions relating to exempted development set out in both the Planning and Development Act, 2000, as amended, and the Planning and Development Regulations, 2001, as amended, and in my opinion, having regard to the information contained on the file, I consider that there are no provisions

under either the Planning and Development Act, 2000, as amended, or the Planning and Development Regulations, 2001, as amended, which would afford an exemption for the deposition of construction and demolition waste, and as such, the proposal is not exempted development.

#### 8.4. Restrictions on exempted development

8.4.1. The restrictions provided in Article 9 of the Planning and Development Regulations, 2001, as amended, relate to exemptions provided under Article 6 of the Planning and Development Regulations, 2001, as amended. However, as stated above at paragraph 8.3.2, there are no provisions under the Planning and Development Regulations, 2001, as amended, which would afford an exemption for the deposition of construction and demolition waste.

8.4.2. Regarding the issue of unauthorised development at the subject site, I note that the purpose of An Bord Pleanála in relation to Section 5 referrals is to ascertain what is and is not development and if development, whether that development is exempted development or not. An Bord Pleanála does not have a role in relation to unauthorised development, which falls under the remit of the planning authority.

#### 8.5. Appropriate Assessment – Screening

8.5.1. A summary of European Sites that occur within a possible zone of influence of the referral site is presented below in Table 8.1. Where a possible connection between the referral site and a European site has been identified, these sites are examined in more detail. I am satisfied that other European sites proximate to the referral site can be ‘screened out’ on the basis that significant impacts on such European sites could be ruled out, either as a result of the separation distance from the referral site or given the absence of any direct hydrological or other pathway to the referral site.

**Table 8.1 - Summary Table of European Sites within a possible zone of influence of the referral site.**

European Site (code)	List of Qualifying interest /Special conservation Interest	Distance from referral site (Km)	Connections (source, pathway receptor)	Considered further in screening Y/N

<p>Connemara Bog Complex SPA (Site Code 004181)</p>	<ul style="list-style-type: none"> <li>• Cormorant (Phalacrocorax carbo) [A017]</li> <li>• Merlin (Falco columbarius) [A098]</li> <li>• Golden Plover (Pluvialis apricaria) [A140]</li> <li>• Common Gull (Larus canus) [A182]</li> </ul>	<p>c. 7.2 km (south-west)</p>	<p>There is no connectivity between the referral site and Connemara Bog Complex SPA. I do not consider a likelihood of significant effects.</p>	<p><b>N</b></p>
<p>Connemara Bog Complex SAC (Site Code 002034)</p>	<ul style="list-style-type: none"> <li>• Coastal lagoons [1150]</li> <li>• Reefs [1170]</li> <li>• Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</li> <li>• Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</li> <li>• Natural dystrophic lakes and ponds [3160]</li> <li>• Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</li> <li>• Northern Atlantic wet heaths with</li> </ul>	<p>c. 1.7 km (west)</p>	<p>There is no connectivity between the referral site and Connemara Bog Complex SAC. I do not consider a likelihood of significant effects.</p>	<p><b>N</b></p>

	<p>Erica tetralix [4010]</p> <ul style="list-style-type: none"> <li>• European dry heaths [4030]</li> <li>• Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</li> <li>• Blanket bogs (* if active bog) [7130]</li> <li>• Transition mires and quaking bogs [7140]</li> <li>• Depressions on peat substrates of the Rhynchosporion [7150]</li> <li>• Alkaline fens [7230]</li> <li>• Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</li> <li>• Euphydryas aurinia (Marsh Fritillary) [1065]</li> <li>• Salmo salar (Salmon) [1106]</li> <li>• Lutra lutra (Otter) [1355]</li> <li>• Najas flexilis (Slender Naiad) [1833]</li> </ul>			
Lough Corrib SAC (Site Code 000297)	<ul style="list-style-type: none"> <li>• Oligotrophic waters containing very few minerals of sandy plains</li> </ul>	c. 3.8 km (east)	Noting the proximity of the referral site to Loughkip River and the connectivity between Loughkip	Y

	<p>(Littorelletalia uniflorae) [3110]</p> <ul style="list-style-type: none"> <li>• Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</li> <li>• Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</li> <li>• Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</li> <li>• Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</li> <li>• Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</li> <li>• Active raised bogs [7110]</li> <li>• Degraded raised bogs still capable of natural regeneration [7120]</li> <li>• Depressions on peat substrates of</li> </ul>		<p>River and Lough Corrib SAC, a likelihood of significant effects exists.</p>	
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	<p>the Rhynchosporion [7150]</p> <ul style="list-style-type: none"> <li>• Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</li> <li>• Petrifying springs with tufa formation (Cratoneurion) [7220]</li> <li>• Alkaline fens [7230]</li> <li>• Limestone pavements [8240]</li> <li>• Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</li> <li>• Bog woodland [91D0]</li> <li>• Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</li> <li>• Austropotamobius pallipes (White-clawed Crayfish) [1092]</li> <li>• Petromyzon marinus (Sea Lamprey) [1095]</li> <li>• Lampetra planeri (Brook Lamprey) [1096]</li> <li>• Salmo salar (Salmon) [1106]</li> <li>• Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</li> <li>• Lutra lutra (Otter) [1355]</li> </ul>			
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	<ul style="list-style-type: none"> <li>• <i>Najas flexilis</i> (Slender Naiad) [1833]</li> <li>• <i>Hamatocaulis vernicosus</i> (Slender Green Feather-moss) [6216]</li> </ul>			
Ross Lake & Woods SAC (Site Code 001312)	<ul style="list-style-type: none"> <li>• Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. [3140]</li> <li>• <i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303]</li> </ul>	c. 5.6 km (north)	There is no connectivity between the referral site and Ross Lake & Woods SAC. The referral site is located outside the foraging range of the Lesser Horseshoe Bat. I do not consider a likelihood of significant effects.	<b>N</b>
Galway Bay Complex SAC (Site Code 000268)	<ul style="list-style-type: none"> <li>• Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>• Coastal lagoons [1150]</li> <li>• Large shallow inlets and bays [1160]</li> <li>• Reefs [1170]</li> <li>• Perennial vegetation of stony banks [1220]</li> </ul>	c. 8 km (south)	There is no connectivity between the referral site and Galway Bay Complex SAC. I do not consider a likelihood of significant effects.	<b>N</b>

	<ul style="list-style-type: none"> <li>• Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</li> <li>• Salicornia and other annuals colonising mud and sand [1310]</li> <li>• Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330]</li> <li>• Mediterranean salt meadows (Juncetalia maritimi) [1410]</li> <li>• Turloughs [3180]</li> <li>• Juniperus communis formations on heaths or calcareous grasslands [5130]</li> <li>• Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</li> <li>• Calcareous fens with Cladium mariscus and species of the Caricion davalliana [7210]</li> <li>• Alkaline fens [7230]</li> <li>• Limestone pavements [8240]</li> </ul>			
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	<ul style="list-style-type: none"> <li>• Lutra lutra (Otter) [1355]</li> <li>• Phoca vitulina (Harbour Seal) [1365]</li> </ul>			
Inner Galway Bay SPA (Site Code 004031)	<ul style="list-style-type: none"> <li>• Black-throated Diver (Gavia arctica) [A002]</li> <li>• Great Northern Diver (Gavia immer) [A003]</li> <li>• Cormorant (Phalacrocorax carbo) [A017]</li> <li>• Grey Heron (Ardea cinerea) [A028]</li> <li>• Light-bellied Brent Goose (Branta bernicla hrota) [A046]</li> <li>• Wigeon (Anas penelope) [A050]</li> <li>• Teal (Anas crecca) [A052]</li> <li>• Red-breasted Merganser (Mergus serrator) [A069]</li> <li>• Ringed Plover (Charadrius hiaticula) [A137]</li> <li>• Golden Plover (Pluvialis apricaria) [A140]</li> <li>• Lapwing (Vanellus vanellus) [A142]</li> <li>• Dunlin (Calidris alpina) [A149]</li> </ul>	c. 8 km (south).	There is no connectivity between the referral site and Inner Galway Bay SPA. I do not consider a likelihood of significant effects.	<b>N</b>

	<ul style="list-style-type: none"> <li>• Bar-tailed Godwit (Limosa lapponica) [A157]</li> <li>• Curlew (Numenius arquata) [A160]</li> <li>• Redshank (Tringa totanus) [A162]</li> <li>• Turnstone (Arenaria interpres) [A169]</li> <li>• Black-headed Gull (Chroicocephalus ridibundus) [A179]</li> <li>• Common Gull (Larus canus) [A182]</li> <li>• Sandwich Tern (Sterna sandvicensis) [A191]</li> <li>• Common Tern (Sterna hirundo) [A193]</li> <li>• Wetland and Waterbirds [A999]</li> </ul>			
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8.5.2. The proposal entails the deposition of construction and demolition waste on the subject site. No details have been provided in the referral in relation to how material is to be managed or stored. Loughkip River is located c. 130 metres west of the subject site. Loughkip River connects into Lough Corrib SAC, c. 3.8 km east of the subject site. Based on the information submitted with the referral it is unclear whether there are any surface water connections (including ditches etc.) between the referral site and Loughkip River. I note that Geological Survey Ireland mapping indicates that groundwater vulnerability on the subject site is extreme, and that there is rock at or near the surface, or karsk. Having regard to the nature of the proposal I consider that there is potential for contaminated run-off from the subject site to reach Loughkip River through groundwater. Given the potential for contaminated run-off from the referral site

to enter Loughkip River and reach Lough Corrib SAC, I consider that the proposal could negatively impact water sensitive habitats within Lough Corrib SAC.

8.5.3. On the basis of the information provided with the referral, having regard to the connectivity between Loughkip River and Lough Corrib SAC, and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the Lough Corrib SAC (Site Code 000297), in view of the site's Conservation Objectives<sup>1</sup> and as such an Appropriate Assessment of the proposal would be required. Having regard to Section 4 (4) of the Planning and Development Act, 2000, as amended, the proposal cannot be considered exempted development.

## 8.6. EIA - Screening

8.6.1. The proposal entails the deposition of construction and demolition waste. No details have been provided in the referral in relation to the quantum of waste material which has/will be deposited on the subject site, nor has any information been submitted in relation to the rate of intake of material. I note the requirement for an Environmental Impact Assessment (EIA) for Class 11 (b), Part 2, Schedule 5 of the Planning and Development Regulations, 2001, as amended<sup>2</sup>, to which the proposal may be analogous to. Having regard to this provision, and notwithstanding that there are no provisions under either the Planning and Development Act, 2000, as amended, or the Planning and Development Regulations, 2001, as amended, which would afford an exemption for the deposition of construction and demolition waste, it is unclear whether an EIA would be required in respect of the proposal. Therefore, having regard to Section 4 (4) of the Planning and Development Act, 2000, as amended, the proposal cannot be considered exempted development. A separate question arises in relation to any retrospective assessment of works which may require EIA but it is not necessary to consider that question in this case.

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<sup>1</sup> There is no Conservation Management Plan for Lough Corrib SAC. The generic Conservation Objective for Lough Corrib SAC is; 'to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II habitats for which the SAC has been selected'.

<sup>2</sup> 'Other Projects' 'installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule'

## 9.0 Recommendation

9.1. I recommend that the Board should decide this referral in accordance with the following draft order.

**WHEREAS** a question has arisen as to whether the deposition of construction and demolition waste is or is not development or is or is not exempted development:

**AND WHEREAS** Abaigáel Smyth requested a declaration on this question from Galway County Council and the Council issued a declaration on the 16<sup>th</sup> day of August 2021 stating that the matter was development and was not exempted development:

**AND WHEREAS** Abaigáel Smyth referred this declaration for review to An Bord Pleanála on the 3<sup>rd</sup> day of September 2021:

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000, as amended,
- (c) Section 3(2)(b)(ii) of the Planning and Development Act, 2000, as amended,
- (d) Section 4(4) of the Planning and Development Act, 2000, as amended,
- (e) Parts 1 and 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,

**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) In accordance with Section 3(2) (b) (ii) of the Planning and Development Act, 2000, as amended, where land becomes used for the deposit of mining or industrial waste, builders' waste, rubbish or debris, the use of the land shall be taken as having materially changed.
- (b) In accordance with Section (3) (1) of the Planning and Development Act, 2000, as amended, development includes 'the making of any material change in the use of any structures or other land', the proposal is considered to constitute development.
- (c) There are no provisions under either the Planning and Development Act, 2000, as amended, or the Planning and Development Regulations, 2001, as amended, which provide an exemption for the deposition of construction and demolition waste.
- (d) The proposal would require an Appropriate Assessment to be undertaken.
- (e) The requirement for an Environmental Impact Assessment cannot be screened out.

**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 deposition of construction and demolition waste is development and is not exempted development.

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Ian Campbell  
Planning Inspector

18<sup>th</sup> November 2022