



An
Bord
Pleanála

Inspector's Report

ABP-314460-22

Development

Raise field levels of existing agricultural lands using clean inert soil and stones as per EU Waste Class 17 05 04 and to cover with topsoil so as to improve land quality. An application for a Certificate of Registration will be sought post planning.

Location

Sheskin, Carrickbeg, Carrick on Suir, County Waterford.

Planning Authority

Waterford City and County Council

Planning Authority Reg. Ref.

211074

Applicant(s)

Declan Walsh

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Vanessa Béhal

Observer(s)

None

Date of Site Inspection

3rd of October 2023

Inspector

Angela Brereton

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1.0 Site Location and Description

- 1.1. The application (c. 0.2ha) site is located in the rural area, approx. 1.16km southwest of Carrick-on-Suir in County Waterford. It is on the northern side and fronts onto the Local Secondary Road L7093. A bungalow lies to the northeast of the site and the grounds of Sheskin House are adjoining to the southwest. There is a mast and an ESB substation located to the east on the opposite side of the road.
- 1.2. The site is undulating, the land has been raised in part and includes a hollow that appears to have formed part of an old quarry therein. It is very overgrown and contains a lot of vegetation, making it more difficult to see the land contours. There is a row of mature trees along the southwestern site boundary with the grounds of Sheskin House. There is a hedgerow along the roadside boundary.
- 1.3. The site is located in an area where the landscape is more elevated and there are views to the southwest. The entrance to Sheskin House is to the southwest of the site. There is no defined access to the subject site. The local road is narrow and slopes steeply downwards to the southwest of the site.

2.0 Proposed Development

- 2.1. This development is to consist of the filling in of an existing hollow in the ground and the raising of field levels of existing agricultural lands at Sheskin, Carrickbeg, Carrick on Suir using inert soil and stones as per EU Waste Class 17 05 04 and to cover with topsoil so as to improve land quality. An application for a Certificate of Registration is to be sought post planning.

3.0 Planning Authority Decision

3.1. Decision

On the 16th of August 2022 Waterford City and County Council granted permission for the proposed development subject to 8no.conditions. These conditions generally relate to infrastructural issues including access/traffic management, surface water drainage and to construction and waste management and protection of trees. Note is had of the following:

Condition no.3

(a) *The amount of waste material accepted onto the site shall not exceed 2,000 cubic metres over the lifetime of the planning application.*

(b) *No materials shall be deposited on the site except those classified in the European Waste Catalogue 17 05 04 soil and stone.*

Reason: In the interests of clarifying the terms of this permission.

Condition no.6 – refers to Surface Water Drainage

Condition no.7 – refers to Protection of trees and hedgerows, including provision for a 4m buffer along the western boundary of the site.

Condition no. 8 – provides for Development Contributions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner had regard to the locational context of the site, planning history and policy and to the submissions made. Their Assessment included the following:

- The proposed area and volume of infilling is limited in scale.
- The Planner's Report notes that the file has been referred to the District Engineer, and that no comments have been received.
- It is noted that no detail has been provided regarding traffic movements associated with the proposal on the local road network and the duration of the impact.
- Having discussed the application with Water Services, they consider that a hydrological report should be prepared.
- The location of existing trees running along the site boundaries of the site should be clearly identified on a revised site layout.
- They have carried out a Habitats Directive Project Screening Assessment which concluded that no appropriate assessment issues arise.

Further Information request

This included the following:

- That the third-party concerns be addressed and that a hydrological report be prepared identifying the location of all springs within the site and the location of all private wells within a radius of 200m of the site.
- The applicant is requested to confirm the total number of traffic movements associated with the proposed development and the nature of all vehicle types serving the site.
- The total timescale over which the proposed fill would be carried out.
- Identification of the haul routes to the site.
- A revised site layout clearly identifying the location of all trees/vegetation running along the western boundary of the site relative to the proposed land filling.

Further information response

- A hydrological report has already been prepared on this field and submitted to An Bord Pleanála under Ref. 24.213508. The Board at that time noted the appellant's concerns surrounding groundwater and did not consider that the application warranted a refusal of the proposed development. They referred to planning application PD06/1708 in this respect.
- They attach a copy of this hydrological report with the current application. This indicated that there was no risk to either the objector's lands or borewell. The issue was not a concern for the Planning Authority under the previous application.
- They state that there are no springs located within the site. They refer to the report from South East Well Drilling and note that there are deep water springs that are not evident at ground level and will not be impacted by the proposed development.
- The material being placed on the site consists of clean inert soil and stones.
- They consider it incumbent on the objector to provide details of the borewell that is now a concern.

- The question of trespass on objector's lands so as to confirm the exact location of the objectors borewell has previously been accepted by the Board in respect of 'evidence which the authority may reasonably require'.
- The include a copy of Article 33(1) of the Planning and Development Regulations 2001 (as amended) regarding further information content.
- A map noting that the closest borewell to the site, is belonging to the applicant's daughter and the location is as permitted under Reg.Ref. 06/1708. It is uphill of the proposed fill area. The other is belonging to the objector.
- Regard is had to a list of planning applications in the area.
- The following attachments are enclosed:
 - A letter from Geotechnical and Environmental Services Ltd dated 23/03/2007 relating to groundwater aquifers and other issues.
 - A letter from Donna Walsh dated 20/03/2007 to An Bord Pleanála, relating to the previous appeal Reg. Ref no. 06/1708.
 - A letter from An Garda Síochána stating that there is not a history of Road traffic accidents in the Seskin Hill area of Carrick on Suir.
- It is anticipated that the vehicle types serving the site will be confined to Tractor and Trailer or Scut Trucks. They provide details of the average volume per trip and the total volume to be imported. Also, the number of traffic movements.
- It is anticipated that the fill will be completed within a 2 year period.
- A map showing the haul routes is attached.
- A site layout map showing the location of the proposed fill area together with an aerial photo (site layout) showing the proposed fill area and aerial photos showing the locations and types of all trees adjacent to the fill area and a photo taken at ground level identifying the tree types.
- They refer to details regarding the location of trees on the site and noting the tree planting that has taken place.
- Revised Public Notices have been submitted.

Planner's response

Their response to the F.I included the following:

- The proposed scale of development is relatively modest, the associated volume and nature of traffic movements comprising primarily tractor & trailer would be deemed acceptable. They are satisfied that the proposed development would be acceptable from a traffic perspective.
- The submitted hydrological report generally provides an overview of groundwater and aquifer conditions in the area. While they acknowledge it is relevant to a previous planning application, they are satisfied that the findings are relevant to the subject site and that it does contain comment on the hydrological make-up of the general area.
- They note the internal response from the Heritage Officer whereby there is no indication of groundwater springs on the site and no direct hydrological connectivity between the site and the nearest watercourse.
- They consider that the location of the neighbouring borewells has been largely determined in the context of the proposal.
- They consider that the proposal which is for infilling rather than excavation and abstraction would not give rise to significant impacts on the hydrology of the area and as such would not have adverse impacts for protection of water quality in accordance with the stated objectives of the County Development Plan 2022-2028.
- They note that the Environment Section, WCCC has expressed no objection to the proposed development.
- Regarding third party concerns in respect of existing mature trees in the vicinity of the site, they recommend that a suitable condition be attached requiring the incorporation of a 4m buffer on the western boundary of the site and to avoid disturbance to root protection zone of the treelines.
- They recommended the permission be granted for the proposed development.

3.3. Other Technical Reports

Environment Section

They have no objection and request that prior to the commencement of the development the developer shall apply for and obtain a Certificate of Registration under the Waste Management (Facility Permit and Registration) Regulations 2007, covering the infilling of the site from the local authority.

Heritage Officer

They note that the site has a former quarry but that there is no indication of groundwater springs or hydrological connections on the site. They recommend conditioning for a buffer of 4m to the western boundary of the site to protect the trees and biodiversity loss.

3.4. Prescribed Bodies

No Reports noted on file.

3.5. Third Party Observations

Submissions had been received from the subsequent third-party appellant outlining their concerns, including relative to impact on local hydrology and on boundary trees. These are noted and are considered further in the context of the grounds of appeal and the assessment below.

4.0 Planning History

The Planner's Report notes details of the Planning History in the vicinity of the site. More recent applications include the following:

Adjoining site to the northeast

Reg.Ref.06/1708 - Permission granted by the Council to Donna Walsh to erect a house, sewage treatment unit and associated works at Sheskin, Carrickbeg, Carrick-on-Suir.

Subsequent to appeal (Ref. PL24.222039) the Board granted permission subject to conditions.

Reg.Ref.04/2037 – Permission granted by the Council to Donna Walsh to erect a house, sewage treatment unit and associated works at Sheskin.

Subsequent to an appeal the Board's reasons for refusal (Ref.PL24.213508 refers) in summary concerned potential for contamination of groundwater and traffic hazard. The reasons for refusal were as follows:

- 1. Having regard to the existing subsoil conditions in the area as shown in the tests and to the location of the site over a vulnerable aquifer, and notwithstanding the proposed use of a proprietary wastewater treatment plant, it is considered that the proposed development would give rise to contamination of groundwater which is used for public water supply. The proposed development would, therefore, contravene County Development Plan policies for protection of the groundwater and be prejudicial to public health.*
- 2. It is considered that the proposed development, located on a minor road which is seriously substandard in terms of width and in particular vertical alignment would endanger public safety by reason of traffic hazard.*

Copies of these Board decisions are included in the History Appendix to this Report.

5.0 Policy Context

5.1. Waterford City and County Development Plan 2022-2028

Volume 1 – Written Statement

Utilities Infrastructure, Energy & Communication – Chapter 6

Regard is had Water Supply and Quality and to Water Services. Policy Objectives UTL 02 (water services) and UTL 03 (water supply and drinking water regulations) apply.

Section 6.3 refers to Storm and Surface Water Management.

Policy Objectives UTL 08 and UTL 09 refer to the Protection of Water Resources, Storm and Surface Water Management and to the implementation of SuDS.

Policy Objective UTL 10 refers to Flooding/SRFA.

Climate Action, Biodiversity & Environment – Chapter 9

Section 9.2 refers to Flood Management

Section 9.3 to Water Quality

Section 9.6 to Biodiversity

Policy Objective BD 01 includes: *We will protect and conserve all sites designated or proposed for designation as sites of nature conservation value (Natura 2000 Network, Ramsar Sites, NHAs, pNHAs, Sites of Local Biodiversity Interest, Geological Heritage Sites, TPOs) and protect ecological corridors and networks that connect areas of high conservation value such as woodlands, hedgerows, earth banks and wetlands.*

Section 9.7 refers to Nature Conservation Sites. Figure 9.2 shows SACs and SPAs in Waterford.

Section 9.8 refers to Appropriate Assessment – Policy Objectives BD 04 – BD 06 relate to Protection of European Sites.

Landscape: Coast/Marine and Blue Green Infrastructure – Chapter 10

Figure 10.1 – Waterford Landscape and Seascape Character Assessment

Appendix 8 Volume 3 - contains the Landscape and Seascape Character Assessment, Scenic Routes and Protected Views.

Map A8.1 shows the LCA types - the site to the west of Carrick on Suir is within 'Farmed Lowlands' LCA.

Map A8.2 shows the Landscape Character Units – the site is within unit 2A 'Rathgormuck Lowlands' - 'Lowland Soils'.

Table A8.3 'Sensitivity classifications and areas' notes that this is a Low Sensitivity area with potential to absorb a wide range of new developments.

Volume 2 – Development Management Standards

Rural Development

Section 6.4 refers to Mineral Extraction - Policy DM 35 refers.

Policy DM 36 refers to reclamation, regeneration or rehabilitation of old quarries and is as follows:

Where it is proposed to reclaim, regenerate or rehabilitate old quarries by filling or re-grading with inert soil or similar material, or to use worked-out quarries as disposal locations for inert materials, the acceptability of the proposal shall be evaluated against the following key criteria:

- *The impact of the proposal on the landscape.*
- *Any possible loss of biodiversity that may have developed in the worked-out quarry.*
- *The impact such proposals may have on natural ground and surface water flows or networks in the area and the potential to give rise to flooding or new surface water flows onto adjoining lands or roads.*
- *The suitability of the road network in the area to accommodate the traffic flows of heavy vehicles that may be generated.*

The Council will resist development that would significantly or unnecessarily alter the natural landscape and topography, including land infilling/reclamation projects or projects involving significant landscape remodeling, unless it can be demonstrated that the development would enhance the landscape and / or not give rise to adverse impacts.

This Section includes that permissions which relate to the extractive industry will be subject by way of a planning condition, to the lodgement, by the developer of a financial bond to ensure the satisfactory reinstatement of the site following the completion of extract. That this bond shall be index linked.

Also, that a special contribution levy maybe required from the developer towards the cost of upgrading or repairing the local roads serving the quarry and to minimise the adverse impacts of associated quarry operations on the road network.

Roads Access Policy

Section 8.6 includes Table 8.1 which provides 'Minimum Sightline Requirements'. For a speed limit of 80km/h on Local Roads this is 55m. in either direction.

Section 8.7 provides Sightline Provisions:

Clear and unobstructed sightlines (as denoted by Y in the diagram Figure 8.1 refers) shall be provided, in each direction, from a point:

- a. 4.5m (housing estates/commercial or industrial developments); or
- b. 2.4m (single dwellings).

This includes: *Should it be necessary to modify roadside boundaries outside of the designated site area, a letter of agreement in this regard will be required from the relevant landowner.*

Section 8.9 refers to Hedgerow Protection/replacement relative to provision of a vehicular access. Policy DM 48 refers.

Other Development Considerations

Section 9.2 refers to Site Boundaries and includes regard to retention/replacement of boundary hedgerows and seeks to encourage Irish native planting and to support biodiversity. It also had regard to control of invasive non-native species.

5.2. Natural Heritage Designations

The site is c.1.3kms to the south of the Lower River Suir SAC (site code: 002137).

5.3. EIA Screening

The requirement for EIA of certain types of developments is transposed into Irish legislation under the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001 as amended. Schedule 5, Part 1 of the Regulations provides a list of projects which are subject to mandatory EIA based on, inter alia, their scale, nature, location and context. Part 2 of Schedule 5 includes a list of projects that require EIA where specific thresholds are breached or where it is determined that there is potential for significant environmental impact.

The applicant has sought permission to carry out land reclamation works involving the importation of inert material, infilling and levelling the depressed area and returning to agricultural use.

In this context, the following Schedule 5 Part 1 of the Planning and Development Regulations 2001 (as amended) projects relate to waste management:

Class 10. Waste disposal installations for the incineration or chemical treatment as defined in Annex IIA to Directive 75/442/EEC under heading D9, of non-hazardous waste with a capacity exceeding 100 tonnes per day.

The development does not come within the scope of the above

Schedule 5 Part 2, Class 11 of the Planning and Development Regulations 2001 (as amended) relates to *Other Projects*. Class 11(b) refers to:

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

The applicant has sought to import c.2,000 cubic tonnes in total, which is considerably below the threshold.

I have given consideration to the requirement for sub-threshold EIA. The site is located on un-zoned lands in the rural area. The proposed development to improve lands for agricultural use will not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage. Having regard to the scale and nature of the development there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A Third Party Appeal has been submitted by Vanessa Béhal, Sheskin House and her Grounds of Appeal include the following:

Drainage and Flooding

- Concerns about the proposed infilling and potential for impact on surface water drainage and flooding. Reference to potential for impact on an underground stream.

- The house permitted to the east of the site, belonging to the applicant's daughter is on grounds slanting away from his land sufficiently to not interfere significantly.
- The appellant's pond below his land has become significantly smaller. Concern that the flow may have been redirected.
- They query the adequacy of the hydrological report submitted and its relevance to the subject site. This includes that it does not adequately address wells, underground springs and shallow underground aquifers that cross this land etc. That it is not possible to use a report taken in 2007 to assess the condition of the land on the site in question in 2022.
- They note concerns about the wastewater treatment system for the dwelling house and about possible contamination of rainwater that falls on land.
- They query as to how long will imported topsoil last when water is constantly washing over the surface of solid slate and shale.
- Concerns about disturbance works and impact on diversion of the flow of the stream and on the local aquifer.
- In the past there has been disruption to the stream in Coolnamuck East due to the building of an unauthorised rally track and disturbance to an archaeological complex on the neighbours land.

Impact on Heritage and the Character and Amenities of the Area

- Reference to a Megalithic Tomb on the site in question. This is a National Monument recorded on the appellants land at a point where the underground streams are supposed to meet.
- Adverse impact on the appellants property (built 1899) and gardens. Negligence in granting permission in view of the potential to impact on proximate tall mature trees on the appellant's site.
- Impact on health and on livestock including horses on the appellants property.

Access and Traffic

- This proposal will worsen the existing situation and cause traffic hazard.

- The traffic problem on the road has become worse since the extra residence has been added. Reference is also had to the narrow width of the road and to deep ditches on either side of the road.

Impact on trees

- The proposal will adversely impact on the mature trees along the western boundary of the site. It is important that these be preserved and maintained.
- These trees need to be retained as they provide visual amenity. protection from winds and a shelter belt to the house.

Other issues

- Reference to planning history and to previous An Bord Pleanala decisions in the vicinity of the site.
- A number of attachments are included. These include relative to archaeological issues. Also reference to impacts on ecology.
- Sheskin Hill remains naturally without any interference, a wet hill bog.
- Concern that the applicant's intention is to seek to build another house on this site when infilled.

6.2. Applicant Response

Declan's Walsh response to the grounds of appeal include the following:

- The appellant has submitted no evidence in relation their grounds of appeal and it should therefore be regarded as frivolous and vexatious and dismissed.
- There is nothing in this application that refers to building another house, or to a hill bog site. This is pure speculation, and there is no designation of a hill bog site. He includes statements from local landowners in the immediate area in this regard.
- There is no evidence that water from his site flows onto the appellants lands. No levels or flow directions have been shown and no map has been submitted by the appellant.

- The opinion expressed about road safety has not been substantiated and has been dealt with by the Planning Authority in their determination of the application.
- Reference to the house built by the applicant's daughter is spurious and has nothing to do with the subject application.
- The appellant's concerns that trees along the boundary will be endangered in a hypothetical situation (i.e construction of a dwelling) on what is falsely described a geological site is incorrect.
- The trees referred to overhang and overshadow the applicant's lands and along with their root system, trespass on the appeal site and will not be affected or impinged by the proposed development.
- Evidence of a Megalithic site has not been referred to correctly and is not accompanied by a map. They query why it has been included in this appeal.
- The appellants well has not been identified, nor has their sewerage treatment been shown. These issues were already considered by the Planning Authority.
- The origins of what the applicant describes as a slate quarry have not been properly sourced. This insignificant depression could not be described as such. If it were such it would have an even greater effect on the appellant's property.
- The evidence already provided as part of the application process regarding the report prepared by Geotechnical and Environmental Services Ltd. has already been accepted by the Planning Authority. The appellant is unqualified to criticise an expert report already submitted.
- It remains unclear what relevance the treatise on frogs referenced to the Irish Peatland Conservation Council has to do with the appeal.
- They conclude that the appellant is the only objector in the area to what is rather inconsequential development. That their appeal is not supported by any technical evidence.

6.3. Planning Authority Response

There is no response from the Planning Authority to the Grounds of Appeal on file.

6.4. Observations

Note noted on file.

7.0 Assessment

7.1. Proposal and Rationale

- 7.1.1. This application relates to the filling in of an existing hollow in the ground and the raising of field levels of existing agricultural lands on the subject site at Sheskin. The site is in the rural area to the south of Carrick on Suir. The development description for the subject site provides that it is proposed to infill an existing hollow to improve land quality using clean inert soil and stones as per EU Waste Class 17 05 04 and to cover with topsoil so as to improve land quality. That an application for a Certificate of Registration will be sought post planning.
- 7.1.2. The subject site occupies a stated area of 0.2ha and the proposal relates to the infilling of a depression in the field adjacent to the public road. Permission is sought to import approx. 2000m³ of material to fill the site. As per the details submitted including the 'Typical Cross Section', which shows the existing level in red and the finished field level in blue, it is proposed to raise the level of the site by a maximum of 3m over the existing ground level.
- 7.1.3. Note has been had of the Planning History in the relevant section above. While a house has been permitted and is now constructed to the east of the site, there is no reference to planning history on the subject site. It is of note that the Historical mapping shows that the site was in use as a quarry. On site I noted that the site is currently overgrown and appears in part higher than the road, although there is a hollow/depression within the site, which appears not to be extensive, but in view of the overgrowth it is difficult to ascertain the extent of this. Contours have not been shown on the drawings submitted. The First Party response provides that the origins of what the appellant describes as a slate quarry are not sourced. They submit that

this insignificant depression could not be regarded as quarry and even it were correct it would have a greater adverse on the appellant's property than what is now proposed.

- 7.1.4. The Third Party is concerned that this infilling is speculative in that the site may provide for building a house there in the future. It is noted that the First Party refutes this, saying that it is not part of the current application. I would note that this application is solely for the proposed infill development. Any future development of these lands would be the subject of a separate application. In addition, there is some reference to unauthorised development on the site. It should be noted that such and any enforcement proceedings are within the remit of the Planning Authority and not within the remit of the Board.
- 7.1.5. In summary the Third Party is concerned that the proposed infill of what they provide is part of a former slate and shale quarry, will impact adversely on hydrology (underground stream and springs within or proximate to the site) and the biodiversity including the ecology of the area. This includes the shelter belt of trees along their eastern site boundary that adjoins the subject site. That the proposal including the entrance to the site to facilitate the infill works, will impact adversely leading to traffic hazard on what is a narrow undulating local road. That it will impact on the character and amenity of the area, including their property 'Sheskin House' (built c.1899) which is screened by trees along their boundary and their entrance to the east of the proposed development site. The Third Party also refers to archaeology noting a Megalithic Tomb in the vicinity of the site. I would note that having regard to GIS mapping that there is an archaeological monument indicated within the third party lands c. 200m northwest of the site, but that there is no reference shown to archaeological features on the subject site.
- 7.1.6. I would consider that the principle of the proposed development is generally acceptable as it relates to improvement of land quality of agricultural lands in this rural area, provided it would comply with planning policies including DM36 of Volume 2 (which relates to land infilling, rather than excavation and is as quoted in the Policy Section above) of the Waterford City and County Development Plan 2022-2028. Regard is had further to the documentation submitted and to the issues raised and relevant to the current application in this Assessment below.

7.2. Disposal of Waste Material

- 7.2.1. Regard is had to the EPA (2018) 'Waste Classification List of Waste & Determining if Waste is Hazardous or Non-hazardous'. Appendix 1 provides a 'List of Waste'. Appendix 2 'Determining if waste is hazardous or non-hazardous'.
- 7.2.2. European Waste Catalogue (EWC) Code 17 05 04 describes waste that as soil and stones other than those mentioned in 17 05 03 and is classed as a Mirror Non-hazardous code.
- 7.2.3. This includes that some wastes are not automatically hazardous or non-hazardous - they are called mirror entry wastes. These wastes have a hazardous waste entry (or entries) marked with an asterisk (*), and an alternative non-hazardous waste entry (or entries) not marked with an asterisk.
- 7.2.4. The Environment Section of the Council, states that they have no objection and request that prior to the commencement of the development the developer shall apply for and obtain a Certificate of Registration under the Waste Management (Facility Permit and Registration) Regulations 2007, covering the infilling of the site from the local authority.
- 7.2.5. The description of development includes that an application for a Certificate of Registration will be sought post planning. I would note Condition no.3(b) of the Council's permission, relative to this issue. Also, that this is dealt with under separate remit.

7.3. Access and Traffic

- 7.3.1. The Planning Authority's Further Information request concerned that no details had been provided regarding the nature of traffic associated with the proposed development. The applicant was requested to confirm the nature of traffic movements associated with the proposed development and the nature of all vehicle types serving the site, the total timescale over which the proposed fill would be carried out and an identification of haul routes.
- 7.3.2. In response the applicants provided that, it is anticipated that the vehicle types serving the site will be confined to tractor and trailer or scut trucks. The average volume per trip will be approx. 2.5m³. The total volume of material to be imported is

2,000m³. That the number of traffic movements will be approx. 800 and probably less. That it is anticipated that the fill will be completed within a 2 year period.

- 7.3.3. The F.I notes that a map showing the haul routes is attached. They provide that it is not possible at this stage to identify further as fill material will only be sourced when available from the local area. They include a letter from An Garda Síochána which states that there is not a history of road traffic accidents in the Seskin Hill area of Carrick on Suir. It is noted that this appears to have been relevant to the previous application on the adjoining site - Reg.Ref.06/1708 refers.
- 7.3.4. I noted on site that there appears to be no defined entrance or field gate to the site from the public road. Map 2 'Site Layout Map' indicates a field gate to the road frontage in the eastern part of the site. Sightlines on either side of the entrance shown are somewhat restricted due to the undulating nature of the road and the steep Sheskin Hill to the southwest. I would be concerned that in this case it appears that as there is no defined field entrance that the provision of an entrance to the subject site should have been included on the public notices in the description of development. It is also of note that the entrance to the avenue to Sheskin House is set back at an angle to the southwest of the site.
- 7.3.5. I would consider that a site layout plan should have been submitted showing the location of the entrance to the subject site and indicating that adequate sightlines are available in accordance with Road Access Policy (Table 8.1 which provides the minimum sightline requirements) of Volume 2 of the Waterford CCDP 2022-2028. Having regard to this issue and to the narrow undulating road network in the area, I would consider that it has not been established that the proposal would comply with Policy DM 36 of Volume 2 of the Waterford CCDP 2022-2028.

7.4. Impact on Trees and Vegetation

- 7.4.1. The Third Party is concerned that the proposed development which provides for land infilling will impact adversely on the shelter belt of trees along the eastern boundary of Sheskin House with the subject site.
- 7.4.2. As part of the Council's F.I request the applicant was requested to submit a revised site layout to clearly identify the location of all trees/vegetation running along the western boundary of the site relative to the proposed land filling.

- 7.4.3. In response the applicant provided that the attached a site layout map showing the location of the proposed fill area together with an aerial photo (Site Layout) showing the proposed fill area and an aerial photo showing the location and types of trees adjacent to the fill area and a photo taken at ground level identifying the tree types.
- 7.4.4. They point out that none of the trees are located within the applicant's lands and the trunks are at least 6m from the edge of the proposed fill area. That all the trees have been planted within the objector's property. That other than the trees identified, the undergrowth/scrub beneath the canopy mostly consists of Laurel. They include that much of the objector's tree canopy overhangs and overshadows their property and creates unauthorised trespass thereon. Also, that there are no roots from these trees evident at the location of the proposed fill.
- 7.4.5. The Council's Heritage Officer notes the concerns of the local resident about potential impacts on trees within her land and provides that this maybe addressed by conditioning the incorporation of a buffer of 4m to on the western boundary of the site to avoid disturbance to the root protection zone of the treelines. They also recommend that it should be conditioned that boundary hedging of hawthorn, holly and rowan trees be instated to mitigate against biodiversity loss from removal of scrub habitat on the site. In this respect regard is had to Condition no.7 of the Council's permission which concerns the incorporation of these issues. These trees add to the character of the area and are on the third party adjoining lands and if the Board decides to permit I would recommend the inclusion of such a condition.

7.5. Hydrology

- 7.5.1. The Council's F.I request notes that a third party submission has highlighted concerns regarding surface water drainage particularly the presence of springs on the site and the impact of the proposal on water flow, and private water drinking supplies. The applicant was asked to address this matter to include the preparation of a hydrological report identifying the location of all springs within the site and the location of all private wells within a radius of 200m of the site.
- 7.5.2. The Council's Heritage Officer notes that the site had a former quarry but that there is no indication of groundwater springs on the site. They provide that there is an indication of a spring/drain immediately to the east which has since seen the

development of a dwelling house. That as the proposal is for infilling rather than excavation and abstraction of groundwater and the proposal does not affect any wetland habitat and the nearest surface water stream is 500m to the southwest with no direct hydrological connectivity. They do not consider that the proposal will have adverse impacts on objectives for water quality in the catchment and they refer to objective WQ02 of the WCCC Development Plan 2022-2028.

7.5.3. I would note that that does not appear to be included as the relevant policy in the Waterford City and County Development Plan 2022-2028. Regard is had to the criteria outlined in Development Management Policy DM36 (as quoted in the Policy Section above) relative to filling or re-grading of old quarries with inert soil or similar material. This includes:

- *The impact such proposals may have on natural ground and surface water flows or networks in the area and the potential to give rise to flooding or new surface water flows onto adjoining lands or roads.*

7.5.4. The applicant's response to the F.I request notes that a hydrological report has already been prepared on this field and submitted to An Bord Pleanála under Ref. 24.213508 following an appeal by objectors to the current application. That in reaching their decision the Board had particular regard to the information submitted by the applicant in response to the appeal which satisfied the Board that the appellant's concerns surrounding groundwater did not warrant refusal of the then proposed development.

7.5.5. I would note that having regard to the Planning History (as noted in the relevant section above) the Board reference given (Ref.24.213508) would appear to be incorrect. This refers to Reg.Ref. 04/2087 which included a Board reason for refusal (as quoted above) relative to the vulnerable aquifer, protection of groundwater and be prejudicial to public health. Rather, Reg.Ref. PD 06/1708 is the application for the house permitted, new entrance and all associated works relevant to Board decision Ref. 24.222039.

7.5.6. The hydrological report submitted with the current application therefore, appears to be a copy of the report submitted with that application (it is dated 21st of March 2007), which refers to the site of the dwelling house, which has been constructed to the east of the application site. Therefore, it does not refer to the subject site. I would

consider that in view of the issues raised, regarding concerns relative for potential for impact on groundwater and the extreme vulnerability of the aquifer that the hydrological report should be site specific, particularly in this case as it seems it is on the site of a historic quarry which has partly been filled in. I would not be satisfied that sufficient information has been submitted regarding the impact of the proposed development relevant to the hydrology of the site. I would consider that it has not been established that the proposal would comply with Policy DM 36 of the Waterford CCDDP 2022-2028.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the proposed development, and the distance from 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 that this proposal be refused for the reasons and considerations below.

9.0 Reasons and Considerations

1. The Board is not satisfied that sufficient information has been submitted to demonstrate that there is no potential impact from the proposed development on the subject site on the hydrology of the area. In the absence of such site-specific information the proposal would be contrary to Development Management Policy DM 36, Volume 2 of the Waterford City and County Development Plan 2022-2028. As such it has not been shown that the proposed development would not be prejudicial to public health and to the proper planning and sustainable development of the area.
2. The Board is not satisfied that sufficient information has been submitted including relevant to site entrance details and sightlines to demonstrate that the proposed development, located on a minor road which is seriously

substandard in terms of width and in particular vertical alignment would not endanger public safety by reason of traffic hazard. In the absence of such site-specific information the proposal would be contrary to Development Management Policy DM 36, Volume 2 of the Waterford City and County Development Plan 2022-2028. As such it has not been shown that the proposed development would not impact on traffic safety and the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Angela Brereton
Planning Inspector

19th of January 2024

**Appendix 1 - Form 1
EIA Pre-Screening
[EIAR not submitted]**

An Bord Pleanála Case Reference	ABP-314460-22		
Proposed Development Summary	Raise field levels of existing agricultural lands using clean inert soil and stones as per EU Waste Class 17 05 04 and to cover with topsoil so as to improve land quality. An application for a Certificate of Registration will be sought post planning.		
Development Address	Sheskin, Carrickbeg, Carrick on Suir, County Waterford.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>		Yes	✓
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class 11(b), Schedule 5 Part 2	EIA Mandatory EIAR required
No	✓	Below Threshold	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes	✓	Class/Threshold 11(b)	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-314460-22	
Proposed Development Summary	Raise field levels of existing agricultural lands using clean inert soil and stones as per EU Waste Class 17 05 04 and to cover with topsoil so as to improve land quality. An application for a Certificate of Registration will be sought post planning.	
Development Address	Sheskin, Carrickbeg, Carrick on Suir, County Waterford.	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development seeks to import c.2,000 cubic tonnes in total, using clean inert soil and stones, to improve land quality which is not exceptional in the context of the existing agricultural environment.</p> <p>Having regard to the scale and nature of the development and the documentation submitted, it will not result in significant waste, emissions or pollutants.</p>	<p>No</p> <p>No</p>
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>This proposal is for the importation of inert waste and is well below the threshold for the disposal of 25,000 tonnes as referred to in Class 11(b) of Schedule 5 of Part 2 of the Planning and Development Regulations 2001 (as amended).</p> <p>Please refer to the Planning History Section of this Report. No significant cumulative considerations</p>	<p>No</p> <p>No</p>
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the</p>	<p>In view of the limited scale and nature of the proposal it does not have the potential to significantly impact on an ecologically sensitive site or location.</p>	<p>No</p>

<p>potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>In view of the limited scale and nature of the proposal it does not have the potential to significantly impact on environmental sensitivities in the area.</p>	<p>No</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)