



An
Coimisiún
Pleanála

Inspector's Report PL-500407-WX-25

Development

Permission for agricultural improvement works including 1) land drainage works, 2) soil supplementation works (c.80,000 cubic metres), 3) re-contouring and soil cultivation works, 4) minor landscaping works, 5) upgrade of existing site access 6) temporary works including internal access road and turning area, wheelwash, site compound, bunded refuelling area, portable staff canteen and welfare unit portable WC and handwashing unit and parking area for the duration of the development, 7) ancillary site works on a total site area of 6.35 hectares.

Location

Scarnagh Lower, Gorey, Co. Wexford.

Planning Authority

Wexford County Council

Planning Authority Reg. Ref.

20251178W

Applicant(s)	Scarnagh Farms c/o Mr Martin Fagan
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Bernard Cosgrave
Observer(s)	None.
Date of Site Inspection	2nd day of March 2026
Inspector	Fergal Ó Bric.

1.0 Site Location and Description

- 1.1 The appeal site has a stated area of 6.35 hectares and is located within a rural area in North County Wexford, approximately 4.5 kilometres south-west of Arklow and approximately eleven kilometres north-east of Gorey. The subject site has road frontage onto the R772 regional route that links Arklow with Gorey and also onto a local county road, the L5006. The north and north-east boundaries of the site back onto the Dublin to Rosslare railway line. The subject lands comprise agricultural lands. There are existing agricultural access gates onto both the L5006 and the R772. The L5006 has a carriageway width of approximately 5.2 metres at the field access gate, but the carriageway width narrows further west along the L5006 and past the subject site. The L5006 is located within a 60 kilometre per hour speed control zone and the R772 within an 80 kilometre per hour speed control zone. Immediately north-east and south-west of the subject lands are other agricultural lands, and there are a number of one-off rural dwellings located further south-west, to the south (on the opposite side of the L5006) on the opposite side of the R772 and one dwelling is surrounded by the subject site on three sides (to the north, east and west) and the R772 is located on the other (south) side of the subject site.
- 1.2 The appeal site comprises a number of agricultural fields which are separated from each other by field drains (330 metres of hedgerow are stated to have been removed as per the AA Screening Report) and there are no internal fences or hedgerows separating the fields. The lands are in pasture and parts of them are low lying, with ground levels falling away from the public roads into the site particularly towards the north-west, north, north-east and east of the subject site. Ground conditions were very soft on the day of my site inspection, especially in the low-lying parts of the subject lands. There were no agricultural animals grazing on the lands on the day of my site inspection. The site is irregular in shape and has no features of note. There are existing mature hedgerow boundaries located along the site perimeter.

2.0 Proposed Development

- 2.1 Planning permission is sought for farmland improvement works over an area of 6.35 hectares to the existing agricultural lands. The precise nature of the works would comprise the following:

- Land drainage works,
- Soil supplementation works including the importation of c.80,000 cubic metres of subsoil and topsoil,
- Re-contouring and soil cultivation works,
- Minor landscaping works,
- Upgrade of existing site access,
- Temporary works including internal access roads and turning areas, wheel wash, site compound, bunded refuelling area, portable staff canteen and welfare unit, portable WC and handwashing unit and parking area for the duration of the development,
- Ancillary site works

- 2.2 The area of land to be infilled is stated to comprise 6.35 hectares. It is stated that it is proposed to import 80,000 cubic metres (stated to equate to approximately 120,000 tonnes) of material over a period of 5 years, at an average rate of 24,000 tonnes per annum. It is stated that the material to be imported would comprise clean inert, high-quality subsoil and topsoil and not waste material. It is stated that the soil importation would be managed under the Article 27 by-products procedure which it is stated ensures that the material to be imported is a certified product suitable for its end use. The applicant state within their MFD Planning Application Report (submitted as part of their planning documentation) that this procedure has been agreed with the Environment Section of Wexford County Council and that no waste permit would be required to be submitted in this instance. The applicant states that all imported material would be verified as being free from harmful levels of contamination and invasive species prior to arrival at the site in order to meet the specific quality standards for agricultural benefit as advised by Teagasc (correspondence submitted), the farm advisory body and as per the MFD planning application report.
- 2.3 The Planning Authority conducted an Environmental Impact Assessment (EIA) preliminary screening exercise and concluded that the development, either alone or in combination with other plans or projects would not adversely impact the environment and that the submission of an EIAR is not required.
- 2.4 There were a number of supporting reports submitted as part of the planning documentation and included a planning application cover letter, an Appropriate

Assessment (AA) Screening Report, a Planning Application Report (PAR), a Noise Impact Assessment (NIA), A Dust Management Report (DMR) and a Traffic Report (TR).

3.0 Planning Authority Decision

3.1 Wexford County Council granted planning permission for the proposed development subject to thirteen standard conditions. The relevant conditions are considered to be the following:

1-Development shall be carried out in accordance with the plans and particulars as submitted with the planning application.

2-The proposed development shall be for the importation of clean inert material with a maximum importation of 120,000 tonnes of Article 27 material and the annual intake shall not exceed 24,500 tonnes of material in any given year over the 5-year permission period for infill and restoration works.

All restorations works and reseeding shall be completed by the end of the following planting season and the use of the site shall return to agricultural use. The site shall be regularly monitored for presence of invasive species for 5 years post capping of the infill area

3- The existing dwell area shall be resurfaced in concrete with appropriate measures to ensure surface water does not flow onto the public road. The applicant shall contact the Area Roads Engineer on site and agree details of same prior to commencement of works and implement same within three months.

4- Prior to the commencement of the development, details shall be submitted for the written agreement of the Planning Authority for the installation of an effective wheel wash with overhead spray and specific road cleaning proposals, which effectively prevent mud, stones, dust etc. from being deposited onto the public road from the landholding. The development shall be carried out in accordance with the agreed details.

5-Only agricultural tractor trailer units and rigid trucks shall transport material to the site. All vehicles using the site shall have loads effectively covered. No dust, stones,

mud etc. giving rise to traffic safety hazards shall be brought onto the public road by vehicles accessing or leaving the site.

6-The operator shall monitor the local entry road on a daily basis when the facility is in operation and clean the road surface when required or instructed to do so by WCC personnel.

7-Agree warning signage details with AE

9-Hours of operation.

12-Noise emissions limits

13-Dust emissions limits

3.2 Planning Authority Reports

Planning Report:

The Planner was satisfied that the agricultural improvement works proposals accorded with the policies and objectives of the current Wexford County Development Plan 2022-2028 in relation to facilities for the disposal of inert material. A grant of planning permission was recommended based on these considerations.

This Planning Report formed the basis of the Planning Authority's decision to grant planning permission.

3.3 Other Technical Reports

None received.

3.4 Prescribed Bodies

Iarnród Éireann (IE): They make a number of recommendations that the applicant engages with IE prior to the commencement of works to clarify details in relation to land boundaries, boundary treatment and works in proximity to the boundary with the rail line.

3.5 Third Party Submissions

Two submissions were received. The issues raised within the submissions related to the following matters:

- The planning documents submitted do not reference the local Marion Grotto, which is located immediately adjacent to the site, along the L5006 and would be located beside the proposed site welfare unit.
- The development would adversely impact the use of the local Grotto.
- The L5006 is a quiet county road, and large HGV traffic would block the local road.
- The L5006 is not designed to cater for heavy vehicle traffic that the proposals would generate.
- If the site access was moved to along the R772, the noise impact upon adjacent residential properties would have little impact upon adjacent residents.
- If the proposed access was to be moved to along the R772, impact upon local parishioners parking at the local shrine would be reduced.
- The importation of 80,000 cubic metres of soil to render the land suitable for agriculture is not necessary in this instance.
- The proposal would generate up to 8,000 HGV movements and would be in breach of the Development Plan objectives in relation to climate change as set out in Chapter 2 of the current Wexford County Development Plan.
- Adjacent residential properties to the subject site would experience noise and dust pollution for the duration of the project.

4.0 Planning History

I am not aware of any relevant planning history pertaining to the appeal site.

5.0 Policy and Context

5.1 Wexford County Development Plan 2022-2028

Chapter 2: Climate change

Section 2.3.6-Agriculture and Forestry

‘Agriculture and forestry are important sectors in our local economy. The changing climate, in particular temperature, rainfall, soil quality and extreme weather events will affect crop, food and tree production.

Chapter 6: Economic Development Strategy

Section 6.7.6-Rural Economy

Objective ED91

To facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.

Section 6.7.6.1 Agriculture Development

Objective ED99

To facilitate the development of sustainable agricultural practices and facilities within the county, subject to complying with best practice guidance, normal planning and environmental criteria and the development management standards in Volume 2.

Chapter 10-Environmental Management

Objective AQ04: To require the submission of measures to prevent and reduce dust and airborne particulate emissions for activities that may have a negative effect on air quality.

Section 10.7- Noise

Objective N06: To ensure new development does not cause an unacceptable increase in noise levels affecting noise sensitive properties. Proposals for new development with the potential to create excessive noise will be required to be accompanied by a construction and/or operation management plan to control such emissions.

Chapter 11-Landscape and Green Infrastructure

The Lowland LCU area generally comprises gently undulating lands and relates to extensive areas of the county. This landscape has characteristics which provide it with a higher capacity to absorb development without causing significant visual intrusion.

Volume 2: Development Management Manual

Section 5.9 Facilities for Disposal of Inert Materials: The PA will have regard to the following when considering applications for development of this nature:

- Details in relation to the type and volume of material to be imported,
- Cross sections, timescales and sources of materials,
- That the local landscape would not be adversely impacted,
- That adverse noise or dust generation would not arise,
- That ground waters and surface waters would be protected,
- That adequate sightlines are available at access point(s),
- Details of the type and volume of HGV traffic likely to be generated,
- That development would not give rise to a flood risk,
- That development would not adversely impact recorded monuments, protected structures or Natura 2000 sites.

Section 6.2.6 Siting and Design of Access/Egress Points

Road speed limit greater than 60 kph

Development Management Manual- Where the proposed new or materially intensified access/egress point is to a road with a speed limit of greater than 60 kph, it should be demonstrated that the following sightline requirements can be achieved:

- National Roads 230m
- Class 1 Regional Roads 220m
- Class 2 Regional Roads 135m
- Local /County Roads 65m

5.3 Natural Heritage Designations

The following natural heritage designations are located in the general vicinity of the subject site:

- The Kilpatrick Sandhills SAC (Site code 001742) is located approximately 4.7 kilometres south-east of the appeal site, and the River Slaney Valley SAC

(Site code 000781) is located approximately 7.8 kilometres south-west of the appeal site.

- The Kilpatrick Sandhills pNHA (Site code 001742) is located approximately 4.7 kilometres south-east of the appeal site.

6.0 The Appeal

6.1 Grounds of Appeal

A third-party appeal has been received from a local resident against the decision of Wexford County council to grant planning permission for the development. The main issues raised within the appeal submission can be summarised as follows:

Principle of Development

- The proposal would breach the current Wexford County Development Plan objectives, specifically within Chapter 2 in relation to climate change.

Access and Traffic:

- The L5006 county road does not have the capacity to cater for heavy traffic associated with the proposed development.
- There is a three-tonne weight restriction on the L5006, a sign to this effect is located at the top of the road at the junction with the R772.
- The development would generate up to 8,000 HGV movements.
- Section 5.9, Vol 2 of the current Wexford County Development Plan (WCDP) relates to facilities for disposal of inert materials where applicants are required to submit details in relation to the type and volume of material to be imported, cross sections, timescales, sources of materials, that the local landscape would not be adversely impacted, that adverse noise or dust generation would not arise, that ground and surface waters would be protected, that adequate sightlines are available at access point(s), details of the type and volume of HGV traffic likely to be generated, that development would not give rise to a flood risk nor adversely impact recorded monuments, protected structures or Natura 2000 sites.

- Wexford County Council Roads Department stated their preferred access would be from the L-5006-1 demonstrating sightlines of 65 metres.
- There is an alternative access available, that being directly from the R772, a more suitable road to deal with the size and volume of trucks proposed.
- Condition no 5 as set out within the PA decision references rigid body trucks which are capable of carrying at least 20 tonnes in weight, which clearly exceeds the three-tonne restriction on the L5006 and adversely impact the fabric of the local road.

Other Matters:

- The development would adversely impact the use of the Marian Shrine, located along the L5006 and adjacent to the development
- The importation of 80,000 cubic metres of soil is unnecessary to improve these agricultural lands.
- Adjacent residential properties would be subject to increased noise and dust pollution for the duration of the project

6.2 Planning Authority Response

None received.

6.3 First Party Response to Third party appeal submission

- The Traffic Report submitted confirms that the access from the L5006 has in excess of 90 metre sightlines available from a three-metre set back distance, which exceeds the 65-metre requirement as set out within the current Wexford County Development Plan (WCDP).
- The three-tonne weight restriction is intended to curtail through traffic from using a local road as a shortcut to by-pass major routes. The weight restriction is not intended to curtail local access for an owner/occupier of lands along the route who wish to access their property as stated within the WCC signage.
- By necessity, agricultural lands require access by heavy machinery e.g. milk collection trucks, combine harvesters, tractors and trailers. Prohibiting access for such traffic would render the agricultural use of the land impossible. The

proposal would involve traffic accessing a specific site as provided for within the road signage and would not relate to through traffic.

- The three-tonne restriction sign clarifies that while there is a weight restriction in place along the L5006, there is an exception for those using the L5006 for access to their lands/property.
- The distance from the site access to the junction of the R772 and L5006 is c. one hundred metres. Consequently, HGV presence on the L5006 will be brief, lasting only a few minutes and will be on a low intensity basis.
- The swept path analysis submitted confirms that HGV's can enter/exit the site without lane crossing.
- The applicant has submitted revised access proposals (Option B) Drawing entitled Proposed alternative access layout Plan 1205-PP-09 to the Coimisiún stating that he is willing to move the access to the subject site to the existing agricultural gated access from the R772 regional route, which also has adequate sightlines available should the Coimisiún be amenable to such a request. The access from the L5606 is identified as 'Option A'.
- The Option B proposal would be an improved layout upon the existing agricultural gated access, would involve a simple priority junction as the soil imported would be from the Greater Dublin Area, so the access would comprise a left out/right in simple priority junction.
- Compliant visibility and sight stopping distances are illustrated within the revised drawings as submitted to the Coimisiún as part of the response to the third-party appeal submission. (
- The Option B proposal would provide for security gates, palisade fencing, an access hard standing, a wheelwash and a 13 metre corner radii,
- A Noise Impact Assessment (NIA) was submitted as part of the planning documentation and is a comprehensive report based on predictive modelling. The NIA concludes 'that the proposed development will not give rise to any significant adverse noise impacts on surrounding receptors'.

- The applicant is willing to accept a planning condition to construct an acoustic barrier along the perimeter of the site adjacent to the appellants' property to provide additional acoustic screening.
- The development will be developed over five distinct phases. The area nearest the appellants' property is 'construction phase 5'. This is one of the shortest phases scheduled for months 53-60. Much of the activity in this phase involves the re-working of the existing soil as opposed to any significant filling. The re-working of existing soil is considered to be a typical agricultural activity.
- The applicant is a farmer who owns the subject lands, and he is interested in improving his farmland so that it can grow a decent crop, which he currently cannot do due to the heavy and compacted nature of the underlying soils. The agricultural justification is clearly and independently set out in the correspondence from Teagasc. The Teagasc advisor confirms that the land is currently 'severely limited' and 'under productive' and that the proposed works are 'fully justified and necessary' and 'represent a significantly positive agricultural development'.
- The imported soil for the project will be of high-quality, clean, inert soil and will be a certified Article 27 by-product. These higher value soils are often used to improve marginal agricultural lands
- Condition no 2 of the PA; s decision restricts the annual intake of soil at the facility to a maximum of 24,500 tonnes. This will ensure that the traffic volume will remain low and controlled and offer assurance to the appellant regarding the intensity of soil importation.
- In relation to the Marion shrine, the appellant is willing to move the access to the site from the R772 and, therefore, in that instance the Shrine would not be passed by any heavy vehicles importing soil to the site. Other mitigation to respect the shrine would be to relocate the proposed site compound to a location within the site but further away from the Grotto, curtailing site activities on the limited number of days when the community gathers at the Grotto, provided the applicant is notified in advance of these specific days.

- A Dust Management Plan (DMP) was submitted as part of the planning documentation which provides for mitigation measures including the use of a tractor and water sprayer for dust suppression and a portable wheelwash unit at the site exit, water can be tanked to the site during extended dry spells of weather.
- Condition no 5 of the PA's decision which sets out the following 'Only agricultural tractor trailer units and rigid trucks shall transport material to the site. All vehicles using the site shall have loads effectively covered. No dust, stones, mud etc. giving rise to traffic safety hazards shall be brought onto the public road by vehicles accessing or leaving the site'. These measures will ensure that no significant residual impacts from dust generation will arise.

6.4 Third party response to First party appeal submission response

- TII guidance sets out that the appropriate design speed for the development proposal is 70 kilometres per hour, and the correct stopping sight distance would be 120 metres.
- The three-tonne weight restriction along the L5006 was imposed by virtue of local byelaws passed By Wexford County Council. This is a regulatory traffic sign and must be obeyed.
- Wexford County Council should not be encouraging trucks to break the rules of the road and ignore their own by-laws.
- There are no dairy farms along the length of the L5006, and planning permission would be required to commence a dairy farm operation.
- Wicklow County Council recently refused planning permission for an anaerobic digester approximately three kilometres north of the subject site. The refusal reason related to 'endangering public safety by reason of a traffic hazard'.
- The road surface would be destroyed by the traffic movements associated with the soil importation to the site.
- The subject lands should not be used for the importation of soil. However, an alternative access off the R772 would be more acceptable than the proposal to access the site from the L5006.

- The appellant is unsure if the R772 access would be considered acceptable to Wexford County Council (WCC) or adjacent residents.
- The noise assessment has not considered if the volume of loads of soil imported to the site per day exceeded the stated figure of three as set out in the planning documentation.
- The appellant welcomes the applicants' proposals to erect an acoustic barrier along the site perimeter in proximity to his dwelling, but no details of same have been provided.
- There are no conditions within the PA decision requiring him to phase the development.
- The applicant has not attempted to improve the land through ploughing or drainage measures, unlike many of the adjacent farm holdings.
- The Teagasc expert has not set out if a shallower depth of imported soil would result in the same beneficial impacts within the lands in terms of improving soil quality. It seems excessive that an additional one metre depth of soil is required to improve the quality of these lands.
- The hauling of soil from the Greater Dublin Area located over 90-100 kilometres north of the site would not be cost efficient and that it would not result in an increase in carbon emissions as opposed to soil being imported from a more local source.
- No assessment was carried out by WCC in terms of the environmental impact of the project. No daily or weekly limit in terms of soil quantities have been included within the planning conditions. There is no provision for WCC to monitor the development and, therefore, the project is self-regulating with no consequences if the annual tonnage is exceeded.
- The Marian shrine has existed at this location for many years, and it is common practice for visitors to the shrine to park their cars on both sides of the local public road, the L5006.
- The water tankers which would be required for dust suppression purposes would add to the level of traffic in the area and using the entrance off the L5006 and the loads of water would also exceed the three-tonne weight restriction.

7.0 **Assessment**

7.1 The Wexford County Development Plan (WCDP) 2022-2028, operational since the 25th day of July 2022 is the relevant local planning policy document.

7.2 The main issues in this appeal relate to access to the appeal site from a local county road, the L5006, volume and type of traffic that the proposals will generate, compliance with the Wexford County Development Plan objectives, noise and dust emissions. Environmental Impact Assessment and Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Principle of development
- Access and traffic
- Dust and Noise Emissions
- **Environmental Impact Assessment**
- Appropriate Assessment.

7.3 **Principle of Development**

7.3.1 The proposal relates to the importation of 80,000 cubic metres of high-quality clean inert (uncontaminated) topsoil and subsoil and are stated to be sourced from construction projects in the Greater Dublin Area) in order to raise ground levels within the subject lands for the purpose of recontouring the lands and improving the quality of soils on site and make them more suitable for the growing of crops, which they are not in their current form, as set out in the supporting correspondence from Teagasc. It is not uncommon in rural areas for landowners to seek to improve the quality of their agricultural lands by way of recontouring, aerating and raising the level of same through the importation and re-grading of suitable inert material. More specifically, the agricultural advisor from Teagasc references the extension of land drainage within the site to improve the removal of surface water, the breaking up of the impermeable soil layers, soil supplementation with the importation of clean, inert high-quality subsoil and topsoil free from contamination and invasive species. The

proposals would also involve the recontouring of soils within the site to avoid surface water ponding from an elevated centre towards the perimeter drains to rectify the issues of poor drainage and poor soil structure which presently exist within the site. These works will negate the need for the internal open ditches and are presently stated to impede the use of farm machinery.

7.3.2. I note the comments set out within the report from the Teagasc agricultural advisor and the Planning Report as submitted by the applicant which identify that the underlying soils within the site are dense and poorly drained and which are topped with a thin layer of topsoil stated to be approximately 100mm in depth. The gley subsoils on site are impermeable. The land is stated to be 'difficult to cultivate and is currently unable to support the growth of a high-value crop, rendering it unproductive without significant intervention'. The applicant sets this out as the rationale for the interventions proposed in the form of the soil importation, site drainage extension/improvement, recontouring and reprofiling of soils within the site and the existing soils would be loosened to break up the impermeable subsoil layers. From my site inspection, I am satisfied that the existing soils on site comprise heavy and poor quality non-free draining soils. Based on the information submitted, I am satisfied that the importation of suitable high-quality clean inert soil in combination with the appropriate re-contouring of the lands in addition to the extension of surface water drainage within the site, would benefit the site's overall agricultural use.

7.3.3 I acknowledge that the planning documentation does not provide much detail on the precise sources of the soils, except that they state the soils would likely be sourced from within the Greater Dublin Area, where the greatest extent of development occurs and where there are excess soils available. The applicant has stated within their Planning Application Report and the correspondence from Teagasc that the soils to be imported to the site would comprise high quality, clean, inert sandy loam subsoil and topsoil, with an organic matter content of between 3% and 5% and would be free from contamination and invasive species. It is stated that the importation of soils would be managed under the Article 27 by-products procedure, which the PA state 'ensures the material is a certified product suitable for its end use'. The WCC Planners Report sets out that this approach 'has been discussed with Wexford County Council's Environment Section and it was agreed that no waste permit would

be required'. The WCC Planners Report sets out that 'all imported soils will be verified as being free from harmful levels of contamination and invasive species prior to its arrival on site and will meet specific quality standards for agricultural benefit as advised by Teagasc'. Therefore, I consider that if these quality assurance standards are to be followed and implemented that the proposed works would comply with best practice standards in terms of soil importation and cultivation for the improvement of agricultural lands.

7.3.4 The appellant has expressed reservations in relation to the monitoring of the quantity and quality of soils being imported to the subject lands. It is good practice that an intake register be maintained on site, and which can be made available to officials from Wexford County Council which should clearly identify the volumes and types of material being imported onto the site and the dates and times that the materials were imported onto the subject lands. It is further anticipated that the material will be drawn from known and verified sources and which have been deemed suitable for the farmland improvement works as per the details included within the Teagasc advisors' correspondence.

7.3.5 While the lack of detail as regards the precise material sources is regrettable given the potential difficulties arising in ensuring a consistent supply over the anticipated timeline of the works, I acknowledge that the site is located in proximity to the Greater Dublin Area, which includes the administrative boundary of County Wicklow, and I note that the subject site is located approximately 4.5 kilometres south-west of Arklow town (Co. Wicklow) and it cannot be ruled out that there may be a high quality, clean inert topsoil and subsoil more locally within County Wexford.

7.3.6 Section 5.9, Volume 2 within the current Wexford County Development Plan 2022 pertains to Facilities for Disposal of Inert Materials. It is set out within this part of the WCDP that proposals for the disposal of inert materials should be accompanied by supporting documentation including the following: Detailed information, prepared by an appropriately qualified person, should be submitted which clearly establishes the nature and extent of the development proposed, to include details on the type and volume of material to be imported; the area of land over which it would be deposited, cross sections indicating the depth of deposits and slopes, phasing, anticipated time scale for completion, that the proposed development can take place without the loss

or significant adverse impacts upon significant landscape features such as hedges and trees at field boundaries, riparian habitats and wetlands. Measures to prevent the importation of invasive species to the site should also be demonstrated, that the proposed development would not give rise to a risk of pollution of ground and surface waters, that the proposed development can be carried out without having significant adverse impacts from noise and/or dust generation on the amenities of adjoining lands and development, that adequate sightlines will be available at the access point and measures to prevent the deposit of mud, stones, water and other material which can endanger public safety should be provided, that the public roads network from which access is proposed can cater for the type and volume of HGV traffic likely to be generated, in a manner which would not generate public safety hazards, significant residential dis-amenity and/or other impacts on other road users, It should be demonstrated that the proposed development would not give rise to flood risks on the land or on land up- or downstream of the site, It should be demonstrated that the proposed development would not adversely impact on Recorded Monuments or Protected Structures or give rise to adverse impacts on Natura 2000 / European Sites.

7.3.7 I note that the applicant stated that he engaged in pre-planning consultations with the Local Authority and the WCC Planners report acknowledges this. Based on the information submitted, I am satisfied that the applicant has submitted information as required under Section 5.9, in relation to facilities for the Disposal of Inert Materials. However, the detail of the information submitted, and its adequacy will be addressed in the assessment below. Chapter 6 in the current WCDP 2002 relates to Economic Development and specifically Section 6.7.6 the Rural Economy. There are two specific objectives relevant to the current proposal, they being ED91 and ED99 which relate to 'facilitating the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector' and 'facilitating the development of sustainable agricultural practices and facilities within the county'. I consider that the applicant has set out a clear rationale, supported by correspondence from an independent Teagasc advisor which provides a justification for the proposed soil importation and cultivation in tandem with extended drainage works on site which is stated will 'greatly improve the land's drainage and workability'.

7.3.8 Accordingly, on the basis of the foregoing, and subject to the further assessment of the potential impact of the proposal on access, traffic and environmental considerations in accordance with Sections 6.7.6 in relation to facilitating sustainable agricultural practices and Section 5.9, Volume 2: Facilities for disposal of inert materials' of the current Development Plan. I am satisfied that a site-specific justification for the importation of high-quality inert topsoil and subsoil to the subject site has been sufficiently established by the applicant and that it would be in accordance with the current WCDP 2022 provisions and, therefore, acceptable in principle.

7.4 Access and traffic

7.4.1 Access to the appeal site would be from a local county road, the L5006 where the 60 kilometre per hour speed control zone applies and approximately 65 metres south of its junction with the R772-regional route, a route that connects Gorey with Arklow. There is a sign at the junction with the R772 indicating a three-tonne weight restriction along the L5006. However, there is wording included beneath the three-tonne signage which states 'except local access'. The carriageway along the L-5006 has a stated width of 5.6 metres (as set out by the applicant in his third-party appeal submission response). The appellant sets out that the carriageway width is approximately 4.9 metres. I noted that the carriageway width is at its widest varying from 6.5 metres to approximately 5.2 metres between the access to the subject site and the R772 junction, though I noted that the road width decreased further west of the site access further along the L-5006.

7.4.2 The applicant submitted a Traffic Report (TR) prepared by a Consultant Engineer which includes details of sightlines from the access point whereby unobstructed visibility of 90 metres in each direction has been demonstrated at the site access onto the L5006 from a set back of three metres from the edge of the carriageway. The site access is located approximately 900 metres south-west of junction 21 along the M11 Motorway linking Dublin with Wexford and Rosslare Port. The identified haul route as Section 2.5.1 of the TR is from Dublin via the M11 Motorway, along the R772 from junction 21 of the M11, then taking a right turn onto the L5006 for a distance of approximately 65 metres until the site access is reached and the reverse haul route for traffic exiting the site.

- 7.4.3 The TR sets out that the access from the L5006 was chosen as it was the preference expressed by the Wexford County Council Roads Department and this access eliminates any adverse impacts associated with direct access onto the R772 regional route. Sightlines of 90 metres from a three-metre set back have been demonstrated onto the L5006 (as per Proposed site access and compound layout plan Drg no. 1205-PP-06A). Temporary internal access roads and turning areas and the installation of a portable wheelwash are proposed to reduce the impact of muds being deposited on neighbouring roads. This would ensure that HGV; s exiting the site having clean wheels and under carriages, to assist in maintaining adjoining public roads free of site generated mud and debris and a hardstanding area will ensure that HGV; s exiting the wheelwash will maintain clean wheels upon approach to the public roads.
- 7.4.4 A swept-path analysis drawing has also been submitted (Proposed Site access swept analysis-Drg. No. 1205-PP-06B) which demonstrates that HGVs can enter/exit the site without the need for lane crossing on the L5006 when HGV; s are exiting the subject site. The TR confirms that there will be no right turn for traffic exiting the site onto the L5006 and hardstanding areas at the site entrance are designed to fall back into the site, reducing any potential for surface water to impact the adjoining public road.
- 7.4.5 Section 2.4.1 of the TR sets out that the development would be phased over a five-year period and the volume of material to be imported would be approximately 80,000 cubic metres and based on three hundred working days per year. The TR sets out that the development would generate a total of 4,286 loads with an average load of 28 tonnes resulting in an average of 2.86 loads (rounded up to three inbound and three outbound HGV movements per day), or six HGV daily movements. The presence of HGV traffic on the L5006 is stated as being 'extremely brief, lasting only a few minutes, will be low intensity and intermittent'. The effect on the operational capacity and safety on the local and regional road network is described in the TR as being 'temporary, localised and not significant'. A number of mitigation measures are proposed including a pre-commencement road condition survey and post development survey to identify any reinstatement works required, advanced warning signage along the L5006 advising road users of the presence of construction traffic,

and that a Road Sweeper would be engaged as required or at the request of the local Area engineer. The TR concludes that the proposed development 'will not have a significant adverse impact on the safety, capacity or amenity value of the surrounding road network'.

- 7.4.6 I acknowledge that the proposed development would generate additional HGV vehicular movements at the junctions of the site with the L5006 and the L5006 with the R772. The increase in trips would largely be generated by the day-to-day activities of the applicant, trips generated by HGV movement coming and going from the site, an average of 6 movements per days for a period of 5 years, Therefore, on balance, I consider that the increase in traffic volume generated by the proposal is relatively modest in nature, given that three inward and three outward movements between the hours of 8am and 6pm from Monday to Saturday, which equates to less than one traffic movement per 1.5 hours. Based on the traffic volumes proposed as set out within the planning documentation submitted, it would be considered to be of low intensity and the local roads, albeit only to be used for a short distance of approximately 65 metres, would have the capacity to cater for the traffic generated by the agricultural related improvements.
- 7.4.7 I acknowledge that there is a three-tonne weight restriction as indicated by the signage located at the junction of the L5006 and the R772. I consider that this weight restriction applies to through traffic traversing the length of the L5506 and would not be applicable to landowners seeking to access their land holdings. The Local Authority have clearly st this out this within the signage where they state 'except for access', which would include the current proposal, where the landowner is seeking to access his lands for the soil importation and improvement works. The subject site is located within a rural area where there are a number of farm holdings. Agricultural machinery in many instances would weigh greater than three tonnes and, therefore, I consider it reasonable for the applicant to be able to access his lands via an existing agricultural gated access in order to carry out the soil importation and improvement works, which are agricultural related.
- 7.4.8 The appellant has suggested that the access to the lands could be gained from the existing agricultural gate off the R772, to the south-east of the holding. The applicant has stated that it was the Roads Department in Wexford County Council that advised

that their preference for access would be from the L5006. However, the applicant as part of his appeal submission states that he would be willing to provide an alternative access to the lands from the existing R772 agricultural gated access and that adequate sightlines from a three metre set back is achievable as are stopping sight distances of 220 metres achievable and that a wheelwash and hardstanding area would be provided from that access if the Coimisiún deemed it appropriate. This alternative access is set out within the drawing entitled Proposed alternative access layout Plan (Drg no.1205-PP-09) and illustrates the access to the lands from the R772. However, I note that the WCC Planners Report references that the Roads Department in WCC deemed the existing access along the L5006 to be the preferred access location. I consider that given the relatively low levels of traffic associated with the development as set out within the TR, that the access from the L5006 would be acceptable, noting that traffic volumes would revert to conventional agricultural movements subsequent to the completion of the works. Given the relatively low volume of HGV traffic proposed, I consider that the proposals would not result in the creation of a traffic hazard nor compromise the carrying capacity, efficiency and safety of the local road network.

- 7.4.9 In conclusion, based on the information submitted by the applicant as part of his TR, I am satisfied that the subject lands can be safely accessed from the L5006 without compromising the capacity on the adjoining public road network, that adequate stopping sight distances and sightlines onto the L5006 have been demonstrated in accordance with the current Wexford County Development Plan standards for this type of agricultural related improvement works. It is considered the development proposal would not endanger public safety by reason of a traffic hazard nor interfere with the safety and free flow of traffic along the adjoining public road network.

7.5 Environmental Emissions

Dust

- 7.5.1 The appellant raised the issue of the dust that the proposal would generate and the resultant adverse impacts that would arise for local residents, especially during extended periods of dry weather. The applicant submitted a Dust Management Report (DMR) prepared by Consultant Engineers which identifies the potential

sources of dust as being related to vehicle movements, unloading of soils, spreading and re-contouring of soils by excavators, loosening of the heavy soils and wind erosion. The sensitive receptors in the area are considered to be the adjacent residential properties. The DMR sets out that the project will be phased and that earth moving and cultivation will be confined to certain limited areas at any given time, rather than across the full extent of 6.35 hectares simultaneously. The existing dense perimeter hedging would reduce fugitive emissions of dust reaching outside of the site perimeter. The DMR sets out that 'in the absence of mitigation measures, the risk would be of low significance, temporary and intermittent at nearby sensitive receptors, particularly during prolonged dry and windy weather.....however, with the implantation of the comprehensive control measures, significant adverse effects are not anticipated'.

7.5.2 The control and mitigation measures as set out in the DMR include the use of a portable wheelwash to clean wheels and under carriages of HGV,s prior to exiting the site; The site access will comprise a hardstand area between the wheelwash and the public road area; A road sweeper will be available to clean the L5006 to the junction of the R772; A water sprayer will be used on internal access roads within the site; Reduced speed limits within the site boundaries will be implemented; Drop heights from HGV;s will be minimised when delivering soils to the site' Works to be phased and confined to localised working area thus minimising the extent of exposed ground at any one time; Cultivation and crop seeding will take place upon completion of filing and re-contouring to optimise soil stability and the suspension of works during periods of high winds .

7.5.3 I consider that the DMR identifies the potential sources of dust generating activities within the site and that the control and mitigation measures proposed to minimise dust being generated and exported to areas outside of the site boundaries, namely sensitive receptors including the adjacent residential properties are appropriate. The retention of the existing perimeter mature hedgerows are an important element in terms of containing dust within the site and these are matters that can be addressed by means of an appropriate planning condition, in the event that a grant of planning permission is being recommended.

Noise Emissions

7.5.4 The appellant raised the issue of the noise impacts that the proposed development would generate, if permitted. The applicant submitted a Noise Impact Assessment (NIA) as part of his planning documentation. The NIA sets out that noise impacts are assessed having regard to the provisions as set out in the 'Guidelines on the information to be used in Environmental Impact Assessment Reports' as published by the Environmental Protection Agency (EPA) 2022. The key issues for consideration as per the EPA guidance are quality, significance, duration, extent, context and impact type.

The NIA sets out that the initial considerations were considered to be as follows:

- The proposed development will involve activities similar to a typical construction project involving ground works and mobile plant over a defined period of time (5 years).
- The most commonly applied criterion is a daytime limit of 65dB.
- The proposed development will not include any sources which operate continuously during daytime or evening time hours. The proposed development will not give rise to continuous daytime emissions, outside of certain limited works,
- Throughout the project, noise emissions will arise sporadically. An average of three topsoil/subsoil deliveries per day is expected with an average on site HGV duration of 10-15 minutes each time. A tracked excavator is expected to be used for between 1 and 2 hours per week to distribute the soil. A 65dB construction phase criterion is considered relevant with respect to the proposed activities.
- At certain stages of the project, machinery will be required to be operated on site over several hours or days. For example, a tractor will be required to operate for one or two days to cultivate the proposed five metre perimeter boundary buffer zone at the start of the project. A tracked excavator will also be required to extend the drainage ditches over a period of one or two days at the outset of each of the five phases of development. A bulldozer and excavator will be required for a period of one to three days at the outset of each phase of development. The nature and duration of these activities warrants the application of the 65dB criterion.

- During certain limited periods, infilling and recontouring works will be required close to the boundary buffer zones in proximity to nearby sensitive receptors (nearby residential properties). These works will be of short duration, likely to last several hours at most. Given that operations at boundary zones will be sporadic and brief, the 65dB criterion is considered appropriate.

7.5.5 A methodology for the assessment of impact significance is set out in the Design Manual for Urban Roads and Bridges (DMRB) -LA11Noise and Vibration (UK Highway Agency 2020). The DMRB guidance describes a methodology based on a combination of BS 5228-2:2009 guidance and external baseline levels.

The DMRB scale of impacts range from negligible to minor to moderate and Major. The applicant has presented a more refined impact scale which is a hybrid of the DMRB and EPA Noise impacts and incorporates six tiers ranging from imperceptible to very significant.

In terms of receptors, these are identified in Fig 3 of the NIA submitted by the applicant. There are a number of dwellings located adjacent to the subject site, including receptor R06, located south of the subject lands and accessed off the R772, the nearest receptor to the subject site. Receptor R04 is located directly opposite the site access from the L5006 and receptors R05 and R07 are located further south of the subject site on the opposite side of the R772.

A Baseline Noise Survey (BNS) was conducted on Tuesday 29th day of July 2025 at four separate locations N1, to the west of the site nearest noise receptor R12, N2, nearest noise receptor R04, N3 in the middle of the site nearest noise receptor R06 and N4 at the south-eastern boundary of the site nearest noise receptor R08. The BNS was conducted on a warm calm day.

7.5.6 The results recorded demonstrated that the daytime soundscape at all four noise recording locations was dominated by road traffic from the adjacent road network, the noise from the M11 traffic was continuously and clearly audible. Other noise

sources which were audible include birdsong, rustling trees and barking dogs. Activity at a nearby car dismantling facility was faintly audible. The BNS was conducted between the hours of 8am and 1pm and results recorded ranged from 40 dB to 51dB. The BNS results demonstrate that the local noise environment is dominated by local and distant road traffic and this is likely to increase into the future due to population growth.

7.5.7 The main sources of noise that are expected to be generated on site would include noise from a tracked excavator, a tractor, a bulldozer and HGV's traffic entering and exiting the site. The highest noise levels are expected to occur at noise receptors R03, R04, R06, R08 and R09. It is anticipated that the noise levels recorded at these locations will range from 55dB to 63dB and these noise levels will arise only during specific works being undertaken in proximity to each receptor and generally likely to be confined to a number of days at most. Outside of these localised works, noise levels are predicted to be considerably lower. For example the 63dB noise level at R09 will arise only during scenario 1, and levels will be lower during all other scenarios. The NIA sets out the following 'throughout most of the project, most receptors will remain considerably below 50dB'. In all cases, noise levels experienced at nearby noise sensitive receptors due to the proposed works will be lower than the identified 65dB criterion, and in most cases will be markedly lower'.

7.5.8 The noise levels predicted at all thirteen identified receptors (as per Fig 3 in the NIA) for each of the 21 scenarios (locations around the site) are predicted (See Section 4 of the NIS). The baseline noise is presented as a predicted noise level and an impact is identified. A baseline noise level of 51dB is presented. The predicted noise levels for the selected 21 scenarios (locations around the site) range from 27dB to 60dB, all well below the recommended 65dB limit for daytime activity as per the EPA guidance. The noise impacts at the various 21 scenarios/locations range from imperceptible to not significant to slight adverse on five occasions out of 182 records. The slight adverse impacts are predicted to arise at receptor R04 due to the initial enabling works at the site entrance and are predicted to last for between 1-2 days. Other slight adverse impacts will arise from drainage works being conducted near site boundaries at noise receptors R03 and R06 and R09 and the final slight adverse

impact is predicted during soil distribution, and re-contouring works near noise receptor R06. All of these events are predicted to be short in timescale lasting one or two days or over a number of hours within a particular week. At the end of the project all noise emission on site will cease apart from those generated by normal agricultural practices which will be undertaken on the reclaimed land.

7.5.9 A number of mitigation measures are proposed, although not technically warranted as noise levels at all receptors are predicted to be below the 63dB BS 5228-1;2009 criterion. Nonetheless, the following mitigation measures will be implemented during the proposed development by the applicant in that operations will be confined between the hours of 0700 and 1800 hours Monday to Saturday, plant on site will be maintained in a satisfactory condition and fitted with exhaust silencers, on site haul roads will be maintained in a satisfactory condition, free from surface defects that may generate rattles in empty truck bodies, tailgate slap during tipping events will be prevented by using rubber stops or powered tailgates, machinery not active will be turned off and a complaints register will be maintained on site and any complaints received will be investigated immediately. Details of any follow-up actions will be recorded within the complaints register.

7.5.10 In terms of residual effects, at receptors R03, R04, R06 and R08 noise levels will briefly rise to between 60dB and 63dB during certain stages when operations are undertaken close to the nearest site boundaries. *A slight adverse effect will be experienced during these periods adjacent to these identified receptor locations.* The duration will be for several hours or between one and two days. At all other receptors noise levels will be considerably lower than the 65dB criterion, will be temporary in nature, will be neutral or imperceptible or not significant adverse. At all receptors, vibration is expected to be imperceptible. It is concluded that the proposed development 'will not give rise to any significant adverse noise impacts on surrounding receptors, thus meeting the Wexford Country Council recommendation as set out at the pre-planning discussions and in compliance with Section 5.9, Volume 2 of the current WCDP in relation to not having significant adverse effects within the local environment from noise generation.

7.6 Other Matters

7.6.1 The issue of the potential for adverse impact upon the adjacent Marian Shrine was raised by the appellant. The appellant states that he is not a member of the Marian Shrine committee and recommended that the applicant should engage with the committee. I note that the committee did not make a submission to the PA during the statutory five-week submission period. The Marian shrine is located to the south-west of the subject lands and accessed off the L5006 approximately thirty-five metres east of the proposed subject site access off the L5006. There is a pedestrian agate access to the Marian shrine and a number of benches and a grotto structure within the shrine site. It is stated that cars visiting the shrine park along both sides of the L5006. It is unclear how often devotions at the shrine take place. Typically, there are a small number of specific deviations at religious shrines, often held at weekends or evening times. The appellant has stated that the applicant should liaise with the shrine committee to ensure that the proposed development would not adversely impact the gatherings at the Shrine. The applicant in his third-party appeal response has indicated that he is willing to liaise with the Marian Shrine committee and would facilitate gatherings outside of working hours. Although, this would represent a positive measure, however, I do not consider that it would be reasonable nor enforceable to include a planning condition to this effect.

8.0 **Appropriate Assessment**

8.1 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 4.7 kilometres north-west from the nearest Natura 2000 site, that being the Kilpatrick Sandhills SAC (Site code 001742) and the River Slaney Valley SAC (Site code 000781) is located approximately 7.8 kilometres south-west of the appeal site. The development description was set out within Section 2 of the report above. The applicant submitted an Appropriate Assessment (AA) Screening Report as part of his planning documentation which concluded that 'the proposed development, either alone or in combination with other plans and/or projects, does not have the potential to result in likely significant effects on any European site, in light of their conservation objectives. That is the case in the absence of mitigation

measures. Therefore, a Stage 2 Appropriate Assessment is deemed not to be required'.

- 8.2 There are no watercourses located within the confines of the appeal site, a number of drainage ditches exist where there were previously field boundaries as stated within the AA screening report, Section 5, site surveys. These drainage ditches all feed in a north-easterly direction consistent with the fall in ground levels within the subject lands. The Ballyduff Stream is located approximately four hundred metres north-east of the nearest part of the site boundary on the opposite side of the Dublin-Rosslare rail line embankment. The proposed works would provide for a significantly improved soil profile by cultivating and loosening the existing dense gley subsoils and adding free draining soils above these. This would provide for a greatly enhanced soil profile within the site with improved soil structure and permeability. As a result, the capacity of the site to absorb rainfall and to provide improved surface water attenuation on site will be improved. This will reduce the rate and volume of surface water run-off during a high-intensity rainfall event and, therefore, would not increase the risk of flooding within the site or within adjacent lands.
- 8.3 Two European sites were identified within an eight kilometre radius of the appeal site, as referenced in Section 8.1 above. I consider that this site can be screened out due to the absence of surface water hydrological or ecological pathways from the appeal site to this European site. Therefore, I am satisfied that the appeal site would not adversely impact any of the habitats/species associated with the Kilpatrick Sandhills SAC nor within the Slaney River Valley SAC sites.
- 8.4 I am satisfied that the proposed works on site whereby existing soils would be cultivated, the soil profile and permeability would be improved as referenced within paragraph 8.2 of my report above and would not result in the proposed development adversely impacting upon surface nor ground water quality within the area. I consider that even in the unlikely event that the standard construction control measures should fail, an indirect hydrological link to the Kilpatrick Sandhills SAC/Slaney River Valley SAC represents a weak ecological connection, given the separation distance to the nearest European sites. As such any pollutants from the site that should enter

groundwater during the construction stage, via spillages onto the overlying soils, or via spillages into the surrounding drains, will be subject to dilution and dispersion within the groundwater body, rendering any significant impacts on water quality within the Kilpatrick Sandhills SAC/Slaney River Valley SAC unlikely. This conclusion is supported within the applicants' AA screening Report conclusion, specifically referenced in paragraph 8.1 above.

8.6 Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to the Kilpatrick Sandhills SAC/Slaney River Valley SAC or any other European Site. The reason for this conclusion is as follows:

- The relatively modest scale of the development, which relates to the importation of high-quality clean inert topsoil and subsoil and the cultivation and re-profiling of existing soils on site.
- The separation distance from the nearest European sites and the absence of hydrological or ecological connectivity to any Natura 2000 site.
- The AA screening exercise conducted by the applicant concluded that either alone or in combination with other plans or projects, there would be no likely significant effects on any European sites.

8.7 I conclude, that on the basis of objective information, the proposed development would not have a significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and, therefore, Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required. The nearest Natura 2000 sites to the appeal site are the Kilpatrick Sandhills SAC (Site code 001742) and the River Slaney Valley SAC (Site code 000781) which are located approximately 4.7 kilometres south-east and 7.8 kilometres respectively south-west of the appeal site. There is no direct surface water hydrological pathway linking the appeal site to these European sites. Having regard to the nature and relatively modest scale of the proposed development and the distance from the nearest European sites, 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

I recommend that planning permission be granted subject to the following conditions:

9.0 Reasons and Considerations

Having regard to the rural location of the site; the demonstrated need for the importation of high quality, clean inert topsoil and subsoil and soil cultivation works on this land holding as set out within the Teagasc correspondence and the Planning Application Report submitted as part of the planning documentation, the established farm practices on the holding; the character and pattern of development in the vicinity; and to the provisions within Section 5.9, Volume 2 of the current Wexford County Development Plan 2022-2028, in relation to 'Facilities for Disposal of Inert Materials', and specific objectives ED91 and 99 of the Development Plan in relation to facilitating and supporting sustainable agricultural practices, it is considered, subject to the conditions set out below, that the development would not seriously injure the amenities of the area, not result in the creation of a traffic hazard, nor adversely impact upon the local receiving environment nor landscape in terms of noise or dust, nor adversely impact upon water quality nor give rise to disturbance of protected habitats or species in any European site. The development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Reasons

1-The development shall be completed in accordance with the plans and particulars lodged with the application to the Planning Authority on the 17th day of September 2025 and to An Coimisiún Pleanála on the 16th day of January 2026, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2- The development hereby permitted shall specifically relate to the importation of high quality clean inert topsoil and subsoil material with a maximum importation of 120,000 tonnes of Article 27 material and the annual intake shall not exceed 24,000 tonnes of material in any given year over the 5-year permission period for infill and soil cultivation works.

All soil infill works and reseeding shall be completed on a phased basis as set out in Drawing no PP-1205-04 as per the documentation submitted to the Planning Authority and by the end of the subsequent planting season unless otherwise agreed in writing with the Planning Authority. The site shall be monitored annually for the presence of invasive species during the course of the works and for 5 years post capping of the infill area. The results of the annual monitoring shall be submitted to the Planning Authority.

Reason: In the interests of the protection of the environment and the proper planning and sustainable development of the area.

3-The access to the site shall be from the existing agricultural gated entrance along the L5006 entrance to the site, A concrete hardstand area shall be developed at the entrance point between the location of the proposed wheel wash facility and the public road. Precise details of the hardstand area and the wheelwash at the entrance point shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

Reason: In the interest of traffic safety.

4- The operator shall monitor the condition of the L5006 on a daily basis when the facility is in operation and clean the road surface when required or instructed to do so by WCC personnel.

Reason: In the interest of traffic safety.

5- Signage shall be provided on the approaches to the site to warn other road users of the type of traffic movements relating to the development. Signage type and

locations shall be agreed with the local Area Engineer prior to the commencement of development on site.

Reason: In the interests of traffic safety.

6- All on-site operations associated with the permitted development, including refuelling operations and waste management shall be undertaken in a manner which prevents the risk of pollution to ground water. Refuelling on site shall take place in a designated bunded area. The bunded area shall have a capacity of 110% of the fuel tank capacity.

Any on-site incidents giving rise to the risk of pollution to ground water shall be reported immediately to the planning authority.

No contaminated water shall be discharged to ground or surface waters.

Reason: In the interests of protection of ground waters.

7- All on-site operations associated with the permitted development shall take place between the following hours:

0800 to 1800 Monday to Friday

0800 to 1400 Saturdays.

No on-site operations associated with the permitted development shall take place outside of these hours or on Sundays or public holidays.

Reason: In the interests of amenity and proper planning and sustainable development.

8- All machinery and vehicles employed on site shall be fitted with effective silencers of a type appropriate to the specification and at all times the best available technology, not entailing excessive costs, shall be employed to prevent or counteract defects of noise emitted by vehicles, plant machinery or otherwise arising from the site activities.

Reason: In the interest of residential amenity.

9a)- All mitigation and control measures outlined in the plans and particulars, including the Dust Management Plan, Traffic Report and Noise Impact Assessment submitted as part of the planning documentation to the Planning Authority on the 17th day of September 2025 and to An Coimisiún Pleanála on the 16th day of January 2026 shall be implemented in full, except where otherwise required by conditions attached to this permission.

b) Prior to the commencement of development, the operator shall submit a comprehensive list of mitigation and monitoring measures from the named reports and a corresponding timeline/ schedule for implementation of same to the planning authority for its written agreement.

Reason: In the interest of natural heritage, protecting the environment, public health, traffic safety and clarity.

10-The existing perimeter hedgerow boundary treatment shall be retained. New on-site native hedgerows shall be planted within twelve months or the next planting season (whichever is the earlier) following completion of works within each phase of development as per drawing number PP-1205-03-Site Layout Plan.

All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

11- Site development works shall be carried out only between the hours of 0800 and 1800 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

12- Noise emanating from the development shall not cause to be measured at the facing elevation (outside) of any dwelling in the area, during the hours 0800 – 1800 a noise level of 65 dB(A) (Laeq 1 hour) and during the hours 1800 – 0800 and Sundays and Bank Holidays a noise level of 45 dB(A) (Laeq 1 hour). The noise is also not to be impulsive in nature or have any tonal element which is 5 dB(A) above the adjacent frequencies.

Reason: In the interests of residential amenity and the proper planning and sustainable development of the area.

13- Dust emission or total particulate release to the airborne environment shall not exceed 350mg/m² per day. Dust measurements shall be carried out, in real time, by direct reading airborne particle measuring equipment, capable of measuring for different dust particle sizes simultaneously, to include at a minimum Total Suspended Particles (TSP), and Particulate Matter <10 µm (PM10)) fractions. This equipment is to have the English EA MCERTS certification or equivalent, which ensures reliable and accurate recording of PM10 data.

Annual monitoring of dust and suspended particles shall be undertaken by suitably qualified persons on behalf of and at the expense of the owner/operator in accordance with the requirements of the planning authority. The results of the annual monitoring shall be submitted to the Planning Authority.

Reason: To minimise the generation of dust by the proposed development and in the interests of the amenities of the area and proper planning and sustainable development.

14-Surface waters generated within the subject site shall be managed within the site boundaries and shall not enter the public road or adjoining property.

Reason: In the interests of amenity and the proper planning and sustainable development of the area.

15-An acoustic barrier shall be erected along the south-western boundary of the site. The precise location, type and scale of same shall be agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interest of residential amenity and protection of the environment.

16-A complaints register shall be maintained on site and shall be made available for inspection to officials within the Local Authority. Any subsequent actions taken to address issues raised shall also be recorded within the register.

Reason: In the interest of proper planning and sustainable development of the area.

17-A logbook shall be maintained on site and shall be made available for inspection to officials within the Local Authority. The logbook shall detail the source of material imported to the site, the tonnage of material and the date and time the material was imported to the site.

Reason: In the interest of proper planning and sustainable development of the area.

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

Fergal Ó Bric

Planning Inspectorate

17th day of June 2026

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála	PL-500407-WX-25		
Case Reference			
Proposed Development Summary	Permission for farmland improvement works including importation of topsoil and subsoils, re-contouring of soils on land, site drainage works and cultivation of existing soils on site, landscaping, temporary works including wheelwash, hardstanding, landscaping and all associated site works.		
Development Address	Scarnagh Lower, Gorey, Co. Wexford.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	x
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	Tick/or leave blank		
No	Tick or leave blank	Importation of an average of 24,000 tonnes of material to a site annually is below the 25,000 tonne threshold as set out within Class 11(b) of Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended, which prescribes that 'Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule' for the purposes of Part X of the Act.	x

3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank		
No	Tick/or leave blank		X
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	Proposals relate to permission for farmland improvement works including importation of topsoil and subsoils, re-contouring of soils on land, site drainage works and cultivation of existing soils on site, landscaping, temporary works including wheelwash, hardstanding, landscaping and all associated site works	X

5. Has Schedule 7A information been submitted?		
No	Tick/or leave blank	X
Yes		

Inspector: _____

Date: _____