



Board Direction

Ref: PL17.244154

Following the decision to grant permission on September 2nd, 2015, the need for further clarification on the Seveso Directive arose and at a further Board meeting on October 21st, 2015, the Board decided to seek expert advice on the matter. The proposed development and the report prepared by Byrne O'Cleirigh were considered at a further Board meeting of all available Board Members held on April 26th, 2016.

The Board decided that it was not necessary to circulate the file to the parties for further comment or to seek a further report from the Inspector.

Based on the technical information provided by the applicant in Chapter 3 of the Environmental Report prepared by Brightwater Environmental (November 2012), and in particular Section 3.6, and based on the clarification in the documentation provided by Simon Clear, Planning Consultant for the applicant, received by the Board on March 30th, 2015 (ref. page 9) the Board was satisfied that the controlled operation of the facility would not lend itself to build up of large volumes of biogas requiring storage. The Board concluded that there was no likelihood of the 10 tonne limit for biogas being exceeded and further concluded that the proposed development would not comprise an 'establishment' for the purposes of the Seveso III Regulations. For the avoidance of doubt, and to align with the report prepared by Byrne O'Cleirigh, the Board included a condition, as recommended in the Byrne O'Cleirigh report, limiting the volume of biogas that can be present on site at any one time to not exceed 10 tonnes.

The Board was satisfied that the no revisions to the EIS Screening exercise, confirmed by the Board on August 13th, 2015, were required.

The Board decided unanimously to confirm its decision to grant permission for the draft reasons, considerations and conditions set out below.

REASONS AND CONSIDERATIONS

In coming to its decision, the Board had regard, inter alia, to:

- European Union and national sustainable energy and waste policies,
- The provisions of the Eastern – Midlands Region Waste Management Plan 2015-2021,
- The provisions of the Meath County Development Plan 2013-2019 including, in particular, policies in relation to waste management, renewable energy and the conversion of biomass to energy,
- The requirement for the AD Plant to be subject to and regulated under a Waste Facility Permit to be issued by Meath County Council,
- The pattern of existing and permitted development in the vicinity of the site including the dwelling permitted by Meath County Council under Planning Ref. No. NA/110836,
- The location of the proposed development on farmland in a primarily agricultural area in close proximity to the source of agricultural wastes and to locations which are suitable for the spreading of digestate,
- The design, nature and extent of the proposed AD structures which are appropriate to their agricultural setting on a visually unobtrusive site,
- The submissions on file including in response to the Board's invitation to comment and all relevant documentation attached to Planning Authority Ref. No. NA120218 and An Bord Pleanala Ref. No. PL17.241533,
- The Inspector's report attaching to An Bord Pleanala Ref. No. PL17.241533 and the addendum report by the same Inspector on the current file, and
- The report from Byrne O'Cleirigh in respect of the proposed development and the Seveso III Regulations.

Environmental Impact Assessment Screening

Having regard to Articles 109 of the Planning and Development Regulations 2001, as amended, and to the criteria set out in Schedule 7, the Board concluded, further to meetings held on July 9th and August 13th, 2015 and for the reasons set out on the Board Direction dated August 13th, that this development is a sub-threshold development which would not be likely to have significant effects on the environment and, therefore, decided not to

require the submission of an Environmental Impact Statement in this instance.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site and considered the AA Screening Report submitted by Moore Group – Environmental Services to the planning authority at further information stage. In completing the screening for Appropriate Assessment, the Board accepted and adopted the Inspector's screening assessment and conclusion in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the following European Sites: the River Boyne and River Blackwater SAC (Site Code 002299), the River Boyne and River Blackwater SPA (Site Code 004232), the River Nanny Estuary and Shore SPA (Site Code 004158) or any other European site, in view of the site's Conservation Objectives.

Conclusion on Proper Planning & Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development:

- Would comprise an acceptable form of energy recovery from primarily agricultural waste,
- Would be in accordance with European Union, National and Regional waste and sustainable energy policies and the provisions of the County Development Plan,
- Would not interfere with a protected view and prospect of national importance or the heritage of the area,
- Would not seriously injure the amenities of the area or property in the vicinity,
- Would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health,
- Would not give rise to a risk of serious pollution and
- Would not give rise to a major accident risk.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse planning permission the Board had regard to sustainable energy and waste policies and considered that the proposed AD plant was an acceptable, and sustainable, form of development on these farm lands in close proximity to the source of agricultural wastes and to locations which are suitable for the spreading of digestate. The Board considered that sufficient information was attached to the file in relation to the composition, proportions and the source of feedstock, digestate volumes and digestate storage prior to spreading to enable the Board to make an informed decision. The Board noted that the proposed AD Plant would also be subject to and regulated under a Waste Facility Permit to be issued by Meath County Council.

In relation to the visual impact of the proposed development the Board considered that the AD structures were of limited scale and extent and located outside the Tara Skryne Landscape Conservation Area on lands that are not of particular visual prominence. In addition, the Board considered that there is a substantial distance (in excess of 4 kilometres) between the proposed development and the Hill of Tara with numerous trees, hedge rows, dwellings and the M3 motorway and regional roads in between the two locations and, therefore, concluded that the proposed development would integrate well with the agricultural setting and would not interfere with a protected view and prospect of national importance or the heritage of the area.

Conditions

1. Standard plan particulars with reference to FI submitted to PA.
2. a) The overall annual tonnage of feedstock accepted at this AD plant shall be as set out in the planning documentation submitted and shall not exceed 15,000 tonnes per annum.
b) Planning permission shall be required for any change in the mix of wastes accepted at the facility.

Reason: In the interests of clarity.

3. The maximum quantity of biogas present on site at any one time shall not exceed 10 tonnes.

Reason: To ensure that the facility would not comprise an establishment for the purposes of the Seveso III Regulations in the interests of clarity.

4. Standard Ag Spreading condition and reason. Replace words 'slurry' and 'waste material' with digestate in condition and reason respectively.
5. Standard Commercial Finishes condition and reason
6. Standard Noise C condition and reason
7. Standard Quarry Overground tanks condition and reason modified to refer to 'all tanks'.
8.
 - a) All hard surfacing shall be of concrete, including the proposed yard and roadways, and shall be appropriately bunded. No permeable paving is permitted.
 - b) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. All surface water from the yard and roadways shall first discharge through a hydrocarbon and silt interceptor prior to discharge. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
 - c) Rural Water drain

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and protection of the environment.

9.
 - a) The proposed Reception Shed doors shall be sealed and shall not be perforated.
 - b) All deliveries of material to the reception shed shall be tipped indoors only and only while shed doors are closed.
 - c) The proposed silage pit shall be appropriately covered.
 - d) No materials or equipment shall be stored externally.
 - e) The transportation of materials to/from the proposed development via the public road shall be carried out in a sealed tanker/container such that no spillage can occur on the public road.

Reason: To contain odour, in the interest of protection of the amenity of residential property in the vicinity.

10. Any sanitary facilities shall be provided by means of a chemical toilet, unless otherwise authorised by a prior grant of planning permission. Disposal of sanitary waste within the proposed facility is not permitted. Details of the disposal of sanitary waste shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health.

11. The operating hours, including hours of acceptance or dispatch of material to/from the subject site shall only be between 08.00 and 18.00 on Monday to Friday, and 08.00 to 12.00 on Saturdays. The facility shall be closed on Sundays or public holidays, and material shall not be accepted or dispatched on those days. Deviation from these times will only be allowed where prior written approval has been received from the planning authority.

Reason: In the interest of the amenities of property in the vicinity.

12. The existing hedge at the site entrance shall be set back as required to provide adequate sightlines. The hedge shall be re-planted behind the required sightlines, using only indigenous deciduous trees and hedging species.

Reason: In the interests of traffic safety and visual amenity.

13. Standard Landscaping House 1 condition and reason, paragraphs 1 & 3 only

14. Proposals for lighting of the facility shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The lights shall be directed and cowled such as to minimise light scatter over roads and residential property in the vicinity. Lighting shall be minimised outside of normal working hours.

Reason: In the interest of residential amenity and traffic safety.

15. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other

projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, without the written agreement of the planning authority.

Reason: To protect the visual amenities of the area.

16. Standard construction management plan condition and reason

17. Standard Section 48 condition and reason Unspecified

Board Member: _____ Date: May 12th, 2016
Nicholas Mulcahy

Please issue copy of Direction with Order.

Decision Quashed