



## Board Direction

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**Ref: PL17.245707**

The submissions on this file and the Inspector's report were considered at a Board meeting held on February 8<sup>th</sup>, 2016.

The Board decided to refuse permission generally in accordance with the Inspector's recommendation, subject to the amendments to the Inspector's draft reasons and considerations set out below.

### REASONS AND CONSIDERATIONS

1. It is considered that the agricultural sheds on site are not suitable for the handling, storage and treatment of sludge/biosolids on the grounds that the structures and boundary walls around the subject site do not appear to incorporate sufficient structural integrity to ensure that all effluent can be sufficiently contained within the site. The use of the structures and site for the storage of sludge/biosolids would therefore be prejudicial to public health and would give rise to a serious risk of environmental pollution.
2. It is considered that insufficient information has been submitted with the planning application detailing the methods involved in the treatment of sludge. The Board is not satisfied that the applicant has adequately demonstrated that there will be no requirement to store hydrated lime on site for use in the treatment process having regard to the number of deliveries of waste to the site on a weekly basis and the requirement to treat sludge on a weekly basis. In the absence of such details, it is considered that the use of the site for the storage and treatment of sludge/biosolids is prejudicial to public health and would give rise to a serious risk of environmental pollution.
3. Having regard to the number of houses in the area, to the traffic and odours arising from the development to be retained, and to the proximity of the subject application site to the current proposal for a similar type facility under Planning Application Reg. Ref. KA15/1141,

it is considered that in evaluating the proposed development, the applicant has failed to take into consideration potential cumulative impacts arising from both developments. In the absence of such an assessment the Board is not satisfied that the proposed development to be retained would not seriously injure the amenities of the area and property in the vicinity.

4. On the basis of the information provided with the application and appeal and the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans and projects would not be likely to have a significant effect on the River Boyne and Blackwater SAC (Site Code: 002299) in view of the site's conservation objectives. In such circumstances the Board is precluded from giving consideration to a grant of planning permission.

Note: The Board noted the Inspector's comments in respect of EIA Requirement and the provisions of Schedule 5, Part 2 11(d) of the Planning and Development Regulations, 2001 in respect of sludge deposition sites where the expected annual deposition is 5,000 tonnes of sludge (wet). The Board considered that the facility in question is below the 5,000 tonne threshold, but having regard to the substantive reasons for refusal set out above, the Board did not proceed to consider whether, or not, a determination on the matter of a subthreshold EIS would be necessary in this instance. Similarly, having regard to the substantive refusal reasons the Board did not address any question in respect of whether an application for leave to apply for substitute consent would arise in this case.

Board Member: \_\_\_\_\_  
Nicholas Mulcahy

Date: February 29<sup>th</sup>, 2016

*Please issue copy of direction with order.*