

An
Bord
Pleanála

Board Direction
BD-008007-21
ABP-303211-18

The submissions on this file and the Inspector's report were considered at Board meetings held on 23/04/21 and 26/04/2021.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision the Board had regard to the following:

- Directive 2014/52/EU amending Directive 2011/92/EU (EIA) on the assessment of the effects of certain public and private projects on the environment.
- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which sets out the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union
- The National Planning Framework – Ireland 2040, which contains objectives to increase waste treatment and management capacity and a standardised approach to managing waste.
- The National Development Plan - Ireland 2018-2027, which identifies the need to increase capacity in waste management infrastructure to meet existing and future waste management objectives.
- The provisions of the Climate Action Plan, 2019,

- A Waste Action Plan for a Circular Economy Irelands National Waste Policy 2020-2025
- The Eastern-Midlands Region Waste Management Plan 2015-2021
- The Eastern -Midlands Region Waste Management Plan 2015-Construction & Demolition Waste Update Report 2020
- The Eastern and Midlands Regional and Spatial Economic Strategy 2019-2022
- the policies of the planning authority as set out in the Meath Co County Development Plan, 2013-2019.

The following matters were taken into consideration:

- (a) the evidence provided with regard to the European, national and regional requirements for the treatment and disposal of the various waste streams, including municipal solid waste, bottom ash and construction and demolition waste,
- (b) the nature, scale and design of the proposed development including the new IBA cells, biological treatment plant facility and associated infrastructure,
- (c) the established use of the site the established use of the site as a waste management facility,
- (d) the proximity of the site to the national primary road network,
- (e) the distance to dwellings and other sensitive receptors,
- (f) the design layout and landscaping of the proposed facility.
- (g) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European site's,
- (h) the submissions made in relation to the application including those submitted at the oral hearing and the report and recommendation of the Inspector and the additional report to the Board by the Inspectorate Ecologist

Appropriate Assessment: Stage 1

The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion reached in the Inspector's report that the River Nanny Estuary and Shore SPA (Site Code:004158) is the only European site in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2

The Board considered the Natura Impact Statement and associated documentation submitted with the application for permission, the mitigation measures contained therein, the submissions and observations on file including further information and submissions made to the oral hearing. The Board completed an appropriate assessment of the implications of the proposed development on the River Nanny Estuary and Shore SPA (Site Code:004158), in view of the site's Conservation Objectives. The Board concluded that the information before it was adequate to allow for a complete assessment of all aspects of the proposed development and to allow them reach complete, precise and definitive conclusions for appropriate assessment. carrying out of an Appropriate Assessment.

In completing the Appropriate Assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal,
- iii. the conservation objectives for the European Site.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspectors report in respect of the potential effects of the proposed development on the integrity of the aforementioned site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site in view of the site's conservation objectives and there is no reasonable doubt remaining as to the absence of such effects.

Environmental Impact Assessment:

The Board completed an environmental impact assessment of the proposed development taking account of:

- (a) the nature, scale, location and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the planning application, including further information,
- (c) the submissions received during the course of the application and at the oral hearing,
- (d) the Inspectorate Ecologist's assessment, and
- (e) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

Reasoned Conclusions on the Significant Effects

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- The main impacts on **population and human health** will arise from emissions to air during the construction and operational stages of the development associated with dust, noise, emissions from operating plant and odour. It is considered that these impacts can be mitigated by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR) and the outline Construction and Environment Management Plan (oCEMP).

- Impacts on **biodiversity** within the **site** would not be significant and are capable of effective mitigation by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR) and the Natura Impact Statement.

The habitats that would be impacted are of low ecological value with no rare or protected plants species recorded. The streams proximate to the site suffer from poor water quality with low fisheries potential.

Faunal species such as Otter and Badger use the site for transient foraging but are not breeding on the site. The majority of the birds recorded are not of conservation concern and no protected birds/species of conservation interest are breeding on the site. No bat roosts were recorded. The amphibian records identified Frogspawn, which if encountered during construction will be relocated to similar habitat.

- Subject to the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR) and the outline Construction and Environment Management Plan (oCEMP), potential impacts on **land, soil and water** will not be significant. The provision of an additional surface water management system with a four stage treatment process will reduce the potential for impacts on water quality. The provision of flood compensation measures will reduce the potential for flooding outside the site.
- The impacts on **climate** are assessed as positive associated with the generation of renewable energy.
- Potential impacts on **Landscape** will be mitigated by the provision of planted berms and replanting in accordance with a landscaping plan, which will provide a visual buffer between the landfill and sensitive receptors. Notwithstanding the increase in height of the landfill body, overall visual impact of the proposed development will be highly localised and confined to the environs of the site.
- Potential impacts in terms of **Material Assets (Roads & Traffic)** will be mitigated during construction by the measures set out in the outline Construction and Environment Management Plan (oCEMP) and during the operational phase by the Operational Traffic Management Plan required by

condition. The increase in traffic arising from the proposed development can be accommodated without resulting in significant effects on the carrying capacity and performance of the road network.

- Potential impacts on **Cultural Heritage** will be mitigated during the construction stage through archaeological monitoring of ground works.

The Board is satisfied that the reasoned conclusion is up to date at the time of making the decision.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the EIAR, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Having considered the totality of the Environmental Impact Assessment Report, associated documentation submitted with the application, the report of the Inspector and the Inspectorate ecologist's report, the Board concluded that any likely significant effects on the environment would be mitigated by the mitigation measures proposed by the applicant.

Proper planning and sustainable development:

It is considered that subject to compliance with the conditions set out below the proposed development would accord with European, national, regional and local planning and related policy, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not have an unacceptable impact on the landscape or ecology, would not pose a risk to water quality and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 25th day of October 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report shall be implemented in full.

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

3. The mitigation measures contained in the Natura Impact Statement submitted with the application shall be implemented in full.

Reason: In the interests of clarity and the proper planning and sustainable development of the area and to ensure the protection of European Sites.

4. Waste to be accepted at the facility for disposal, recovery and treatment shall not exceed 440,000 tonnes per annum, comprising up to 435,000 tonnes per annum of non-hazardous waste and up to 5,000 tonnes per annum of stable non-reactive hazardous waste, subject to the following requirements:

- (a) The volume of residual municipal solid waste accepted for disposal shall not exceed 188,000 tonnes per annum, which shall be reviewed after a period of three years.
- (b) 44,000 tonnes per annum shall be reserved as contingency capacity.
- (c) 150,000 tonnes per annum of Incinerator Bottom Ash shall be accepted for storage pending recovery. The period of storage of this material shall not exceed 5 years unless otherwise agreed in writing with the planning authority.
- (d) a maximum of 25,000 tonnes per annum of municipal solid waste fines for treatment at the biological treatment facility
- (e) baled recyclables shall not be placed in the landfill void.
- (f) within three months of the date of this Order, the applicant shall submit to the local authority, details of the overall volume and tonnage of waste which will be deposited in the landfill cells consistent with the information as contained in the application documentation.

Reason: To ensure that the volume of waste for disposal addresses identified capacity issues and does not discourage the expansion of other waste treatment options further up the waste hierarchy and the continued diversion of waste from landfill.

5. A comprehensive landscaping plan, prepared by a suitably qualified person, shall be submitted to and agreed in writing with the planning authority, prior to the commencement of the development. The plan shall include the following;
 - (a) A detailed phasing scheme for tree felling on site and for the construction of the proposed berms.
 - (b) an assessment of the carbon sequestration of trees to be removed on the site and details of the appropriate level of tree planting required to ensure an offset of the sequestration loss consequent to the tree removal.
 - (c) details of proposed planting scheme which shall include details of the number, age and species to include native deciduous woodland.

(d) Proposals for the protection of trees to be retained and for future maintenance.

Reason: In the interests of visual amenity.

6. Details of the materials, colours and textures of all external finishes to the proposed buildings shall be submitted to, and agreed in writing with the planning authority, prior to commencement of the development.

Reason: In the interests of visual amenity.

7. Working hours during the construction phase of the development shall be confined to between 08.00 and 18.30 hours Monday to Friday inclusive and between 08.00 and 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be permitted in exceptional circumstances where prior written approval has been received from the planning authority.

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

8. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan which shall be submitted to and agreed in writing with the planning authority prior to the commencement of the development. This plan shall cover all aspects of the construction phase and incorporate measures to avoid, minimise and mitigate potential effects on the environment. The plan shall provide details of the phasing of the development, intended construction practice, including hours of working, noise management measures, construction traffic management plan, surface water management plan, waste management plan and a programme for the monitoring commitments made in the application and supporting documentation during the construction period. The plan shall be updated at regular intervals.

Reason: In the interests of public safety and residential amenity.

9. Prior to commencement of development the developer shall submit the following for written agreement with the planning authority;
- (a) an operational traffic management plan with details of proposed haul routes for landfill traffic. The plan shall be subject to review as required by the planning authority and Transport Infrastructure Ireland.
 - (b) provisions prohibiting landfill associated traffic from travelling along the regional road, the R150, between its junction with the R153 to the west and the N2 to the east,
 - (c) a Stage 4 Road Safety Audit of the existing site access in accordance with the Transport Infrastructure Ireland standards.
10. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist on the site. In this regard, the developer shall-
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) in relation to the development,
 - (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works.
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

11. No instream works shall be carried out between the 1st day of October and the 30th day of June in any year.

Reason: In the interests of nature conservation and the protection of European sites.

12. The developer shall prepare an Invasive Species Management Plan for the written agreement of the planning authority and all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

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

13. The developer shall retain the services of a suitably qualified and experienced bat specialist to survey trees to be removed for the presence of bat roosts prior to commencement of development. The removal of any roosts identified shall be carried out only under licence from the National Parks and Wildlife Service

Reason: In the interest of protecting ecology and wildlife in the area.

14. Artificial light sources relating to the proposed development shall be designed to avoid spillage outside the site.

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

15. The developer shall pay a sum of money to the planning authority, either annually or in such manner as may be agreed, towards the cost of the provision of environmental improvement and recreational or community amenities in the locality. The identification of such projects shall be decided by the planning authority having consulted with the community liaison committee as provided for under the original permission PL17.125891, governing the development of the site. The amount of the contribution and the arrangements for payment shall be agreed between the developer and the planning authority or, in default of such agreement shall be referred to the Board for determination. The amount shall be index linked in the case of phased

payment. The developer shall consult with the planning authority in this regard prior to the commencement of the development.

Reason: It is considered reasonable that the developer should contribute towards the cost of environmental, recreational or community amenities which would constitute a substantial gain to the local community.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to planning authority, to secure the satisfactory reinstatement of the site and delivery route upon cessation of the project, coupled with an agreement empowering the planning authorities to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authorities and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure satisfactory reinstatement of the site.

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authorities may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authorities and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

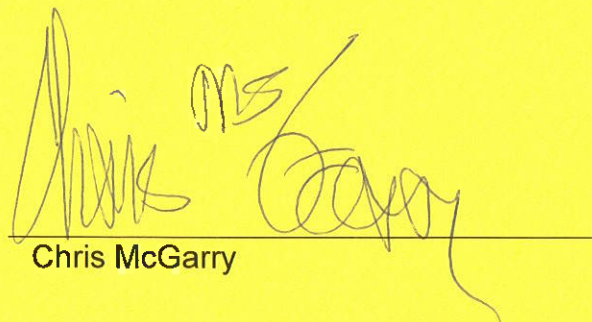
Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Schedule of Costs

In accordance with the provisions of Section 37H(2)(c) of the Planning and Development Act 2000, as amended, the amount due to be paid by the applicant to the Board is €57,479.50.

A breakdown of the Board's costs is set out in Appendix 1 attached to the Order.

Board Member

MS
Chris McGarry

Date: 26/04/2021

