



An
Bord
Pleanála

Board Direction
BD-006336-20
ABP-306996-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/08/2020.

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

Proper Planning and Sustainable Development

Having regard to:

- the nature and scale of the development as set out in planning application documentation and the pattern of development in the area;
- the current excavated state of the site in a former sand and gravel quarry;
- the applicable legislative and policy context, including in particular the provisions of the Eastern-Midlands Region Waste Management Plan 2015-2021, the provisions of the Regional Spatial & Economic Strategy for the Eastern and Midlands Region 2019-2031, the Meath County Development Plan 2013 – 2019, the Waste Framework Directive 2008/98EC and A Resource Opportunity – Waste Management Policy in Ireland, July 2012;

- the Environmental Impact Assessment report and information in support of the application and also the waste licensing regime under which the operational phase of the facility would be regulated;
- the contents of the appeal, the observation and the responses to the appeal and the subsequent submissions received on the remitted appeal case; and
- the reports and recommendations of the Planning Inspector, including the examination, analysis and evaluation undertaken in relation to the proper planning and sustainable development, appropriate assessment and environmental impact assessment;

the Board concluded that, subject to compliance with the conditions set out below, the proposed development would not have unacceptable impacts on the environment, including water quality, would not seriously injure the amenities of the area and would be acceptable in terms of traffic safety and convenience. The restoration of the existing quarry void as proposed would improve the visual and landscape characteristics in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Environmental Impact Assessment

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

- (a) the nature, scale, location and extent of the proposed development in previous worked sand and gravel quarry;
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application;

(c) all submissions, observations made in the course of the application and the contents of the appeal, observation and response from the applicant and the planning authority in the course of the appeal and new submissions received on the remitted case file; and

(d) the Inspector's reports.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the summary and examination, set out in the Inspector's reports, 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 application and appeal (including the remitted appeal).

The Board considered and agreed with the Inspector's reasoned conclusions that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Potential negative effects on the receiving soil and water environment, including the adjoining River Boyne, as a result of accidental spillages of chemicals, hydrocarbons or other contaminants entering the groundwater or surface water environments and discharging to the River thereafter during the infilling works and construction and demolition waste recovery activities. The impacts would be mitigated by adherence to best practice, active surface water management ensuring surface water is contained on site, operating above the water table, provision of a 37m buffer area between the River Boyne and the works, where no infilling or such works would take place, and the incorporation of established pollution and sediment control measures.

- Positive slight impacts on landscape and visual environment in the long term, once the infilling works are complete and the land is returned to agricultural use. No mitigation is required.
- Positive significant impacts on population and human health would arise during the works/operational phase as a result of local employment for the works period and contributing to orderly management of waste in the region. No mitigation is required.

The Board is satisfied that this reasoned conclusion is up to date at the time of taking this 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 in the Environmental Impact Assessment Report, 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 generally adopted the report and conclusions of the Inspector.

Appropriate Assessment

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232) are the European Sites for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites in view of the sites' Conservation Objectives for the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232). The Board

considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

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

- a. the likely direct and indirect impacts arising from the proposed development both individually and in combination with other plans and projects;
- b. mitigation measures / control measures that are included as part of the current proposal; and
- c. Conservation Objectives for these European Sites;

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's reports in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' Conservation Objectives. In conclusion, the Board was satisfied that the proposed development, would not adversely affect the integrity of European sites in view of the sites' Conservation Objectives.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.

Reason: In the interest of clarity.

2. (a) The permission shall apply for a period of ten years from the date of commencement. Following the expiration of this period, the importation of material to the site and operations on site shall cease, unless prior to the end of the period, planning permission shall have been granted for a further period.

(b) A maximum of 200,000 tonnes of inert waste material shall be imported into the site and the permission shall be completed within a period of ten years from the date of commencement of operations. Following the expiration of this period, the importation of inert waste material to the site and operations on site shall cease, unless prior to the end of the period, planning permission shall have been granted for a further period.

(c) A maximum of 20,000 tonnes of material shall be accepted per annum at the facility. The annual intake of waste at the Construction and Demolition Waste Recovery Facility shall not exceed 3,000 tonnes.

(d) No development shall commence prior to issuance of an Environmental Protection Agency Waste Licence.

Reason: In the interest of clarity.

3. All the environmental and construction mitigation and monitoring measures, set out in the Environmental Impact Assessment Report and Natura Impact Statement, shall be implemented in full in accordance with the timelines set out, except as may otherwise be required in any Waste Licence issued by the Environmental Protection Agency in respect of the proposed development or as may otherwise be required in order to comply with the following conditions. In this regard, prior to the commencement of the development, such mitigation and monitoring measures shall be set out as a written schedule including committed timelines, and the schedule shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of clarity and to mitigate the environmental effects of the proposed development.

4. (a) All ecological avoidance measures shall be implemented in full and carried out in accordance with best ecological practice in consultation with statutory agencies (if necessary).

(b) An ecologist shall be appointed to advise on any works such that they will be carried out in accordance with best practice guidance and all mitigation measures will be undertaken and to liaise and report to statutory bodies as required. The measures shall have regard to an ecological survey carried out prior to the commencement of the development in order to update baseline information of badger and bat species.

(c) A site-specific plan for the prevention of importation of invasive alien species onto the site shall be prepared and implemented throughout the carrying out of the development.

(d) A report on the implementation of ecological measures shall be submitted to the planning authority upon first operation of the development.

Reason: To adequately protect the biodiversity of the area.

5. A 37 metre-wide buffer zone, as stated in the Environmental Impact Assessment Report submitted, shall be maintained between the works area and the edge of the River Boyne channel and no inert material shall be deposited in this area.

Reason: In order to protect the adjoining River Boyne.

6. (a) Prior to commencement of the development, drawings shall be submitted to, and agreed in writing with, the Planning Authority which shall provide details of existing ground levels, water table levels, the provision of the 37-

metre buffer zone, longitudinal and cross-section drawings and proposed locations of infilling operations which shall remain above the water table.

(b) The developer shall submit on an annual basis, over the lifetime of this grant of permission, a record of the quantity of material imported into the site and details, including topographical survey drawings, which facilitates the planning authority to monitor the progress of the phases of restoration.

Reason: To ensure the satisfactory restoration of the site and to facilitate control of the development by the planning authority.

7. No topsoil, subsoils or sands and gravel shall be removed from the site, with any topsoil stripped from the site being stored in an appropriate manner and used in the site restoration.

Reason: In the interest of development control.

8. Measures to ensure the secure fencing of the remaining quarry void and appropriate boundary treatment of the site shall be submitted to, and agreed in writing with, the planning authority and implemented, prior to commencement of operations.

Reason: In the interest of safety and visual amenity.

9. The importation of soil and recovery of construction and demolition waste and operation of associated machinery shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays, between the hours of 0800 and 1400 on Saturdays and not at all on Sundays, Bank or 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 the interest of good traffic management and to protect the amenities of the area.

10. (a) The works to achieve the required visibility sightlines at the entrance as set out on Drawing No. 10499-2006 Rev A shall be carried out and completed prior to the operation of the proposed development.

(b) A traffic management plan for the operations shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(c) Details of road signage warning the public of the entrance and of proposals for traffic management at the site entrance shall be submitted to, and agreed in writing with, the planning authority prior to re-commencement of development at the site.

(d) Pull-in bays shall be completed to the satisfaction of the planning authority prior to acceptance of materials into the site.

(e) A wheel-wash facility shall be provided adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic management and road safety and to protect the amenities of the area.

11. The imported material to be deposited on the land shall comprise inert soil and topsoil only and shall be levelled, contoured and seeded upon the completion of the works in phases and protected until established.

Reason: In order to assimilate the development into the surrounding rural landscape, in the interest of visual amenity.

12. During infilling operations/restoration, the site shall be screened in accordance with a scheme of screening measures and boundary treatment, details of which shall include all planting proposed on existing and proposed screen berms, details of the ongoing care and management of such planting,

as well as details of an adequate barrier to prevent unrestricted access to the site from adjacent lands, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to safeguard the amenities of residential property in the vicinity during the operating phase of the development.

13. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

(a) Employ a qualified archaeologist to monitor all groundworks associated with the development at locations where topsoil and subsoil have not been previously quarried out;

(b) Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Culture, Heritage and the Gaeltacht with regard to any necessary mitigating action (including preservation in situ or excavation) and should facilitate the archaeologist in recording any material found.

(c) The Planning Authority and the Department of Culture, Heritage and the Gaeltacht shall be furnished with a report describing the results of the monitoring.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

14. The applicant shall maintain a Complaints Register to record any complaints regarding, but not limited to, noise, odour, dust, traffic or any other environmental nuisance. The Complaints Register shall include details of the

compliant and measures taken to address the complaint and to prevent repetition of the complaint.

Reason: In the interest of development control.

15. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of specific road improvement works necessary to facilitate the development and which are not covered in the adopted Development Contribution Scheme. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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 the planning authority, to secure the satisfactory completion of the site restoration, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory restoration of the site in the interest of visual amenity.

Board Member

Date: 26/08/2020

Dave Walsh

Note:

Having considered the content of the submission received by the Board on the 24th day of June 2020 from ECO Advocacy CLG, which was the third party appellant in the case, and their request for the awarding of a significant contribution towards their costs incurred as part of the appeal, the Board decided not to direct the payment of expenses under section 145 of the Planning and Development Act 2000, as amended, in this instance, having regard to:

- (i) the fact that no appeal fee was required in respect of the remitted case,
and
- (ii) the lack of detail provided regarding the expenses and costs incurred by the appellant in the preparation of their submission.