

An
Bord
Pleanála

Board Direction
BD-014001-23
ABP-314511-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/10/2023.

The Board decided to make a split decision, to

- (1) grant permission, for the reasons and considerations and subject to the conditions set out at **(1)** below for alterations to the existing development entrance off the R163

and

- (2) refuse retention permission for a top-soil berm, concrete pad, hard standing area, and a lime silo, generally in accordance with the Inspector's recommendation, for the reasons and considerations set out at **(2)** below.

(1) In deciding not to accept the Inspector's recommendation to refuse permission for alterations to the existing entrance, the Board considered that, subject to the below conditions, the proposed development would not seriously impact the amenity of the area or pose a risk to road safety and would be compatible with the proper planning and sustainable development of the area.

Conditions:

1. The permitted components of the development shall be constructed in accordance with the plans and particulars lodged with the Planning Authority on 10/06/2022 except where conditions hereunder specify otherwise. 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 interests of the proper planning and development of the area.

2. All relevant conditions attached to planning reg. ref. no's: KAI 20937 (An Bord Pleanála Appeal Ref. No. PL17.241695) and KAI()0736 shall be complied with, in full, to the satisfaction of the Planning Authority.

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

3. New site boundaries shall consist of timber fencing backplanted with hedgerow of species native to the area.

(b) Planting shall commence no later than the first planting season following commencement of development on site. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, 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: To protect the visual amenity and natural heritage of the area,

4. The applicant shall provide and maintain sightlines of 160 metres to both sides of sides of both the proposed entrance to the nearside road edge from a setback of 2.4metres as shown in the Site Layout Plan Provided Drawing No.21434-104 Rev A and in accordance with T.I.I Document DN-GEO-03060. The envelope of visibility should encompass the area between a driver eye height in the range of 1.05 metres to 2.00 metres, and an object height in the range of 0.6 metres to 2.00 metres. The entire nearside edge of the road shall be visible over the entire sightline. No development work shall commence on site until the visibility splays have been provided.

The proposed entrance layout shall be in compliance with Figure 5.10 of T.I.I. Document DNGEO-03060. The face of the entrance piers shall be at least 7 meters from the edge of the road.

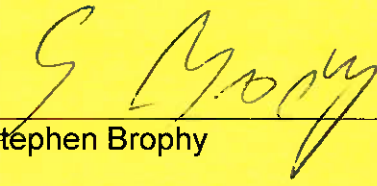
5. Prior to the commencement of any work on site, the Applicant shall submit full details including elevation drawings of the proposed entrance gates, walls and piers. These structures shall not exceed 1.5 metres in height unless the prior written agreement of the Planning Authority is first obtained.

Reason: In the interests of traffic safety and the proper planning and development of the area.

(2)

- (1) Having regard to the planning history of the site, namely ABP Ref: PL17 241695 which allowed only for the storage of sludge / bio solid fertiliser, the retention of the lime silo, if permitted, would extend the operations on site to include for the on-site treatment of sludge by way of alkaline stabilisation. The Board is not satisfied that adequate information has been submitted with the planning application and appeal detailing the lime stabilisation process undertaken on site, including the nature of the machinery / equipment involved, and the amount of lime used. In the absence of such details, it is considered that the retention of lime silo for the treatment of sludge/biosolids would give rise to a risk of environmental pollution and be prejudicial to public health.
- (2) On the basis of the information submitted with the application and the appeal, the Board is not satisfied that the applicant has demonstrated that the arrangements for the collection, treatment and discharge of water are adequate to cater for the proposed development without giving rise to the risk of environmental pollution. In this regard, it is considered that the proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.
- (3) On the basis of the information provided with the application and appeal and the absence of a Natura Impact Statement, and having regard to the potential for the discharge of contaminated water to the Moynalty River that provides hydrological pathway to the River Boyne and Blackwater SAC and SPA, 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) and the River Boyne and River Blackwater SPA (Site Code:004232), in view of the site's conservation objectives. In such circumstances the Board is precluded from granting retention of planning permission for the facility in question.

Board Member:



Stephen Brophy

Date: 05/10/2023