



An
Bord
Pleanála

Board Direction
BD-018112-24
ABP-317324-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/11/2024.

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

Having regard to the nature and extent of the proposed development for the infilling of land with inert material, and to its location within an area zoned Rural Area in the Meath County Development Plan 2021 – 2027, wherein the proposed development is a permitted activity, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health, and would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would be in accordance with the policies and objectives of the Meath County Development Plan 2021 – 2027 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development and the Inspector's report and submissions on file. In completing the screening exercise, the

Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would be likely to have a significant effect on the River Boyne and River Blackwater Special Protection Area (Site Code: 004232) and River Boyne and River Blackwater Special Area of Conservation (Site Code 002299) in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is, therefore, required.

Appropriate Assessment

Following a detailed examination and evaluation of the Natura impact statement submitted to the planning authority, all associated material submitted with the planning appeal as relevant to the Appropriate Assessment process, and taking into account the submissions of third parties, the Board is satisfied that the proposed development, subject to the implementation of the proposed mitigation measures to address impacts from surface water runoff pollution during the operational phase, would not adversely affect the integrity of the the River Boyne and River Blackwater Special Protection Area (Site Code: 004232) and River Boyne and River Blackwater Special Area of Conservation (Site Code 002299). This conclusion is based on:-

- (a) a detailed assessment of all aspects of the proposed development that could result in significant effects or adverse effects on European Sites within a zone of influence of the development site,
- (b) consideration of the conservation objectives and conservation status of qualifying interest species and habitats,
- (c) a full assessment of risks to special conservation interest bird species and qualifying interest habitats and species,
- (d) application of mitigation measures designed to avoid adverse effects on site integrity and likely effectiveness of same, and

- (e) consideration and assessment of in-combination effects with other plans and projects.

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 received by the planning authority on the 15th day of February, 2023 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. The permission shall apply for a period of five years from the date of this order. 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 is granted for a further period.

Reason: To regulate the duration of the development, in the interest of the proper planning and sustainable development of the area.

3. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. The development shall not commence on this site until a Waste Facility Permit, has been issued by the local authority and site operations shall be in accordance with the said permit.

Reason: In the interest of amenity and to prevent environmental pollution.

4. The importation of inert soil, stone and topsoil and the operation of associated machinery and any other site works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.

Reason: To safeguard the amenity of property in the vicinity.

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

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

6. As part of the site operational governance the applicant shall retain a register to record any complaints regarding the works hereby permitted.

Reason: In the interest of orderly development.

8.
 - (a) A minimum 5 metre-wide buffer zone shall be maintained between that part of the site to be filled and adjacent drainage ditches and streams.
 - (b) The buffer zone shall be cordoned off from earth movement works and suitable bunds, barriers and/or silt fencing shall be erected along the boundary of the infill area and the buffer zone to prevent soil and sediment from entering watercourses throughout the course of works.
 - (b) Details of the buffer zone and the provision of bunds, barriers and/or silt fencing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity and in order to protect receiving drainage water courses.

9. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: surface water run-off from the site and environmental management measures including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

Reason: In the interest of environmental protection.

10. Noise monitoring locations for the purposes of the construction phase of the proposed development shall be agreed in writing with the planning authority prior to commencement of any development on site.

The external noise levels, when measured at noise sensitive receptors shall not exceed 55 dB LAeq,16 hours. An annual noise survey shall be undertaken by a competent person, in accordance with the relevant guidance, and submitted to, and agreed in writing with, the planning authority.

Reason: To protect the amenities of property in the vicinity.

11. Dust emissions shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details to be submitted shall include monitoring locations, the commencement date and the frequency of monitoring results.

Reason: To protect the amenities of property in the vicinity.

12. A wheel washing 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 safety and biosecurity.

13. The developer shall implement measures to reduce environmental risks associated with re-fuelling, greasing, and other activities within the site. Such measures may include, but are not restricted to, the use of spillage mats and catch trays. Such measures shall be subject to the written agreement of the planning authority prior to commencement of works.

Reason: To prevent water pollution.

14. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and shall be agreed in writing prior to the commencement of development.

Reason: In the interest of public health.

15. Silt traps shall be provided on all surface water drainage channels. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To prevent water pollution.

16. Details of road signage, including advance warning notices and proposals for traffic management at the site entrance, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

17. All necessary measures shall be taken by the applicant/developer to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant/developer's own expense.

Reason: To protect the amenities of the area.

18. All trees and hedgerows on the boundaries of the site shall be retained and maintained. Retained trees and hedgerows shall be protected from damage during construction and infill development works.

Reason: To protect trees and planting during the construction and infill period, in the interest of visual amenity and biodiversity.

19. 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) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (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.

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.

20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the satisfactory completion of any part of the development. 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 completion of the development.

21. 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, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority 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 authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Board Member



Mick Long

Date: 07/11/2024