



An  
Bord  
Pleanála

**Board Direction**  
**BD-018658-25**  
**ABP-319278-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/01/2025.

The Board decided, 2:1, 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:

- (i) the suitability of the site given its location and the nature of the existing operations in the locale,
- (ii) the rural zoning which applies to the site under the Meath County Development Plan 2021-2027 (as varied), under which sustainable energy installations are stated to be generally acceptable in principle,
- (iii) the Renewable Energy Directive (2023/2413/EU),
- (iv) the Climate Action and Low Carbon (Amendment) Act 2021,
- (v) the National Planning Framework Plan 2040,
- (vi) the National Development Plan 2030,
- (vii) the Regional Spatial and Economic Strategy 2020-2032,
- (viii) the policies of the planning authority as set out in the Meath County Development Plan 2021-2027 (as varied),

- (ix) the distance to dwellings or other sensitive receptors,
- (x) the submissions made in connection with the application,
- (xi) the likely consequences for the environment and the likely significant effects of the proposed development on European Sites,
- (xii) the Screening for Appropriate Assessment and Environmental Impact Assessment reports and recommendations of the Inspector,

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 be consistent with the obligations of the Climate Action Plan 2024, and the Climate Action and Low Carbon (Amendment) Act 2021, would not have an unacceptable impact on the existing landscape, archaeology or ecology, would not seriously injure the amenities of the area in terms of health, 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.

### **Appropriate Assessment Screening:**

Following screening for Appropriate Assessment of the project, it was concluded that the proposed development may have a significant effect on the River Boyne and River Blackwater Special Area of Conservation (002299), Boyne Estuary and Coast Special Area of Conservation (Site Code 1957), River Boyne and River Blackwater Special Protection Area (Site Code 004232), Boyne Estuary SPA (Site Code 004080), and River Nanny Estuary and Shore Special Protection Area (Site Code 004158). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives of relevance to the proposed development. The possibility for likely significant effects was excluded for other European sites.

### **Appropriate Assessment Stage 2:**

The Board considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an Appropriate Assessment of the implications of the proposed development on the River Boyne and River Blackwater Special Area of Conservation (002299), Boyne Estuary and Coast Special Area of Conservation (Site Code 1957), River Boyne and River Blackwater Special Protection Area (Site Code 004232), Boyne Estuary SPA (Site Code 004080), and River Nanny Estuary and Shore Special Protection Area (Site Code 004158) in view of these sites' conservation objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' conservation objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' 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 River Boyne and River Blackwater Special Area of Conservation (002299), Boyne Estuary and Coast Special Area of Conservation (Site Code 1957), River Boyne and River Blackwater Special Protection Area (Site Code 004232), Boyne Estuary SPA (Site Code 004080), and River Nanny Estuary and Shore Special Protection Area (Site Code 004158) in view of the conservation objectives of



the sites. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by additional information submitted on 22<sup>nd</sup> day of November 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 mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

**Reason:** To protect the integrity of European Sites.

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

**Reason:** In the interest of visual amenity.

4. Prior to the commencement of development, the applicant shall submit for the written agreement of the planning authority:

- (a) Proposals for the reduction in the bund overtopping fraction of 75% set out in Table 3 of the Land Use Planning Risk Assessment document.
- (b) Details to demonstrate that there is sufficient tertiary containment on site.

**Reason:** In the interest of public health and safety.

5. Prior to the commencement of development hereby permitted, the applicant shall submit/address the following for the written agreement of the planning authority:
- (a) A revised site layout, demonstrating the works required to provide the entrance layout to ensure compliance with current standards.
  - (b) These works include but are not limited to the road alignment, road construction, resurfacing and drainage, etc.

**Reason:** In the interest of traffic safety.

6. All mitigation measures in relation to archaeology and cultural heritage as set out in Chapter 13 of the Environment Report included in application documents dated the 11<sup>th</sup> day of August 2023 shall be implemented in full. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/ excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

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

7. The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record [archaeological excavation] and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

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

8. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and 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 order to safeguard the residential amenities of property in the vicinity.



9. The developer shall enter into water connection agreements with Uisce Eireann, prior to commencement of this development.

**Reason:** In the interest of public health and orderly development.

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

**Reason:** In the interest of proper site drainage.

11. Prior to the commencement of development on site, the applicant shall contact Irish Aviation Authority to formally notify the Authority of the intention to commence any crane operations at the subject site and give at least 30 days of prior notification of the erection of any cranes.

**Reason:** In the interest of aviation safety.

12. All service cables associated with the proposed development shall be located underground.

**Reason:** In the interest of visual and amenity.

13. The landscaping and boundary scheme proposed, as submitted to the planning authority on the 11<sup>th</sup> day of August 2023 shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. 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:** In the interest of visual amenity.

14. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP), including a Construction Traffic Management Plan incorporating access/parking, for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, temporary site compound, and environmental management measures during construction including 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 order to protect the amenities of property in the vicinity.

15. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for



written agreement prior to the commencement of development. All records including for waste and all resources pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of proper planning and sustainable 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 reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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:** In the interest of traffic safety and the proper planning and sustainable development of the area.

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, 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**

  
Mary Henchy

**Date:** 16/01/2025