

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Meath County**

**Planning Register Reference Number: NA/120218**

An Bord Pleanála Reference Number: PL 17.244154 (PL17.241533)

**APPEAL** by Greenfield Ventures Limited care of Brady Hughes Consulting of 26 Magdalene Street, Drogheda, County Louth against the decision made on the 17<sup>th</sup> day of December, 2012 by Meath County Council to refuse permission for the proposed development.

**PROPOSED DEVELOPMENT:** Development consisting of two number Anaerobic digesters to process farm slurry and other biodegradable waste to produce renewable energy and fertiliser. The facility will also include storage tanks, a reception building (including a combined heat and power plant and an ESB substation), a silage pit, new vehicular entrance and all associated site development works with landscaping boundary fencing and signage at Gillstown, Garlow Cross, Navan, County Meath.

## **DECISION**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

In coming to its decision, the Board had regard, inter alia, to:

- European Union and national sustainable energy and waste policies,
- the provisions of the Eastern – Midlands Region Waste Management Plan 2015-2021,
- the provisions of the Meath County Development Plan 2013-2019 including, in particular, policies in relation to waste management, renewable energy and the conversion of biomass to energy,
- the requirement for the Anaerobic Digester Plant to be subject to and regulated under a Waste Facility Permit to be issued by Meath County Council,
- the pattern of existing and permitted development in the vicinity of the site including the dwelling permitted by Meath County Council under planning register reference number NA/110836,
- the location of the proposed development on farmland in a primarily agricultural area in close proximity to the source of agricultural wastes and to locations which are suitable for the spreading of digestate,
- the design, nature and extent of the proposed Anaerobic Digester structures which are appropriate to their agricultural setting on a visually unobtrusive site,
- the submissions on file including in response to the Board's invitation to comment and all relevant documentation attached to planning authority register reference number NA/120218 and An Bord Pleanála appeal reference number PL17.241533,

- the Inspector's report attaching to An Bord Pleanála appeal reference number PL17.241533 and the addendum report by the same Inspector on the current file, and
- the report from Byrne O'Cléirigh in respect of the proposed development and the Seveso III Regulations.

### **Environmental Impact Assessment Screening**

Having regard to Articles 109 of the Planning and Development Regulations 2001, as amended, and to the criteria set out in Schedule 7, the Board concluded, further to meetings held on the 9<sup>th</sup> day of July and the 13<sup>th</sup> day of August, 2015 and for the reasons set out on the Board Direction dated the 13<sup>th</sup> day of August, 2015, that this development is a Sub-threshold development and the Board had regard to the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development' (Department of the Environment, Heritage and Local Government, August, 2003) and concluded that the proposed development would not be likely to have significant effects on the environment and, therefore, decided not to require the submission of an Environmental Impact Statement in this instance.

### **Appropriate Assessment Screening**

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site and considered the Appropriate Assessment Screening Report submitted by Moore Group–Environmental Services to the planning authority at further information stage. In completing the screening for Appropriate Assessment, the Board accepted and adopted the Inspector's screening assessment and conclusion in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the following European Sites: the River Boyne and River Blackwater Special Area of Conservation (Site Code 002299), the River Boyne and River Blackwater Special Protection Area (Site Code 004232), the River Nanny Estuary and Shore Special Protection Area (Site Code 004158) or any other European site, in view of the site's conservation objectives.

## Conclusion on Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development:-

- would comprise an acceptable form of energy recovery from primarily agricultural waste,
- would be in accordance with European Union, National and Regional waste and sustainable energy policies and the provisions of the County Development Plan,
- would not interfere with a protected view and prospect of national importance or the heritage of the area,
- would not seriously injure the amenities of the area or property in the vicinity,
- would be acceptable in terms of traffic safety and convenience,
- would not be prejudicial to public health,
- would not give rise to a risk of serious pollution, and
- would not give rise to a major accident risk.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse planning permission, the Board had regard to sustainable energy and waste policies and considered that the proposed Anaerobic Digester plant was an acceptable, and sustainable, form of development on these farm lands in close proximity to the source of agricultural wastes and to locations which are suitable for the spreading of digestate. The Board considered that sufficient information was attached to the file in relation to the composition, proportions and the source of feedstock, digestate volumes and digestate storage prior to spreading to enable the Board to make an informed decision. The Board noted that the proposed Anaerobic Digester Plant would also be subject to and regulated under a Waste Facility Permit to be issued by Meath County Council.

In relation to the visual impact of the proposed development, the Board considered that the Anaerobic Digester structures were of limited scale and extent and located outside the Tara Skryne Landscape Conservation Area on lands that are not of particular visual prominence. In addition, the Board considered that there is a substantial distance (in excess of four kilometres) between the proposed development and the Hill of Tara with numerous trees, hedge rows, dwellings and the M3 motorway and regional roads in-between the two locations and, therefore, concluded that the proposed development would integrate well with the agricultural setting and would not interfere with a protected view and prospect of national importance or the heritage 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 13<sup>th</sup> day of November, 2012, 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 overall annual tonnage of feedstock accepted at this Anaerobic Digester plant shall be as set out in the planning documentation submitted and shall not exceed 15,000 tonnes per annum.
- (b) Planning permission shall be required for any change in the mix of wastes accepted at the facility.

**Reason:** In the interests of clarity.

3. The maximum quantity of biogas present on site at any one time shall not exceed 10 tonnes.

**Reason:** To ensure that the facility will not comprise an establishment for the purposes of the Seveso III Regulations in the interests of clarity.

4. Digestate generated by the proposed development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2014, as amended.

**Reason:** To ensure the satisfactory disposal of digestate, in the interest of amenity, public health and to prevent pollution of watercourses.

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

**Reason:** In the interest of the visual amenities of the area.

6. The noise level shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest noise sensitive location between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

7. All tanks containing liquids (other than water) shall be contained in a waterproof bunded area, which shall be of sufficient volume to hold 110 per cent of the volume of all tanks within the bund. All water contaminated with hydrocarbons, including stormwater, shall be discharged via a grit trap and three-way oil interceptor with sump to a watercourse. The tanks shall be provided with an inspection chamber and shall be installed and operated in accordance with the written requirements of the planning authority.

**Reason:** In order to protect groundwater.

8. (a) All hard surfacing shall be of concrete, including the proposed yard and roadways, and shall be appropriately bunded. No permeable paving is permitted.
- (b) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. All surface water from the yard and roadways shall first discharge through a hydrocarbon and silt interceptor prior to discharge. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (c) Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public health and protection of the environment.

9. (a) The proposed Reception Shed doors shall be sealed and shall not be perforated.
- (b) All deliveries of material to the reception shed shall be tipped indoors only and only while shed doors are closed.
- (c) The proposed silage pit shall be appropriately covered.
- (d) No materials or equipment shall be stored externally.
- (e) The transportation of materials to/from the proposed development via the public road shall be carried out in a sealed tanker/container such that no spillage can occur on the public road.

**Reason:** To contain odour, in the interest of protection of the amenity of residential property in the vicinity.

10. Any sanitary facilities shall be provided by means of a chemical toilet, unless otherwise authorised by a prior grant of planning permission. Disposal of sanitary waste within the proposed facility is not permitted. Details of the disposal of sanitary waste shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

11. The operating hours, including hours of acceptance or dispatch of material to/from the subject site shall only be between 0800 and 1800 on Monday to Friday, and 0800 and 1200 on Saturdays. The facility shall be closed on Sundays and public holidays, and material shall not be accepted or dispatched on those days. Deviation from these times will only be allowed where prior written approval has been received from the planning authority.

**Reason:** In the interest of the amenities of property in the vicinity.

12. The existing hedge at the site entrance shall be set back as required to provide adequate sightlines. The hedge shall be re-planted behind the required sightlines, using only indigenous deciduous trees and hedging species.

**Reason:** In the interests of traffic safety and visual amenity.

13. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. 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 order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.



14. Proposals for lighting of the facility shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The lights shall be directed and cowled such as to minimise light scatter over roads and residential property in the vicinity. Lighting shall be minimised outside of normal working hours.

**Reason:** In the interest of residential amenity and traffic safety.

15. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, without the written agreement of the planning authority.

**Reason:** To protect the visual amenities of the area.

16. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

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

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.

---

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2016.**