

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Meath County

Planning Register Reference Number: KA/140633

An Bord Pleanála Reference Number: PL 17.245132

APPEAL by Emer Jordan of Berryleck Lane, Wilkinstown, County Meath against the decision made on the 25th day of June, 2015 by Meath County Council to grant subject to conditions a permission to Energybia Limited care of Hanley Taite Design Partnership of Virginia Shopping Centre, Virginia, County Cavan in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Revisions to previous planning permissions planning register reference numbers NA 50074 (appeal reference number PL 17.213657), NA 801610 and NA130510 namely: (a) permission is sought for the introduction of two number digester processing systems into existing composting process, each digester unit will have one number digester vessel (20.96 metres high) one number post digester vessel (9.76 metres high), one number Auger, one number steel container - Combined Heat and Power plant (CHP) and one number covered skip area. (b) permission is sought for change of waste for composting from that granted under previous permissions, namely from “sludge, wood chip and green waste” at a ratio of 1:1:1 to “sludge, green waste and sugar beet”, at a ratio of 2:1:1- Digester 1 and “sugar beet and green waste” at a ratio of 9:1- Digester 2. The total intake of waste is not to exceed 25,000 tonnes per annum as previously granted. (c) permission is sought for 24 number polytunnels (each 270 square metres - 3.25 metres high) for the production of vegetables. Heat and power from CHP to be used to feed the polytunnels. (d) with all associated ancillary and site works, all at Wilkinstown, Navan, County Meath. The proposed development was revised by further public notices received by the planning authority on the 20th day of April, 2015 and the 2nd day of May, 2015.

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 has regard to:-

- National and regional policy in relation to waste management,
- the provisions of the Meath County Development Plan 2013-2019 in relation to waste management,
- the fact that the development will be subject to control by licence issued by the Environmental Protection Agency,
- the location of the site in a rural area and its authorised use as a composting facility,
- the quality of road network in the area,
- the pattern of development in the area,
- the submissions on file,
- the information contained in the Environmental Impact Statement and the Appropriate Assessment screening report submitted with the application,

- the documentation received in response to the Board's section 132 request dated the 23rd day of June 2016, and the documentation received from cross circulated parties, and
- the Inspector's report dated the 12th day of October, 2015 and his additional report dated the 29th day of August, 2016 in respect of the proposed development.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site.

The Board had regard to:

- the Appropriate Assessment Screening Report submitted with the planning application,
- the planning authority's analysis in respect of Appropriate Assessment,
- the further information submitted to the planning authority,
- the documentation submitted at appeal stage,
- the applicant's response to the Board's section 132 request,
- the submissions on file, and
- the Inspector's reports which included a screening assessment, and

completed a screening for Appropriate Assessment.

The Board accepted and adopted the Inspector's screening assessment 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 any European Sites in view of the site's Conservation Objectives.

Environmental Impact Statement

The Board considered that the Environmental Impact Statement submitted with the application, the further information submitted to the planning authority, the documentation submitted at appeal stage including the applicant's response to the section 132 request and the ensuing submissions from the parties, the reports, assessment and conclusions of the Inspector with regard to this file were adequate in identifying and describing the direct, indirect, secondary and cumulative effects of the proposed development. The Board completed an Environmental Impact Assessment, and agreed with the Inspector in his assessment of the likely significant effects of the proposed development. The Board adopted the report of the Inspector.

The Board concluded that, subject to the implementation of the mitigation measures proposed, the effects on the environment of the proposed development would be acceptable.

Conclusion in respect of Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development 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 20th day of April, 2015 and by the further plans and particulars received by An Bord Pleanála on the 23rd day of June, 2016, 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 operator of the proposed facility shall not commence works until it has been ascertained whether or not a waste licence review by the Environmental Protection Agency is required. If it is determined that a waste licence review or an industrial emissions licence is required, the proposed facility shall not commence operations until such a licence has been obtained from the Environmental Protection Agency.

Reason: In the interest of orderly development.

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

Reason: In the interest of public health and safety.

4. (a) Water supply, including the provision of any on-site production well/wells, shall be in accordance with the documentation submitted to An Bord Pleanála on the 23rd day of June, 2016 and in all other regards shall comply with the requirements of the planning authority for such works and services. Potable water from the public supply shall only be used for non-processing operations (that is, toilets, offices, canteens).

- (b) Drainage arrangements and the disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

5. All water from potentially contaminated areas shall be collected separately and shall be discharged into the anaerobic digestion tanks.

Reason: In the interest of public health.

6. Residual digestate and centrate arising from the anaerobic digestion process shall be disposed of by the spreading on land or any other means agreed in writing with the planning authority. The location, rate and timing of spreading together with any buffer zones required shall be in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Water) Regulations 2014.

Reason: To ensure the satisfactory disposal of waste material in the interest of amenity, public health and prevent pollution of watercourses.

7. The landscaping scheme shown on drawing number 2014-701 received by the planning authority on the 21st day of July 2014 and drawing numbers 2014-702E and 2014-703B received by the planning authority on the 20th day of April, 2015 shall be carried out within the first planting season following substantial completion of the 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 residential and visual amenity.

8. Prior to commencement of development, details of all materials, colours and textures of all external finishes to the proposed structures and buildings and other plant associated with the development shall be submitted to and agreed in writing with the planning authority. All of the buildings shall be finished in a dark green or olive colour.

Reason: In the interest of visual amenity.

9. 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 the intended construction practice for the development, including measures for any off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

10. Details of all car parking arrangements, including the layout of car parking spaces, shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

Reason: To ensure that adequate off-road parking provision is available to serve the proposed development.

11. Details of all loading and unloading of waste on-site shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

12. No muck, dirt, debris or other materials shall be deposited on the public road or verge by machinery or vehicles travelling to and from the site during the construction phase. The developer shall arrange for vehicles leaving the site to be kept clean.

Reason: In the interest of orderly development.

13. The developer shall be responsible for the full cost of repair in respect of any damage caused to any adjoining public roadway arising from the construction work and shall make good any such damage to the satisfaction of the planning authority.

Reason: In the interest of road safety and traffic management.

14. 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 (including hydrological and geotechnical investigations) 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.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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.

15. (a) The proposed on-site wastewater treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted as Appendix C of the Environmental Impact Statement and in accordance with the Environmental Impact Statement Code of Practice for On-Site Wastewater Treatment Systems. Arrangements in relation to the on-going maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (b) Within three months of the operation of the on-site wastewater treatment system, the developer shall submit a report to the planning authority from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

16. Oil and fuel storage tanks required for the construction stage shall be bunded to a volume not less than greater of the following:
- 110% of the capacity of the largest tank within the bunded area, or
 - 25% of the total volume of substance which could be stored within the bunded area.

Reason: In the interest of public health.

17. (a) During the construction phase, noise levels at all noise sensitive locations in the vicinity of the site shall not exceed 70dB(A).
- (b) Site development and building works shall be carried out only between the hours of 0800 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.

18. 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.