

An  
Bord  
Pleanála

Board Order  
ABP-309151-21

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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: TA/200121**

**Appeal** by Tommy Donnegan of Newcastle, Enfield, County Meath and by Eco Advocacy of Trammon, Rathmoylan, Enfield, County Meath against the decision made on the 7th day of December 2020 by Meath County Council to grant subject to conditions a permission to Keegan Quarries Limited care of Tobin Consulting Engineers of Block 10-4, Blanchardstown Corporate Park, Blanchardstown, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Development will consist of: (a) use of existing stockpiles for site restoration, (b) importation of inert excavation spoil comprising natural materials of clay, silt, sand, gravel or stone for the purposes of restoration of a previously extracted area (QY/54) to restore the site to a beneficial agricultural and ecological after use (5.85 hectares), (c) temporary portacabin offices and staff facilities 100 square metres, (d) wheel wash and weighbridge 134 square metres, (e) site entrance and access road, (f) lockable access gate at the pit entrance, (g) all other ancillary buildings, plant and facilities for the restoration, and all ancillary site works. The application is accompanied by an Environmental Impact Statement (Environmental Impact Assessment Report) and associated documents. The

application relates to a restoration development for the purpose of an activity requiring a Waste Permit to be issued by the Meath County Council, all at Newcastle, Enfield, County Meath, as revised by the further public notice received by the planning authority on the 14th day of October, 2020.

## **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**

### **Appropriate Assessment**

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion in the Inspector's report in respect of the identification of the European Sites which could potentially be affected, and the identification and assessment of potential significant effects of the proposed development, either individually or in combination with other plans

or projects, on these European Sites in view of the sites' 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 River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) or the River Boyne and River Blackwater Special Protection Area (Site Code: 004232) or any other European Site, in view of the sites' Conservation Objectives.

## **Environmental Impact Assessment**

The Board completed an Environmental Impact Assessment of the proposed development in compliance with section 172 of the Planning and Development Act 2000, taking into account:

- (a) the nature, scale, location, and extent of the proposed development,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted with the application,
- (c) the submissions from the applicant, the appellants and the planning authority, and
- (d) the Planning Inspector's report.

The Board considered that the EIAR, supported by the information submitted by the applicant, adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the EIAR complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board agreed with the summary and examination, as set out in the Inspector's report, of the information contained in the EIAR and associated documentation submitted by the applicant and submissions made in the course of the application and appeal. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and

recommendation (including environmental conditions) and are incorporated into the Board's decision.

## **Reasoned Conclusions on the Significant Effects**

The Board concluded that, subject to the implementation of the mitigation measures proposed, as set out in chapters 5 to 14 inclusive of the EIAR and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, both by itself and cumulatively with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting Inspector.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- (a) Potential negative effects on the receiving soil and water environment, including the adjoining River Blackwater, as a result of accidental spillages of chemicals, hydrocarbons or other contaminants entering the groundwater or surface water environments and discharging to the River Blackwater thereafter during the infilling works and activities. The impacts would be mitigated by adherence to best practice, active surface water management ensuring surface water is contained on site, operating above the water table, provision of a 65-metre buffer area between the River Blackwater and the works, where no infilling or such works would take place, and the incorporation of established pollution and sediment control measures.
- (b) Positive slight impacts on the landscape and visual environment in the long term, once the infilling works are complete and the land is returned to agricultural use. No mitigation is required.
- (c) Positive significant impacts on population and human health would arise during the works/operational phase as a result of local employment for

the works period and contributing to orderly management of waste in the region. No mitigation is required.

## **Conclusions on Proper Planning and Sustainable Development**

Having regard to the nature and scale of the proposed development and the pattern of development in the area, the current excavated state of the site in a former sand and gravel quarry, the provisions of the Meath County Development Plan 2013 – 2019 and the National Planning Framework, 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, would be acceptable in terms of traffic safety and convenience and would improve the visual and landscape characteristics in the vicinity. The proposed development 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 25th day of August, 2020 and the 14th day of October, 2020, 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 permission shall apply for a period of five years from the date of commencement of operations. 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 shall have been granted for a further period.
- (b) A maximum of 200,000 tonnes of inert waste material shall be imported into the site and the permission shall be completed within a period of five years from the date of commencement of operations. Following the expiration of this period, the importation of inert waste material to the site and operations on site shall cease, unless prior to the end of the period, planning permission shall have been granted for a further period.
- (c) A maximum of 50,000 tonnes of material shall be accepted per annum at the site.
- (d) No development shall commence prior to issuance of the necessary Waste Authorisation.

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

3. All the environmental and construction mitigation and monitoring measures, as set out in the Environmental Impact Assessment Report (EIAR), shall be implemented in full in accordance with the timelines set out, except as may otherwise be required in any Authorisation in respect of the proposed development or as may otherwise be required in order to comply with the following conditions. In this regard, prior to the commencement of development, such mitigation and monitoring measures shall be set out as a written schedule including committed timelines, and the schedule shall be submitted to, and agreed in writing with, the planning authority.

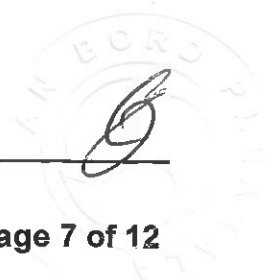
**Reason:** In the interest of clarity and to mitigate the environmental effects of the proposed development.

4. (a) All ecological avoidance measures shall be implemented in full and carried out in accordance with best ecological practice.
- (b) An ecologist shall be appointed to advise on any works, to ensure that they will be carried out in accordance with best practice guidance and that all mitigation measures will be undertaken, and to liaise and report to statutory bodies as required. The measures shall have regard to an ecological survey carried out prior to the commencement of the development in order to update baseline information of badger and bat species.
- (c) A site-specific plan for the prevention of importation of invasive alien species onto the site shall be prepared and implemented throughout the carrying out of the development.
- (d) A report on the implementation of ecological measures shall be submitted to the planning authority upon first operation of the development.

**Reason:** To adequately protect the biodiversity of the area.

5. No development shall take place within 65 metres of the River Blackwater, as stated in the Environmental Impact Assessment Report, and no inert material shall be deposited in this area.

**Reason:** In order to protect the adjoining River Blackwater.



6. The developer shall manage drainage in accordance with a drainage management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate a monitoring programme relating to control and management of water on the site. The plan shall provide for the monitoring of ground and surface water quality, levels and discharges on the site and for ongoing sampling of the River Blackwater upstream and downstream of any discharge and ongoing monitoring of the capacity of the settlement lagoons.

**Reason:** In order to protect water quality.

7. (a) Prior to commencement of the development, drawings shall be submitted to, and agreed in writing with, the planning authority which shall detail existing and proposed ground levels, water table levels, the provision of the 65-metre buffer zone between the works area and the edge of the River Blackwater, longitudinal and cross-section drawings and proposed locations of infilling operations which shall remain above the water table.
- (b) The developer shall submit on an annual basis, over the lifetime of this grant of permission, a record of the quantity of material imported into the site and details, including topographical survey drawings, which facilitates the planning authority to monitor the progress of the phases of restoration.

**Reason:** To ensure the satisfactory restoration of the site and to facilitate control of the development by the planning authority.



8. No topsoil, subsoils or sands and gravel shall be removed from the site, with any topsoil stripped from the site being stored in an appropriate manner and used in the site restoration.

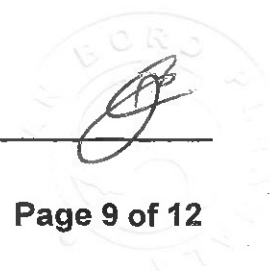
**Reason:** In the interest of development control.

9. Measures to ensure the secure fencing of the remaining quarry void and appropriate boundary treatment of the site shall be submitted to, and agreed in writing with, the planning authority and implemented, prior to commencement of operations.

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

10. The importation of soil and the operation of the facility shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between the hours of 0800 and 1400 on Saturdays and not at all on Sundays or 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 the interest of good traffic management and to protect the amenities of the area.



11. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority the following:
- (a) A traffic management plan for the operations of the proposed development.
  - (b) Measures to be put in place to maintain and achieve the required sightlines at the entrance to the site.
  - (c) Details of the proposed hardstanding from the main entrance to the site at the R148 to the wheel wash, as stated in the EIAR.
  - (d) Details of road signage warning the public of the entrance and of proposals for traffic management at the site entrance shall be submitted to, and agreed in writing with, the planning authority prior to re-commencement of development at the site.

**Reason:** In the interests of traffic management and road safety and to protect the amenities of the area.

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

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

13. During infilling operations/restoration, the site shall be screened in accordance with a scheme of screening measures and boundary treatment, details of which shall include all planting proposed on existing and proposed screen berms, details of the ongoing care and management of such planting, as well as details of an adequate barrier to prevent unrestricted access to the site from adjacent lands, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and rural amenity.

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard:
- (a) the developer shall employ a qualified archaeologist to monitor all groundworks associated with the development at locations where topsoil and subsoil have not been previously quarried out,
  - (b) should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Housing, Local Government and Heritage with regard to any necessary mitigating action (including preservation in situ or excavation) and should facilitate the archaeologist in recording any material found, and
  - (c) the planning authority and the Department of Housing, Local Government and Heritage shall be furnished with a report describing the results of the monitoring.

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

15. The applicant shall maintain a Complaints Register to record any complaints regarding, but not limited to, noise, odour, dust, traffic or any other environmental nuisance. The Complaints Register shall include details of the complaint and measures taken to address the complaint and to prevent repetition of the complaint.

**Reason:** In the interest of development control.

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 satisfactory completion of the site restoration, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. 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 restoration of the site in the interest of visual amenity.



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



Dated this 17<sup>th</sup> day of NOVEMBER 2021.