

Planning and Development Acts 2000 to 2020

Planning Authority: Meath County Council

Planning Register Reference Number: LB/201629

Appeal by Irish Cement Limited care of Brady Shipman Martin of Canal House, Canal Road, Dublin against the decision made on the 22nd day of December, 2020 by Meath County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: A 20 year permission for development of a 13.5 hectare extension to its existing Overburden Management Facility (OBMF) on an overall site of 43.5 hectares, which includes the existing Overburden Management Facility. The proposed extension will be limited to a height of 86 metres above ordnance datum, which is consistent with the height of the existing Overburden Management Facility. The application includes for a new at-grade crossing of the existing Local Road L5612, and for closing of the existing at-grade crossing, together with associated site development, drainage, fencing, landscaping and other ancillary works at Platin and Cruicerath, Drogheda, County Meath. The application relates to a development which requires an Industrial Emissions Directive (IED) Licence and the facility operates pursuant to an existing IED Licence (EPA Reference Number P0030-05).

Decision

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to ATTACH condition number 16 and to AMEND conditions numbers 10, 13 and 14 so that they shall be as follows for the reasons set out.

10. (a) Prior to commencement of development, the developer shall submit surface water design calculations for the proposed settlement lagoon and existing attenuation area detailing their capacity to cater for surface water run-off from the development for written agreement of the planning authority. The developer shall increase any calculations by 20% to cater for climate change. The development shall be carried as agreed.
- (b) There shall be no infilling within ten metres of all the drainage channels and watercourses.
- (c) The developer shall ensure that all operations undertaken at the facility be carried out in such a manner so as not to have adverse effect on the drainage of adjacent lands, watercourse, field drains or any other drainage system.
- (d) Any proposed alterations to a culvert or crossing on the existing watercourse shall require a Section 50 consent from the Office of Public Works which shall be submitted to the planning authority for agreement prior to the commencement of development on site.

Reason: In the interests of surface water drainage, flood risk management, environmental protection and to ensure access and maintenance of existing channels and watercourses.

13. In relation to the operation and management of the site the following shall apply:

- (a) Refuelling of plant and machinery shall take place at dedicated refuelling areas only.
- (b) The developer shall ensure adequate supply of spill kits and hydrocarbon absorbent pads are stocked on site.
- (c) Whereby domestic water supplies are affected by the development, the developer shall ensure the restoration of a suitable potable drinking water supply in all cases.
- (d) The developer shall make a copy of the annual environmental report prepared for the Platin facility as part of the licence reporting procedure to the Environmental Protection Agency available to the local authority. This report shall be submitted to the local authority at the same time as the submission is made to the Environmental Protection Agency.

Reason: To ensure that the local authority is informed of environmental conditions at the site.

14. On an annual basis, for the lifetime of the facility (within two months of each year end), the developer shall submit to the planning authority five copies of an environmental audit. Independent environmental auditors approved of in writing with the planning authority shall carry out this audit. This audit shall be carried out at the expense of the developer and shall be made available for public inspection at the offices of the planning authority and at such other locations as may be agreed in writing with the planning authority. This report shall contain:

- (i) an annual topographical survey carried out by an independent quality surveyor approved in writing with the planning authority. This survey shall show all areas infilled and restored, and
- (ii) on the basis of this, a full materials balance shall be provided to the planning authority a record of groundwater levels measured at monthly intervals.

Reason: In the interest of protecting residential amenities and ensuring a sustainable use of non-renewable resources.

Reasons and Considerations

Having regard to the nature, scale and form of the proposed development and its operation as part of the Irish Cement Limited Platin facility, which is subject to an Industrial Emissions Licence, it is considered that:

- (a) condition number 10 (a), condition number 14 (b) (i) and (ii) and condition 16 are necessary and appropriate to govern the construction aspects of the development and are, therefore, in the interest of the proper planning and sustainable development of the area, and



- (b) condition numbers 10(b), 10 (f), 13(a), 13(b), 13(c), 13(d), 13(e), 13(g), 13(i), 14(a), (b) (iii), (c) and (d) are unnecessary, as they are addressed in the Industrial Emissions Licence and would be contrary to section 99F of the Environmental Protection Act 1999 (as amended) and section 34(2)(c) of the Planning and Development Act, 2000 (as amended).

Matters Considered

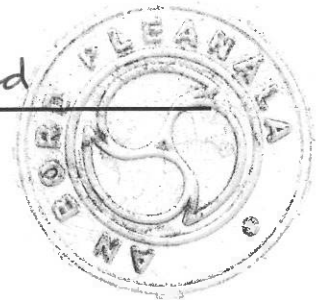
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Dr. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this *8th* day of *July* 2021.