

Planning and Development Acts 2000 to 2022

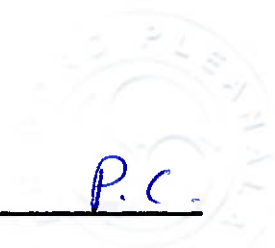
Planning Authority: Meath County Council

Planning Register Reference Number: 21/2179

APPEAL by Gary Byrne and others care of Leahy Planning of Mill Road House, Mill Road, Ennis, County Clare against the decision made on the 17th day of June, 2022 by Meath County Council to grant subject to conditions a permission to Davin Plant Hire Limited care of Raymond Gilmartin, Agricultural Consultant of Drumshambo, County Leitrim.

Proposed Development: The development will consist of the importation of natural materials of topsoil, soil or stone for the purposes of land reclamation for a beneficial agricultural afteruse (5.6 hectares), temporary wheel wash, weighbridge, office, access track, landscaping and all ancillary site development infrastructure. The project provides for the importation of topsoil, soil and stone to provide an access track and final landscaping under Article 27 as defined by the Environmental Protection Agency for land reclamation and reinstatement purposes. The application relates to a reclamation development for the purpose of an activity requiring a waste permit to be issued by the Meath County Council, at Boycetown, Dunsany, County Meath. The proposed development was revised by further public notices received by the planning authority on the 22nd day of April, 2022.

Decision



REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

1. Having regard to the stated land reclamation purpose of the proposed development, as outlined in the statutory public notices, the Board was not satisfied that sufficient information had been included with the application or appeal documents such as would demonstrate that the proposed development would be required to be as extensive in its footprint or as substantial in its height to achieve the stated purpose of land reclamation. In these circumstances, and noting the absence of clarity in relation to the nature of the proposed development also as a soil recovery facility, the Board concluded that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to INF POL 32 (protection and improvement of waters) and INF OBJ 29 (strive to achieve 'good status' in all water bodies) of the Meath County Development Plan 2021 – 2027, it is considered that the applicant has provided insufficient information to demonstrate that the proposed development would be capable of being undertaken without a significant deterioration in water quality, including the surface water in the drainage channels that serve the site and the groundwater underlying the site. In these circumstances, a grant of planning permission would be contrary to the stated policy of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. On the basis of the information provided with the application and appeal, including the submitted Natura Impact Statement, and in light of the Appropriate Assessment carried out in the Inspector's report which the

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Board agreed with and adopted, the Board is not satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of European site code 004232 (River Boyne and River Blackwater Special Protection Area), in view of the site's conservation objective. This conclusion is based on a complete assessment of all aspects of the proposed project and the following:

- In the absence of a comprehensive and self-evidently coherent drainage scheme for the site, reasonable doubt exists as to the capability of the project to avoid causing a deterioration in water quality within an existing drainage ditch, which discharges to the Boycetown River, a tributary of the River Boyne. The Kingfisher is the Special Conservation Interest of the River Boyne and River Blackwater Special Protection Area, and so a deterioration in water quality could adversely affect aquatic life upon which this bird species depends. A reduction in the availability of its food source would adversely affect the conservation objective of this scientific conservation interest which is 'to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this Special Protection Area', and hence there is no reasonable scientific certainty that the integrity of the Special Protection Area would not be adversely affected.

Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *22* day of *February* 2024.