

An
Bord
Pleanála

Board Order ABP-317390-23

Planning and Development Acts 2000 to 2022

Planning Authority: Meath County Council

Planning Register Reference Number: 23/341

Appeal by Sustainability 2050 of 10 The Cloisters, Oldcastle Road, Kells, County Meath against the decision made on the 23rd day of May, 2023 by Meath County Council to grant subject to conditions a permission to Boliden Tara Mines DAC of Knockumber, Navan, County Meath in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a water treatment plant and ancillary infrastructure within the mine site complex. The water treatment plant will augment the extant water management/treatment system at the mine site. The proposed development will extend to circa 550 square metres and will not exceed 5.5 metres above ground level (53 metres AOD). The proposed development relates to an activity covered by the Company's Industrial Emissions Licence Reference Number P0 516-04, all in the townland of Knockumber, 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.

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Reasons and Considerations

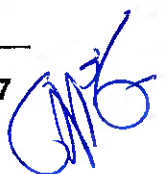
The Board made its decision consistent with the:

- Climate Action and Low Carbon Development Act 2015, as amended, and
- Climate Action Plan 2024.

In reaching its decision, the Board had regard to relevant European and national legislation, as well as national, regional policy and guidelines and the relevant provisions of the Meath County Development Plan 2021-2027. It is considered that the proposed development, comprising the construction of a wastewater treatment plant and ancillary infrastructure to augment the extant water management/treatment system within the established mine site, would enhance the treatment of wastewater within the mine prior to discharge to the River Boyne. Having regard to the nature and scale of the proposed development and its location within the overall established mine site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not give rise to a significant risk of pollution, would not have an unacceptable impact on the biodiversity or visual amenity of the area, would be in accordance with the provisions of the Water Framework Directive, would be consistent with the provisions of the Climate Act 2021 and the Climate Action Plan 2024, and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

The Board agreed with the screening assessment and conclusion carried out in the Inspector's Report that the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area (Site Code: 004232) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.



Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area (Site Code: 004232) in view of the sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Board considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Sites,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European Sites.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.



Environmental Impact Assessment Screening:

The Board completed an environmental impact assessment screening of the proposed development having regard to the criteria in Schedule 7, the information provided in accordance with Schedule 7A of the Planning and Development Regulations 2001, as amended, and the following:

- (a) The nature and scale of the proposed development, which forms part of an extant water management/treatment system and does not form an integral part of the extraction of minerals and, therefore, does not fall within the definition of class 2(c) of the Planning and Development Regulations 2001, as amended. The proposed development also falls significantly below the threshold in respect of Class 11(c) and Class 13 of the Planning and Development Regulations 2001, as amended.
- (b) The provisions of the Meath County Development Plan 2021-2027 and the results of the strategic environmental assessment of the development plan undertaken in accordance with the SEA Directive (2001/42/EC).
- (c) The location of the site in an established mine and the existing pattern of development in the vicinity.
- (d) The results of relevant assessments of the effects on the environment submitted by the developer, including an Appropriate Assessment Screening Report and Natura Impact Statement, a Flood Risk Assessment and a Landscape and Visual Impact Assessment.

- (e) The features and measures proposed by the developer envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including measures identified in the Natura Impact Statement.
- (f) The guidance set out in the Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development issued by the Department of the Environment, Heritage and Local Government (2003).

The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement shall be implemented in full.

Reason: To protect the integrity of the European Sites.

3. The landscaping scheme, as submitted with the planning application, shall be carried out within the first planting season following the completion of the 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 visual amenity.

4. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.



Reason: To safeguard the amenity of property in the vicinity.

5. A Construction and Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The CEMP shall include, but not be limited to, construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection.

6. Prior to commencement of development, the developer, or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including a demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.



Reason: In the interest of proper planning and sustainable development.



Chris McGarry

Member of An Bord Pleanála

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

Dated this  **day of**  **2025.**