



An
Bord
Pleanála

Inspector's Report PL17.247792

Development

Importation of subsoil and topsoil for land reclamation. Importation, recovery and recycling of concrete and brick materials for re-use and ancillary site works.

Location

Basketstown and Ballynamona,
Summerhill, Co. Meath.

Planning Authority

Meath County Council

Planning Authority Reg. Ref.

TA160678

Applicant(s)

Shannon Valley Plant Hire

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant

Emmet Egan

Observers

none

Date of Site Inspection

15th March 2017

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
4.0 Planning Authority Reports	5
4.1. Planning Officers Reports	5
4.2. Other Technical Reports	7
4.3. Prescribed Bodies	7
4.4. Third Party Observations	7
5.0 Planning History.....	7
6.0 Policy Context.....	8
7.0 The Appeal	9
8.0 Planning Assessment	12
8.1. Introduction	12
8.2. Compliance with Planning Policy	12
8.3. Traffic and Road Safety	14
8.4. Residential Amenity	15
8.5. Other	16
8.6. Conclusion on proper planning and sustainable development	16
9.0 Environmental Impact Assessment.....	17
9.1. Introduction	17
9.2. Environmental Impact Statement	17
9.3. Environmental Impact Assessment	18
9.4. Conclusion on Environmental Impact Assessment	24
10.0 Appropriate Assessment	25

10.1.	Screening for Appropriate Assessment.....	25
10.2.	Appropriate Assessment Screening Conclusion	25
11.0	Recommendation	26
12.0	Reasons and Considerations	26
13.0	Conditions	26

1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 13.7 hectares is located in the townlands of Basketstown and Ballynamona, 3.5km north east of Summerhill in County Meath.
- 1.2. The site lies adjacent to Meath County Council's closed landfill site at Blasketstown located to the north/north west and Kilsaran's active sand and gravel pit to the east/north east and by the Dangan River to the south. The site is lowlying, positioned in a shallow depression and consists of grassland for most the site (c.80%) with the remainder in wetlands (c.20%).
- 1.3. The wider landscape consists of rolling pasturelands with individual houses and farm complexes throughout. There are 14 houses located within 1km of the site, the closest of these include houses c.450m to the north, 460 north east (the appellants house), 500m east and 360m south of the site. Areas of coniferous forests lie c.1km to the west / north west.

2.0 Proposed Development

- 2.1. The proposed development would comprise the importation of subsoil and topsoil for land reclamation and separately the recovery and recycling of concrete and brick materials for re-use in construction and engineering projects within the Greater Dublin Area. It would include a proposed truck wheel-wash, weighbridge, mobile crushing/screening plant, aggregate storage bays, portable office/chemical toilet, new vehicular entrance, access road and ancillary site works.
- 2.2. The development would involve the importation of c.333,000 m³ of inert material for filling and 66,000 m³ for recovery of C&D waste over a period of approximately 5 years. It is stated in the application that the annual intake of imported material would be up to a maximum of 120,000 tonnes in a year. For the most part, the material would be used to reclaim the land. A planted clay berm is proposed along the southern boundary and a 10 metre buffer is also proposed between the berm and the Dangan River to the south. The final height of material when filled including topsoil topping, would reach c.2.5m above current ground level across the site.
- 2.3. The development would generate an average of 50-60 HGV trip movements per day with a maximum of up to 80 movements.

2.4. The application was accompanied by a cover letter from PD Lane Associates which gave an overview of aspects of the proposed development. It was also accompanied by an Environmental Impact Statement, An Appropriate Assessment screening report and an archaeological map. It is stated on the site notice that the activity would be subject to an application to the EPA for a Waste licence.

3.0 Planning Authority Decision

3.1. The Planning Authority issued a decision to **grant permission subject to 16 conditions**, the following of note:

- C2: Maximum of 330,000 tonnes over the lifespan of the permission and 120,000 tonnes per year. Lifespan shall be maximum of 5 years;
- C4: Road condition survey of the L-6209;
- C9: pull in bays to be provided in agreement with Trim municipal district engineer;
- C12: Minimum 5m buffer along edge of watercourse;
- C15, C16: Special financial contributions.

4.0 Planning Authority Reports

4.1. Planning Officers Reports

4.1.1. **Initial Planning Assessment** - The main issues put forward in the Planning Officers assessment are summarised as follows:

- EIS – information provided is relatively clear and precise. Addressed individual chapters;
- Further information required in respect of Eastern Midlands Waste Management Plan 2015-2021 to provide a justification of need;
- Further Information required in respect of traffic impact and location of traffic bays, upgrade of L-6209 and haulage routes in the context of source of materials;

- Appropriate Assessment considered acceptable and no Stage 2 AA required;
- Measures proposed including a wheel wash facility to avoid compromising the conditioning of the surrounding road network;
- 1% AEP flood event river water levels inundate c.25% of the site. Data from hydrometric website of the EPA shows the flow of the river is not substantial. Proposed development is less vulnerable in accordance with the Planning System and Flood Risk Management guidelines for Planning Authorities;
- Presumption in favour of the type of development proposed (subject to justification) under policy RD POL 26 of the County Development Plan.

4.1.2. A **request for further information** was sought on matters of justification of the need for the proposed development, report from agronomist on agricultural benefit to the lands, traffic passing bays, proposals for how the upgrade of L-26209 will be delivered, source of materials and details of the haulage route. The response was prepared by PD Lane Associates and was accompanied by supporting documentation from OCSC (Waste), Kilgallen & Partners (Traffic) and Hackett Agricultural Consultants (Agronomic report).

4.1.3. **Final Planning Assessment** – The Planning officer considered that all items were responded to the satisfaction of the Environmental Section. A summary of the final assessment is outlined under.

- Considers justification for lack of C&D facilities has been addressed;
- Notes development stated to have a positive effect on agricultural productivity;
- Road Design section has recommended that 8 pull in bays be provided with a special contribution required for same. Special contribution also required for L-6209 road upgrade. Development will have a positive impact for existing road users on the L-6209 that will remain after operational stage;

4.1.4. **EIA** - Memo on file stating that MCC consider the report dated 2nd December 2016 contains a fair and reasonable assessment of the likely significant effects of the development on the environment. Report was adopted as the assessment of Meath County Council.

4.1.5. The Planning officer put forward a recommendation to **grant permission**.

4.2. Other Technical Reports

- **Road Design** – No objection subject to conditions (Further Information stage);
- **Environment Section** – Recommends further information (waste classification codes) for all waste materials proposed;
- **Environment (Water services)** – No response on Board's file;
- **Financial Team (Planning)** – No response on Board's file.

4.3. Prescribed Bodies

- **Inland Fisheries** – Request certain requirements to be incorporated as conditions (watercourses, in-stream works and contamination);
- **EPA** – Development would require a licence under the Waste Management Act 1996, as amended. The need for land improvement at the facility should be demonstrated. If and when a licence application is received by the Agency, all matters to do with emissions to the environment from activities proposed will be considered and assessed by the Agency.

4.4. Third Party Observations

- 4.4.1. One third party submission was received by the Planning Authority at further information stage from Emmet Egan stating his objection to the development. Concerns are raised around the intensification of traffic on the L-6209 in the context of cumulative traffic movements because of an active quarry adjacent to the proposed site entrance and raises questions about the site suitability for acceptance of waste streams from the Greater Dublin area (GDA).

5.0 Planning History

5.1. Appeal site

- 5.1.1. **TA60130** (11th January 2007) - Permission **granted** for importation and deposition of subsoil and topsoil for the purpose of land reclamation in accordance with class 10 of the fourth schedule, a recovery activity involving the treatment of waste on land with a consequential benefit for an agricultural activity under the Waste Management

Act 1996 and the importation and deposition of concrete waste conforming to EWC code 17 01 01 for the construction of a haul road as set down in permit WMP 2002/11. Note: It is stated by the applicant that this development was not carried out at the time due to economic circumstances at the time.

6.0 Policy Context

- 6.1. **Waste Framework Directive 2008/98/EC** has an objective to provide high levels of recycling and resource efficiency. Under Article 11(2) of the Directive, all member states are required, by 2020, to take steps to achieve a minimum of 70% (by weight) of non-hazardous construction and demolition waste to be re-used, recycled or recovered.
- 6.2. **The Eastern-Midlands Region Waste Management Plan 2015-2021** provides a framework for the management of waste in the region.
- 6.3. **Meath County Development Plan 2013-2019.** Section 4.4 of the Development plan recognises the importance of agriculture as a component of County Meath's economy. The following provisions are considered relevant in the assessment of this appeal.
- **Core Principle 8** of the Meath CDP seeks to support agriculture;
 - **RUR DEV S07:** To support the continuing viability of agriculture;
 - **RD POL 12:** To facilitate the development of agriculture while ensuring that natural waters, wildlife habitats and conservation areas are protected from pollution;
 - **RD POL 26** requires '.....where land filling is proposed, inert material is the preferred method'.
 - **Waste Management Policies** (VM POL 1, VM POL 3, VM POL 4, VM POL 6, VM POL 7);
 - **Waste Management Objectives** (VM OBJ 1, VMOBJ 7, VM OBJ 8, VM OBJ 13, VM OBJ 17, VM OBJ 18);

- The site is located within the '**Lowland Landscape**' in the Meath County Development Plan 2013-2019 which has a high landscape value, medium sensitivity and of regional importance.

6.4. **Natural Heritage Designations.** The only Natura 2000 sites within 15km radius are the River Boyne and River Blackwater SAC - Site Code: 002299 and River Boyne and River Blackwater SPA - Site Code: 004232 which lie c. 5.5 km from the site in a northerly direction.

7.0 The Appeal

7.1. Grounds of Third Party Appeal

7.1.1. An appeal was received from **Emmet Egan** with an address at Ballinamona, Galtrim, Summerhill, Co. Meath. The following provides a summary of the principal grounds of appeal.

- The facility is intended to take construction waste streams from the GDA to this rural location and will impact on local road users along the L-6209;
- The propped additional (up to) 80 HGV movements per day will add to the existing HGV movements on this road from the adjacent operational sand and gravel pit. Road is not wide enough which is evident from the requirement for multiple passing bays; Cumulative impacts with Kilsaran sand and gravel pit not referenced;
- Queries the justification to suggest the need to reclaim 13.7 ha of land to viable agricultural use;
- Noise survey locations not representative. Cumulative noise impacts consider Kilsaran pit as a 'sand pit' rather than the crushing and screening activities which are also on site;
- On dry days, dust could be generated from the deposited material before being capped by topsoil and seeded. Concerned as home located downwind of the development. Queries the baseline survey methodology;
- No local public consultation and no scoping with statutory bodies carried out.

7.2. First Party Response

7.2.1. The first party response included a letter from PD Lane associates and a report by Byrne Environmental Consultants in relation to **noise** and **air quality** and a report by Kilgallen & Partners in relation to **traffic**. The following is a summary of the response.

- Refers to Chapter 3 where alternatives were considered;
- Consultations were held with Meath Co Council, Inland Fisheries, EPA, DCENR;
- Baseline noise survey was conducted in accordance with ISO 1996: 2007 Acoustics – ‘Description and measurement of environmental noise and regarding the EPA Guidance for Noise: Licence Applications, Surveys and Assessments in relation to scheduled activities (NG4), Jan 2016’. Receptors N1, N2, N3 were selected to allow a worst-case noise impact assessment to be completed;
- Noise modelling exercise carried out at appellant’s property which found the proposed development would not have an adverse noise impact;
- Noise limits will not exceed those specified in the decision (Condition 13) as follows: 55 dB(A) during daytime and 45 dB(A) at night time (where plant will not operate at night);
- Annual noise survey will be carried out;
- Section 8.6 (Mitigation Measures) includes a range of dust control and suppression methods; Section 8.7 (Monitoring) outlines monitoring proposals between May – September; Section 8.3 considers air quality;
- Condition 7 of the planning decision specifies dust deposition levels shall not exceed 350mg/m² per day;
- Pavement on L-6029 is generally in good condition and areas of local failure can be fully reconstructed;
- Passing bays were identified as a mitigation measure. Meath County Council considered 8 such passing bays would be required;

- Cumulative impact of other extraction pits was considered in the Roads, Traffic and Transportation Assessment (RTTA).

7.3. **Planning Authority response**

- Planning Authority supportive of the development in principle;
- Sightlines available from access are acceptable;
- Primary materials to be used to reclaim the land will be soil and stone;
- Conditions attached to Planning decision to regulate noise and dust impacts.

7.1. **EPA response.**

- Proposed development will require a licence under the Waste Management Act 1996, as amended;
- EIA appears to address the key points in relation to the environmental aspects of the proposed activity and the direct and indirect effects of the development on the environment;
- If and when a licence application is received, all matters to do with emissions to the environment (including cumulative impacts), will be considered and assessed by the Agency.

7.2. **Further responses**

7.2.1. **Planning Authority Response to S.131 request**

- Applicant is seeking permission for a development which the PA is supportive of in principle having regard to policy RD POL 26. Environment Section have expressed their satisfaction to the further information response;
- Existing entrance onto the local road L-5209 proposed with reasonable sight distances. The PA has imposed 2 special contribution conditions re: surface pavement and pull-in bays;

- Primary material which will be used to reclaim the land will be soil and stones and the development is stated to enhance agricultural activity;
- Conditions No. 7 & 13 were attached to the planning decision to address noise and dust concerns.

7.2.2. Third Party Response to S.131 request

- Cumulative impact of Kilsaran pit and proposed development still not considered;
- Response around dust and noise is not satisfactory;
- 15 passing bays required may not be possible without consent of landowners.

8.0 Planning Assessment

8.1. Introduction

8.1.1. I have read and considered the contents of the planning application, grounds of appeal, responses and relevant planning policy. I have also attended the site and environs. I consider the key issues in determining the application and appeal before the Board are as follows:

- Compliance with Planning Policy
- Traffic and Road Safety
- Residential Amenity
- Other - Financial Contributions

I outline my considerations on each of the issues below.

8.2. Compliance with Planning Policy

8.2.1. It is stated by the applicant that the appeal site was reclaimed under the Department of Agriculture's land reclamation scheme in 1982 and while this was partially successful, the lowlying part of the lands need to be raised to prevent water inflow and would bring the land up to a viable standard for agricultural use. The proposed

development is for the filling the land with imported inert material. The development would also involve the importation, recovery and recycling of concrete and brick (C&D) materials by crushing and screening and the onward use for construction and engineering projects within the GDA.

8.2.2. The development is an activity which requires a licence from the EPA under the Waste Management Act 1996, as amended. If and when a licence is received, matters to do with emissions to the environment for the operation phase would be considered and assessed by the EPA.

8.2.3. The proposed development is supported by many policies and objectives of the Meath CDP 2013-2019 and the waste management plan for the region as well as national policy around waste.

8.2.4. Specific **policies** which support the proposal in the current Meath CDP include:

- WM POL 1 - Adopt provisions of the waste management hierarchy, WM POL 6 - Encourage the development of waste infrastructure and associated developments in appropriate locations, WM POL 7- Encourage the recycling of construction and demolition waste and the reuse of aggregate and other materials in future construction projects.

Specific **objectives** which support the proposal include:

- WM OBJ 1 - Facilitate the provision of appropriate waste recovery and disposal facilities and WM OBJ 13 - Support the development of facilities to cater for commercial waste not provided for in the kerbside collection system such as WEEE, C&D type waste and hazardous materials.

8.2.5. The use of recovered C&D aggregate would displace the equivalent of materials/aggregates to be extracted and would result in a reduction in the quantity of waste that would otherwise be disposed of.

8.2.6. In relation to the filling of the land with inert material, this would contribute to bringing back land into agricultural use and supporting the viability of agriculture which would contribute to Core Principle 8 of the Meath CDP which seeks to support agricultural related development and Strategic Objective RUR Dev S07: To support the continuing viability of agriculture. It would also be supported by Policy RD POL 12: To facilitate the development of agriculture while ensuring that natural waters, wildlife

habitats and conservation areas are protected from pollution. RD POL 26 requires '.....where land filling is proposed, inert material is the preferred method'.

- 8.2.7. On the basis of my review of the applicable planning policy context I am satisfied that the principle of the development meets the planning policy and objectives referenced above and is therefore acceptable subject to consideration of detailed environmental and planning matters.

8.3. **Traffic and Road Safety**

- 8.3.1. The appellant raises concern about the impact on existing local road users along the L-6209 because of the anticipated additional HGV movement which would be up to 80 HGV movements per day. It is submitted that this will add to the existing HGV movements on this road from the adjacent operational sand and gravel pit and the road is not wide enough to carry such volume of HGVs. The first party contends that the road pavement is generally in good condition and areas of local failure can be fully reconstructed.
- 8.3.2. The L-6209 is a typical local road and I noted the pavement was in reasonable condition. The road carriageway is typically 4.5m in width and with narrow verges. Anticipated traffic flows which would arise are presented in Table 11-6-1 within Chapter 11 of the EIS which predict 170 Passenger Car Unit (PCUs) and 70 HGV movements per day for the operational stage of the project over a 5-year period.
- 8.3.3. As there are no building works proposed, I am satisfied that traffic impacts would not be significant during the construction period which I anticipate will be short term. However, this traffic management during this initial construction period should be regulated by way of an appropriate planning condition.
- 8.3.4. In relation to the operational impacts, the traffic flows would increase significantly by a stated 38% from a low base. There is insufficient room for vehicles which meet to pass each other. The issues which arise during the operational phase include maintaining the road condition and dealing with passing traffic.
- 8.3.5. Condition No. 4 of the Planning decision requires a pre-condition survey of the L-6209 pavement from the entrance to the junction with the R158 and a survey post the development (or after 5 years) with a schedule of works to upgrade the stretch of the upon completion of the development at the developer's expense. Condition

No.15 requires a special contribution towards the rehabilitation of the L-6209. Condition No. 16 of the PA decision requires a special contribution of €120,000 towards expenditure that is intended to be incurred for the provision of pull-in bays. Condition 9 requires the pull in bays to be provided at the expense of the developer, however, I suggest this is covered under Condition 16 so I do not recommend repeating the financial element of Condition No. 9.

- 8.3.6. I fully accept that the development has potential to inconvenience existing local road users during the 5-year operational period in particular. However, on balance, subject to conditions and appropriate traffic management, I am satisfied that the proposed development would be acceptable from a traffic and road safety perspective. In the long term, post operational phase, improvements to the local road would have a positive impact for road users.

8.4. Residential Amenity

- 8.4.1. Residential amenity matters including noise and dust impacts are raised in the grounds of the appeal. Noise is addressed under Chapter 9 of the EIS. The appellant submits that the noise survey locations were not representative and cumulative noise impacts were not considered. The appellant is also concerned that his home is located downwind of the development and submits that it was not considered in the assessments. In response, the first party submits that a baseline noise survey was conducted in accordance with ISO 1996: 2007 (Acoustics – Description and measurement of environmental noise and with reference to the EPA Guidance for Noise: Licence Applications, Surveys and Assessments in relation to scheduled activities (NG4), Jan 2016). The applicant submitted that a baseline survey was not conducted at the appellant's home as the Kilsaran facility is located between the house and the site. However, a noise modelling exercise was carried out on the appellant's property which found the proposed development would not have an adverse noise impact on the appellant's house. I recommend that construction noise be regulated by condition if the Board are minded to grant permission for the development.
- 8.4.2. In relation to dust, this is addressed under Chapter 8 (Air Quality and Climate) of the EIS. I note mitigation measures include dust suppression measures and monitoring in dry months (May to September). I note the appellant's home is c. 460m from the

facility which I consider is a sufficient distance apart. Condition 7 of the planning decision specifies dust deposition levels shall not exceed 350mg/m² per day which I consider reasonable. Dust deposition levels are proposed to be monitored on a quarterly basis which would assess the impacts and ascertain if control measures are effective.

- 8.4.3. Overall, subject to the attachment of appropriate conditions, I am satisfied that the development should not be refused on the basis of either dust or noise. Beyond traffic impacts which I have dealt with above, I am satisfied that no other issues around residential amenity would arise as a result of the development.

8.5. **Other**

Financial Contributions

- 8.5.1. Meath County Development Contribution Scheme 2016-2021 applies. Section 7 sets out the schedule of charges for the categories of development. There is no reference to contributions payable for development of the nature proposed, i.e. importing of inert material or recovery of C&D waste. Therefore, I am satisfied that no standard S.48 development contributions apply in this case. I consider that it is reasonable to apply a special contribution under section 48(2) (c) of the Planning and Development Act 2000, as amended in respect of the provision of pull-in bays to allow for passing traffic along the L-6209 by Meath County Council.

8.6. **Conclusion on proper planning and sustainable development**

- 8.6.1. I consider that subject to compliance with conditions outlined, 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 and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 Environmental Impact Assessment

9.1 Introduction

9.1.1. Category 11(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, provides that an EIS shall be prepared in respect of a planning application for the following development: *“Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this schedule.”* I note that the development relates to a waste recovery facility involving the importation of c.333,000 cubic metres of inert material for filling and 66,000 cubic metres for recovery of C&D waste over a period of approximately 5 years. It is stated in the application that the annual intake of imported material would be up to a maximum of 120,000 tonnes in a year. On this basis, the proposed development would fall above the threshold intake of 25,000 tonnes per annum set out under Section 5 of the Planning and Development Regulations 2001, as amended. It therefore requires a mandatory EIS and an EIS was submitted with the application.

9.1.2. I consider that information provided in the EIS is sufficient to enable an assessment of the likely significant effects on the environment arising from the proposed development and that the requirements of the EIA Directive and Planning and Development Regulations 2001, as amended, are met. The EIS submitted to the Planning Authority is grouped format structure and contains 3 volumes as follows:

- Volume I: Non-technical summary
- Volume II: Environmental Impact statement
- Volume III: Appendices

9.2 Environmental Impact Statement

9.2.1. The EIS contains the information specified in paragraph 1 of Schedule 6 of the Planning and Development Regulations, 2001, as amended. It provides a description of the proposal, including the site, design and size of the proposed development. It describes the measures envisaged to avoid, reduce and where applicable remedy significant adverse effects. It provides the required data to identify and assess the

main impacts the project is likely to have on the environment. It also provides an outline of the main alternatives studied by the developer and gives an indication of the main reasons for the site chosen taking into account the impacts on the environment. The EIS also contains the relevant information specified in Paragraph 2 of Schedule 6 of the Regulations and contains a summary in non-technical language. I am satisfied that the EIS complies with article 94 of the Planning and Development regulations 2001, as amended.

9.3. Environmental Impact Assessment

- Chapter 1 provides an **introduction**, background and overview of the EIS and a non-technical summary, being a summary of the EIS in non-technical language. It is stated that no particular difficulties were encountered by the applicant in compiling the required information.
- Chapter 2 provides details of the **scoping** undertaken and details of **consultation** with the Planning Authority.
- Chapter 3 provides details of **alternatives**. No specific alternative sites are referenced. However, the EIA looked at an 'alternative site option' to locate the activities in a number of smaller isolated areas which was not considered appropriate in terms of the proper planning and sustainable development. The location chosen was considered by the applicant to be appropriate having regard to the nature of the development which serve to reclaim unviable lands and bring them back into viable agricultural use. Other considerations for the selection of the site centred around previous reclamation activities permitted under TA/60130, together with the location adjoining a landfill facility. The 'Do-nothing' option was also considered. Having regard to the information provided, I consider the site is a reasonable location for the proposed deposition of inert materials to reclaim unviable agricultural lands. I consider the proposed recycling and recovery of C&D waste is a complementary appropriate use. I also accept the consideration

of the 'Do-Nothing' option which would result in the continuation of low-lying unviable agricultural lands and restriction in appropriate locations for recovery of C&D waste.

- Chapter 4 provides an **overview of the project description**, including a description of the receiving environment and of the proposed development. It sets out the policy context at European, National, Regional and Local levels. It provides a description of the proposed operations (C&D recovery activity and reclamation of land with inert material). It also provides details of the decommissioning of the facility.
- Chapter 5 addresses the likely significant impacts of the proposed development on **Human Beings and Material Assets (including Cultural Heritage)**. The site is located within the Electoral Division (ED) of Galtrim which is identified as area which experiences low development pressure. It lies adjacent to Meath County Council's closed landfill facility at Basketstown to the north/northeast and to the east is the Kilsaran sand and gravel pit. There are c.14 dwelling houses within 1km radius of the centre of the site. (Ref: Dwg. No. S-39-2 – Location Plan prepared by PD Lane associates). I would agree that the potential for significant impacts on human beings as a result of the development relate to nuisance from noise, dust, landscape and traffic and these impacts are dealt in my assessment of the respective chapters. The proposed development would contribute to improving the land for agricultural use which I am satisfied would positively contribute to the amenity of the area. It is unlikely there would be any change to the population as a result of the development. However, some slight increase in employment would likely result and/or employment would be sustained because of the development. In terms of cultural heritage, I note there are no recorded monuments, protected structures, NIAH structures or gardens, architectural conservation areas (ACAs) or designated landscapes within the appeal site. There are 7 no. recorded monuments and places and 5 protected structures

within the 1km study area. There are a number of recorded archaeological sites in the surrounding townlands (RMP ME043-044 – Holy well at Basketstown townland and RMP ME043-048 Fulacht Fia in Clonmeath townland). I am satisfied from a review of the available information, that there would be no direct or indirect impacts on the archaeological, architecture or cultural heritage resource in the county as a result of the development. Tourist and amenity attractions lie remote from the site and as such no impacts would arise on the tourist attractions or the number of visitors who would attend and holiday in the area. The operation of the development would be regulated by conditions attached to a waste licence from the EPA if granted and I agree that it would not have any long term impacts on the human environment or on the material assets resource.

- Chapter 6 details the likely significant impacts on **Flora and Fauna**. The site is a lowlying wet grassland with rush cover and part of the site contains rich fen and flush which is scarcely active and not accumulating peat. There is some improved grassland to the south of the site. It is stated that the rabbit and fox were the only large mammals present from site evidence but it is stated that the site could be visited by badgers at times. The birds noted were skylark, willow warbler, swallow, wren, blackbird and robin. Others expected include snipe and moorhen. Orange-tip, small tortoiseshell and speckled wood were the butterfly species seen. The proposed filling of material would result in loss of biodiversity but I agree that it would not be of such a value that heritage values will be affected. Re-vegetation would be carried out on a phased basis and final restoration would facilitate agricultural lands. Overall I am satisfied that significant adverse impacts on the flora and fauna would be slight.
- Chapter 7 deals with **Soils, Geology, Hydrogeology and Hydrology**. The geology of the area was strongly influenced by glacial features with eskers and moraines within the locality. The subsoils include cutover raised peat, gravels and

till, underlain by clay. Bedrock consists of Dinantian Upper Impure Limestone (Calp). The underlying Limestone is classified as locally important (LM) which is generally moderate productive and there is no gravel aquifer beneath the site or in the general vicinity. The groundwater vulnerability beneath the site is moderate and immediately north and east, vulnerability is high. The site is located in the Trim GWB which is presently of 'good status' with the objective to protect this status. There is a spring located at the boundary of the site with the landfill. Discharge of water from the site is to the Dangan river to the south of the site. The greatest potential is for soil/water (rainfall and/or groundwater) to become contaminated with pollutants (such as concrete, suspended solids, hydrocarbons or waste water) and make its way to the aquifer or discharge to surface water, including the Dangan river. I note that a 10m buffer is proposed between the area to be filled and the River Dangan which would serve to mitigate against such occurrences. The site operation would be subject to a waste licence from the EPA which would if granted set down a range of conditions for the operation and decommissioning of the site. Table 7.8 provides a detailed assessment of predicted impacts which I consider is robust. The primary residual impact from the operational phase is the importation of inert soil and stone to raise the site levels by 2.5m. I agree that this impact is unavoidable as it is the purpose and function of the development. I am satisfied that given the development involves filling of land rather than excavating, potential impacts can be addressed via mitigation. Positive benefits include the reclamation of poor quality land for agricultural use and the production of secondary aggregates which can displace virgin quarried materials and contribute to waste recovery. Having regard to the existing processes on site I am satisfied that with the mitigation measures set out in the EIS in place, there would not be a significant impact on soils, geology and ground water conditions on or in the vicinity of the site.

- Chapter 8 considers **Air Quality and Climate**. The operational stage of the development has the potential to generate dust emissions which it is stated would

be controlled by appropriate mitigation measures and through air quality management and monitoring. National air quality standards would not be adversely affected by the operation phase of the development thus ensuring potential for adverse impact on health would be negligible. No large structures are proposed so impacts on the micro climate by means of shadowing effects or wind shear effects would not arise. I would consider that proposed mitigation measures set out in the EIS should be adequate to ensure there is no significant increase in dust arisings beyond the site. The nature and scale of the proposed development is such that I do not consider that there would be any significant impact on climate, however, increased recycling of C&D material should be considered a minor positive impact.

- Chapter 9 details **Noise and Vibration** impacts. The existing ambient noise in and around the vicinity of the appeal site is low. The main source of noise which could result would be transport noise and local traffic movements. Noise would also result from the C&D processing. Noise measurement was undertaken at the 3 residential receptors. The locations are shown on p.105 of the EIS. Mitigation measures would include limiting operating hours, eliminating queuing of HGVs on the public road and the fitting of super silencers on HGVs. The result of the noise assessment found that the highest predicted noise level that could be experienced at the closest receptor is 50db(A) $L_{Aeq\ 1hr}$, which is below the normally applied 55db(A) $L_{Aeq\ 1hr}$. A noise management plan and monitoring of noise would be implemented. Section 9.5 outlines the noise mitigation measures, which among others, include the engagement of an independent acoustic consultant to ensure mitigation measures specified in the EIA are implemented. I am satisfied that the mitigation and monitoring measures set out in the EIS are sufficient to ensure that significant noise impacts would not arise. Adverse vibration impacts would not likely arise due to the separation distances from the closest receptor to the site, at least 360m.

- Chapter 10 provides details on **Landscape and Visual** impacts. The appeal site is located in a Lowland landscape as set out in the Meath County Development Plan 2013, one which is described as having a high landscape value, regional landscape importance and medium landscape sensitivity. It is lowlying in the context of the surrounding landscape. The proposal would involve raising the existing ground level to a height of c.2.5m. A screen berm is also proposed which would be c.2.5m high and would be planted in the first planting season. I consider that the return of the site to agricultural use would have a neutral to positive impact on the landscape and would have no adverse impact on the visual character of the area.
- Chapter 11 describes the **traffic and transport** environment and impacts. The site is located south of a local road, L-6209 which connects to the R158 regional road. The development proposal is for an intake of 120,000 tonnes of material per annum. This equates to c. 440 tonnes per day on average. On the basis of the information provided, the increase in HGVs using the L-6209 would be 70 movements in a day (35 in and 35 out) or 7 per hour. This would lead to an increase by 179% and by 16% on the R158, both which are significant. Before mitigation, I consider that a moderate to significant impact could result for local road users on the L-6209. The Planning Authority in making their decision attached a special contribution conditions re: pull-in bays on the L-6209. Traffic management plans are proposed to be implemented for the construction and operational stage. Subject to the implementation of these mitigation measures, residual impacts would result in moderate negative impacts on road users of the local road network and on its structural integrity during operational stage. Following completion of the works, I am satisfied that the long-term impacts would be neutral or positive given the works proposed to the L-6209. I am satisfied that the proposed development would not have any significant impact on the proposed haul routes at a regional or national level.

- Chapter 12 details significant **interaction and interdependencies**. Human Beings & Material Assets and Flora and Fauna are expected to interact more with other environmental topics. It is stated that this is because they are impacted upon by water, air quality, noise, Landscape & Visual and Traffic & Transportation than other environmental topics. Traffic & Transportation will also impact on Noise and Air quality. Having regard to the nature of the development within the local and wider environment, I do not consider that these would be significant.

9.3.1. I have considered the EIS and submissions received which are relevant to the impacts on the environment having regard to the guidance provided by the DECLG 'Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment' 2013. I am satisfied that the EIS supported by the other documentation submitted by the applicant, identifies and describes adequately the direct and indirect impacts of the proposed development on the environment and puts forward appropriate mitigation measures for the potential environmental impacts identified. I also consider that there is adequate information available on file to carry out a comprehensive EIA in respect of the specific development.

9.4. **Conclusion on Environmental Impact Assessment**

I am satisfied that significant environmental effects arising as a consequence of the development have been adequately identified and assessed. Subject to implementation of the mitigation measures set out in the EIS and further information received and noting conditions recommended below, the proposed development, cumulatively with other developments, would not have unacceptable impacts on the environment. Accordingly, I am satisfied that the impacts of the proposed development on the environment would be acceptable.

10.0 Appropriate Assessment

10.1. Screening for Appropriate Assessment

- 10.1.1. The application is accompanied by a Natura Impact Statement Stage 1 Screening Report dated May 2016 compiled by PD lane associates. The site is not within or directly adjoining any Natura 2000 site. The only Natura 2000 sites within 15km radius are the River Boyne and River Blackwater SAC - Site Code: 002299 and River Boyne and River Blackwater SPA - Site Code: 004232 lie c. 5.5 km from the site in a northerly direction. The River Boyne and River Blackwater SAC **qualifying interests** include Annex I habitats (Alkaline fens, alluvial forests with Alder and Ash). The site is also selected for 3 species listed in Annex II (Atlantic salmon, otter and river lamprey).
- 10.1.2. The **general conservation objectives** associated with the SAC seek to improve conditions which favour existing Annex I habitats and/or the Annex II species for which the SAC has been selected so that they may reach favourable conservation status.
- 10.1.3. The River Boyne and River Blackwater SPA **qualifying interests** include Annex I bird species Kingfisher. The **general conservation objectives** associated with the SPA seek to maintain and improve conditions which favour the expansion and maintenance of breeding kingfisher. The potential impacts are examined in the AA Screening report. The Dangan river is not included in the River Boyne and River Blackwater SAC until it enters the main channel downstream of Trim and Knightsbrook River. The soil which would be imported would be inert. Mitigation measures are proposed to ensure the proposed development would not have any impact on surface water or ground water quality at the SPA/SAC. These include a proposed 10m buffer where no filling would take place.

10.2. Appropriate Assessment Screening Conclusion

- 10.2.1. I consider that it is reasonable to conclude on the basis of the information on file which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on River Boyne and River Blackwater

SAC (002299) and River Boyne and River Blackwater SPA (004232), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is therefore not required.

11.0 Recommendation

11.1. I recommend that permission be **granted** for the development in accordance with the said plans and particulars based on the reasons and considerations hereunder and subject to the conditions set out below.

12.0 Reasons and Considerations

12.1. The type of development proposed is be supported by the policies and objectives of the Meath County Development plan 2013-2019, including VM POL 6 which encourages the development of waste infrastructure and associated developments in appropriate locations and VM POL 7 which seeks to encourage the recycling of construction and demolition waste. It would also contribute to bringing back land into viable agricultural use which is supported by Core Principle 8, RD POL 12 and Strategic Objective RUR Dev S07 of the Development Plan. Having regard to the location of the site adjacent to established quarry uses and a former landfill, to the Environmental Impact Statement and information in support of the application and also the licencing regime under which the operational phase of the facility would be regulated, it is considered that subject to compliance with the conditions set out below, the proposed development would not have unacceptable impacts on the environment, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, and would be acceptable in terms of traffic safety and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

13.0 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 6th October 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 the development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The permission shall apply for a period of five years from the date of this order. 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.

Reason: In the interest of clarity.

3. All the environmental and construction mitigation measures set out in the Environmental Impact Statement as updated by additional information, shall be implemented in conjunction with the timelines set out, except as otherwise be required in order to comply with the conditions hereunder.

Reason: In the interest of amenities of the area and to safeguard the receiving environment.

4. The importation of soil and recovery of C&D and operation of associated machinery shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays and between 0800 and 1400 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 the interest of good traffic management and to protect amenities of the area.

5. (a) A traffic management plan for the operations shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.
- (b) 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 this site.

Reason: In the interest of traffic safety

6. 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 works and operations and shall make good any damage to the road to the satisfaction of Meath County Council.

Reason: In the interest of traffic management of the area.

7. A 10m wide buffer zone shall be maintained along the edge of the Dangan river in accordance with Dwg: S-39-4 Revision A – Site Layout Plan, as received by the Planning Authority on 6th October 2016 and no inert material shall be deposited in this area.

Reason: In order to protect receiving waters.

8. 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.

9. The developer shall pay to the planning authority a financial contribution as a **special contribution** under section 48(2) (c) of the Planning and Development Act 2000, as amended, in respect of the provision of pull-in bays to allow for passing traffic along the L-6209. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

10. During the construction phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed-
 - (a) an $L_{Ar,T}$ value of 55 dB(A) during 08:00 and 1900 hours Monday to Friday and between 08.00 and 13.00 on Saturdays (excluding public holidays).
 - (b) an $L_{Aeq,T}$ value of 45 dB(A) at any other time.

Reason: To protect the residential amenities of property in the vicinity.

11. During the construction stage, dust emissions shall not exceed 350 mg/m²/day averaged over a continuous period of 30 days (Bergerhoff Gauge). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. Details to be submitted shall include monitoring locations, the commencement date and the frequency of monitoring results.

Reason: To protect the residential amenities of property in the vicinity.

Patricia Calleary
Senior Planning Inspector
26th April 2017

Appendix: Location Maps & photographs