



An
Bord
Pleanála

Inspector's Report

ABP-309112-21

Development	Retention and continuation of development. Works for an existing biomass facility on a site of 14.34 ha. This site will be operational until 2030.
Location	Toar, Rathgarrett, Tyrellspass, Co. Westmeath
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	20/6168
Applicants	Bord na Móna Energy Ltd
Type of Application	Retention
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	Barry Murphy Seamus Murphy
Date of Site Inspection	23 rd March 2021
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located in an area known as Toar, in the townland of Rathgarrett south of Tyrellspass, Co Westmeath. The Mongagh River, which flows along the south eastern end of the site, forms the boundary with County Offaly. The site is to the west of the local road L1113, from which access is gained.
- 1.1.2. The site comprises two long linear strips, along which access roadways have been developed, one running in a straight line west from the Tyrellspass to Croghan road following the line of a former bog railway as it runs in a straight line to the north of Mongagh River. The site widens about 1.25km from the road and then continues north west and then west as a linear feature following a former bog railway. Over part of its length this part of the site adjoins a laneway extension to the public road at Rathgarrett.
- 1.1.3. The site is located at the northern end of a large expanse of exposed peat, which was until recently harvested by Bord na Móna (EPA licence P0501-01). The network of railway lines and the lands in the ownership of Bord na Móna, extend across the local road and continue to the much larger peatland extraction sites in the Derrygreenagh area of Co Offaly.
- 1.1.4. The entrance road, weighbridge and weighbridge hut were developed for the outloading of peat, in accordance with planning ref 12/4018, (per planning statement.
- 1.1.5. Hydromorphological alterations have been undertaken along the Rathgarrett Stream throughout the site; channel deepening and culverting of track crossings have been carried out.
- 1.1.6. The peat lands are drained by a complex of drainage channels running north to south. Along the northern margins of the cutover bog there are narrow drainage channels which flow north-west to south-east before eventually outfalling to the western sections of the Rathgarrett Stream.
- 1.1.7. Details submitted with the application state that hydromorphological and seasonal/low waterflows are a primary influence for macroinvertebrate diversity and consequent Q value Rating within the Rathgarrett Stream. The sections of the Rathgarrett Stream bordering the biomass facility support little to no fisheries potential due to a number of physical characteristics including its shallow waters,

channel deepening, past hydromorphological changes and unsuitable riverbed substrate.

- 1.1.8. The Rathgarrett Stream flows in an easterly direction until it joins the Yellow River approximately 1.7km east of the site. The Yellow River joins the River Boyne approx. 16km east of the site, between Kinnegad and Edenderry. The designated site 'River Boyne and River Blackwater SAC' is further downstream, south of Longwood Co Meath, commencing at a point where the river flows under the Dublin Sligo railway line.
- 1.1.9. The site has a stated area of 14.34 hectares.

2.0 Proposed Development

- 2.1.1. The proposed development comprises retention and continuation of development at this site, Toar Biomass Facility in the townland of Rathgarrett, Co Westmeath for use for the storage and seasoning of biomass logs (6-9 Months) followed by chipping of the seasoned logs.
- 2.1.2. The proposed retention development consists of the installation of temporary structures, a weighbridge cabin (7.44 sq.m) weighbridge (125 sqm). Retention is also sought for a biomass storage area (4.7km linear log storage space equating to 24,910 tonnes of wet logs), a low steel post and rail fence with gates at the entrance from the L1113, unpaved access tracks (4.7km) in length, a paved roadway (120m total length from the site entrance) and all ancillary works. The log storage area or log pile is linear with a diameter of c. 4m and up to a height of 4.1m. There is no storage of chipped biomass on site. This site will be operational until 2030.
- 2.1.3. Planning permission is sought for alterations to improve the existing access of the L1113.
- 2.1.4. Bord na Móna started using the site for the storage of logs in 2013. The facility was developed as per the planning permission which included a 1.25km internal track. The track was subsequently extended by a further 3.52km and permission is being sought to retain the entire 4.7km length.
- 2.1.5. The biomass woodchip is from Irish forestry, primarily forestry thinnings and residues described as logs. The thinnings and residues are forest materials which are grown

as a consequence of the forest's development but are not the primary intended outputs from the forest.

2.1.6. The application was accompanied by:

- A Habitats Directive Screening report prepared by Rowan Engineering Consultants, and
- A planning support statement prepared by Fehily Timoney Engineering Consultants.

2.1.7. The planning support statement includes:

- Logs are delivered by HGV and biomass is transported off site by HGV.
- The logs are stored in roundwood piles along liner access tracks, along which a mobile chipper moves to chip logs in situ, into a haulage truck for transfer off site.
- Logs are delivered at regular intervals and the chipping is carried out when the logs have dried.
- The site is managed remotely with site visits by Bord na Móna staff during log delivery and chipping. The HGV drivers record the loads incoming and outgoing in the unmanned weighbridge cabin, and due to the linear nature of the development vehicles are required to travel around the facility.
- Logs are stacked to a maximum of 4.1m height to facilitate chipping. The standard length of a log is 3.1m with a max length of 4.9m. average diameter <300mm. When unloading 2 skid logs are placed lengthways on the ground and the pile is stacked perpendicular to these to promote drying.
- Waste is not generated on site. Refuelling takes place using drip trays.
- Toar Biomass Facility supplies the Irish bioenergy sector, produced primarily from forestry thinnings and residues:

Small roundwood extracted to thin forests and allow larger diameter trees to develop.

Smaller diameter material produced when the forestry is harvested and is unsuitable for sawlogs.

Residues from final harvest operations excluding those that must remain in the forest for environmental reasons.

Pulpwood or boiler fuel – pulpwood is from the top part of the tree and boiler fuel is logs of no commercial use from Coillte and private forestry sector.

- Traffic Impact Assessment – the contribution to traffic on the L11113 is not significant. The road safety audit recommends some improvements to the entrance, and permission is sought to carry out those improvements.

2.1.8. The Habitats Directive Screening report includes:

- A maximum of 2 roll overs of logs in a year. Typically logs are seasoned for 6-9 months. Operational weeks of deliveries and chipping of material are for the entire facility for a maximum scenario of 2 roll overs a year. Operations in any single area of the site will be significantly shorter. At the western end where there is a single row of stacked logs. A single chipper will chip on average a 500m log pile in 9-10 days.
- The shipped biomass that is produced at this facility is transported off site to serve the emerging national bioenergy market. The nature of the flat landscape is that it provides good drying conditions for biomass logs.
- Chipping work, requiring lighting during winter months, will be completed using directional lighting. There will be no spillage of lighting to non-target areas and adjoining habitats, in particular Rathgarrett Stream. Flood lighting of the biomass facility and its environs will not be permitted.
- Noise – the results indicate that noise from the chipping activity is highly directional and a receptor needs to be over 200m away to have noise levels less than 55 dB L_{Aeq} and a receptor needs to be over 400m away to have noise levels less than 45 dB L_{Aeq} . These distances will reduce if the truck blocks direct line of sight between the chipper and the noise sensitive location or if the logs block direct line of sight with the receptor location. The distance may also increase if the receptor is downwind of the chipping activity.

Mitigation

2.1.9. The operational noise survey demonstrates that the noise from Toar biomass facility is below the noise limits when the nearest dwelling s are upwind of the chipping

activity the noise levels will be below the noise limits. To ensure that the existing development complies with the derived noise limits the following is proposed:

- 2.1.10. It is proposed that chipping does not occur when the nearest dwellings, within 500m, are downwind of chipping activity. To aid the operation of this mitigation it is proposed to install a windstock at the site boundary closest to the nearest dwelling.
- 2.1.11. When chipping is occurring within 500m of a dwelling (upwind) it is proposed that chipper is set up such that the truck being loaded with biomass blocks direct line of sight between the chipper and the noise sensitive location or the logs block direct line of sight with the receptor location.
- 2.1.12. Flood risk – flood zone ‘C’.
- 2.1.13. The weighbridge is a surface mounted unit on a concrete pad 25m x 5m 21m long and 3m wide.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority decided to grant permission subject to 11 conditions, including:
 - 2. i) The applicant shall ensure that activities at the site shall not give rise to noise levels off site which exceed the following sound pressure limits (Leq: 30 minutes) beyond the site boundary.
Daytime (08:00am to 8:00 pm) – 55dB (A).
Night-time (8:00 pm to 08:00 am) – 45dB (A).
In addition, noise levels measured at noise sensitive locations in the vicinity of the site shall not exceed a level of 10dB(A) above the existing noise levels during core working hours, and 5dB(A) at any other time.
All noise measurements shall be carried and assessed in accordance with Environmental Protection Agency Guidance Note for Noise: Licence Applications, Surveys and Assessments in relation to Scheduled Activities (NG4). Noise sensitive locations shall be agreed in writing with WCC.

ii) Chipping operations shall not occur within 500m of a noise sensitive receptor when the receptor is directly downwind of the chipping activity. A windsock shall be installed at the site boundary closest to the nearest dwelling.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. There are two Planning Reports on the file, the first, recommending further information on 3 points, which issued; the second recommending permission. The reports include:

Transitioning to a low carbon economy, the ability to diversify and adapt to new energy technologies is essential. Innovative and novel renewable solutions have been delivered in rural areas over the last number of years, including biomass energy sources. The plans and particulars submitted, coupled with the content of public submissions received and reports from statutory consultees...

It is considered that the proposed development is in accordance with national policy contained within the National Planning Framework, regional policy contained within the Eastern and Midland Regional Spatial and Economic Strategy and Westmeath County Development Plan 2014-2020

3.3. Other Technical Reports

3.3.1. Fire Officer – no objection

3.3.2. Area Engineer – conditions including:

- special contribution for road restoration €7.500.
- contribution of €5,665 per annum towards road maintenance, per condition of 12-4018.

3.3.3. Environment – conditions including noise, dust & protection of watercourse.

3.4. Prescribed Bodies

3.4.1. Irish Water (IW) – no objection – conditions.

3.4.2. Geological Survey of Ireland (GSI) – no impact on county geological sites envisaged. Sources of GSI information are provided.

3.5. Further information request

3.5.1. A further information request issued, 27th August 2020, requesting:

- Applicant is requested to supply an EIA Screening Report for the development.
- Applicant is requested to supply an Ecological Impact Assessment.
- Applicant is requested to indicate the operational hours for all activities associated with the proposed development.

3.6. The response to the further information request received 18th November 2020 included:

- A response prepared by Fehily Timoney including (at Appendix 2) an Ecological Impact Assessment prepared by Delichon Ecology.

Re. applicant is requested to supply an EIA Screening Report - the development does not fall under any of the activities listed in Part 1 or 2 of Schedule 5; it is not a change or an extension to an existing EIA project of an integral part of an EIA project.

- The Ecological Impact Assessment attached concludes that there is no potential for significant negative impacts on ecological receptors within or surrounding the facility.
- Operational hours for all activities associated with the proposed development are 07.00-19.00 Mon-Fri and 07.00-17.00 Saturdays, closed Sundays and Bank Holidays.
- A response to the public submissions is provided.

3.7. Further Reports

3.7.1. Area Engineer – conditions.

3.7.2. Environment – water quality monitoring condition.

3.7.3. The second planning report recommending permission includes:

- EIA not required.

- An Ecological Impact Assessment (EclA) has been provided. It concludes that due to the nature of the works and the implementation of best practice measures, there is no potential for significant negative impacts on ecological receptors within or surrounding the proposed development. It is noted that buzzard may be utilising the log piles for temporary shelter and vantage locations for hunting and foraging over the surrounding hinterland. Sections of the Rathgarrett bordering the biomass facility support little to no fisheries potential due to a number of physical characteristics including its shallow waters, channel deepening, past hydromorphical changes and unsuitable riverbed substrate.
- Best practice measures stated in Section 6 of EclA will be implemented.
- Environment Section have revised their condition 5, re water sampling.
- Proposed hours of operation start at 7am one hour earlier than the daytime noise limit. Environment Section state that the daytime noise level allowances start at 8am. Operational hours, including HGV movements should be restricted to commencing after 8am.
- Re submissions:
 - Traffic – contracted drivers to observe speed limits and exhibit good driver behaviour. BnM will supervise. Road Safety Audit recommends a stop line and sign at the entrance.
 - Gravel extraction – the application if for a biomass facility.
 - There is no potential to contaminate groundwater.
 - Operations – a single chipping machine will be used. In the past a second chipping machine was used occasionally
- Transitioning to a low carbon economy, the ability to diversify and adapt to new energy technologies is essential. Innovative and novel renewable solutions have been delivered in rural areas over the last number of years, including biomass energy sources. The plans and particulars submitted, coupled with the content of public submissions received and reports from statutory consultees...
- It is considered that the proposed development is in accordance with national policy contained within the National Planning Framework, regional policy contained

within the Eastern and Midland Regional Spatial and Economic Strategy and Westmeath County Development Plan 2014-2020.

3.8. Third Party Observations

3.8.1. Third party observations on the file have been read and noted.

4.0 Planning History

124018 - Permission for site access works to allow for the outloading of peat. These works consist of: access works at junction with L-1113 Tyrrellspass to Rathgarrett Road and construction of a new access road to facilitate peat outloading. Granted permission 30/04/2012.

6 Conditions – 3 – sightlines. 4 - special levy of €7,500 index linked, in respect of a contribution towards the road restoration works on the L-1113-0 at entrance to development which will be required due to the turning movements of HGV's using the entrance, to be paid prior to commencement or unless otherwise agreed. 5 - contribution of €5,665 each year for upkeep of the road.

Haulage routes to Lough Ree Power and West Offaly Power indicated.

83/474 Level crossing gates at Rathgarrett Tyrrellspass, permission granted.

EPA Licence No. PO501-001: IPC Licence granted to BnM in April 2000 to carry out peat extraction on lands in excess of 50ha, this licence regulates activities over 11 bog units including the subject site, and it was amended in 2012, 2013 and 2014.

The site is not subject to any of the leave to apply for substitute consent applications, made by Bord na Móna.

5.0 Policy Context

5.1. National Framework Plan

5.1.1. Relevant provisions include:

National Policy Objective 23 - Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive

industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.

National Policy Objective 53 - Support the circular and bio economy including in particular through greater efficiency in land management, greater use of renewable resources and by reducing the rate of land use change from urban sprawl and new development.

National Policy Objective 54 - Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions.

National Policy Objective 55 - Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.

5.2. Midlands RSES

5.2.1. Relevant provisions include:

RPO 6.23 - Regional Policy Objectives:

Low Carbon and Circular Economy -

RPO 6.23: Support enterprise development agencies and LEOs on the development of industries that create and employ green technologies and take measures to accelerate the transition towards a low carbon economy and circular economy.

5.3. Climate Action Plan, 2019

Action 129: Develop comprehensive sustainability criteria for biomass production by mid 2021

Steps Necessary for Delivery - Examine current sustainability criteria taking into account international best practice and develop criteria to be applied nationally by end of 2020.

Better Management of Peatlands and Soils

Action 131: Assess and implement mitigation options on rewetted organic soils.

Assess the options for land use management of re-wetted organic soils.

Research on the potential for productive use of rewetted peatlands, including paludiculture.

5.4. Development Plan

- 5.4.1. Westmeath County Development Plan 2014-2020 is the operative plan. Relevant provisions include:

It is the policy of Westmeath County Council

P-EN1 To promote renewable forms of energy where it is consistent with the proper planning and sustainable development of an area.

P-EN2 To support local, regional, national and international initiatives for limiting emissions of greenhouse gases through energy efficiency and the development of renewable energy sources which make use of the natural resources in an environmentally acceptable manner, and having particular regard to the requirements of the Habitats Directive.

~~*P-EN3 To favour EN5~~ To support the sustainable development of the infrastructure required to assist the Midland Region in the delivery of renewable energy, particularly in the context of the need to make a transition from peat to renewable energy.

P-REN6 To support the development of projects that convert biomass to energy, subject to proper planning and environmental considerations.

P-REN7 To locate biomass installations in areas that do not affect residential or visual amenity and subject to consideration of environmental, landscape, habitats and wildlife issues.

P-REN8 To promote and prioritise utilisation of existing waste streams from agricultural and forestry sectors for renewable energy projects including anaerobic digestion, subject to proper planning and environmental considerations.

Peatlands P-PTL4

P-PTL4 To plan and prepare for the future sustainable and environmentally sensitive use of large industrial bog sites when peat harvesting finishes and to encourage a balanced approach to the redevelopment of cutaway bogs, including habitat creation,

in conjunction with adjacent Local Authorities. This plan will have regard to both National and Regional frameworks with regard to the future use of peatlands, including cutaway bogs.

Forestry

P-F1 To encourage the development of a well managed sustainable forestry sector, which is planted, managed and harvested in accordance with the Forest Service Guidelines for Landscape, Forest Harvesting and Environmental, Archaeology, Biodiversity and Water Quality.

P-F2 To encourage forestry and forestry related development, as a means of diversifying from traditional farming activity.

Rural

P-RE2 To promote the diversification of the rural economy and the growth of rural indigenous industry such as farming, forestry, tourism and allied services, while safeguarding the environment and role of the rural area as a strategic asset.

5.5. **Guidance note Noise in relation to Scheduled Activities, EPA 1996**

5.5.1. Noise in relation to Scheduled Activities, EPA 1996, includes:

Daytime -08:00 hrs to 22:00 hrs (night-time is regarded as the period: 22:00 hrs to 08:00 hrs).

Evening -19:00 hrs to 23:00 hrs.

3.3 General Guidance and Limits for Licensed Facilities

The noise attributable to on-site activities should not generally exceed a free-field L_{Ar,T} value of 55 dB by daytime (08:00 – 22:00), at any noise sensitive location. During night-time (22:00 – 08:00), the noise attributable to on-site activities should not exceed a free-field L_{Aeq, T} value of 45 dB.

In particularly quiet areas, such as remote or rural settings, where the background noise levels are very low (e.g., below approximately 35 dB measured as L₉₀), lower noise limits may be more appropriate and this may be reflected in more stringent licence limits. Reference should be made to the 2003 report published by the Agency – ‘Environmental Quality Objectives - Noise in Quiet Areas’ (2000-MS-14-M1).

Pertinent policy decisions or legislative developments that arise in relation to Quiet Areas may also have implications for remote facilities.

5.6. **Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4), 2016**

Typical Limit Values for Noise from Licensed Sites

Daytime (07:00 to 19:00hrs) – 55dB L_{Ar,T};

Evening (19:00 to 23:00hrs) – 50dB L_{Ar,T};

Night-time (23:00 to 07:00hrs) – 45dB L_{Aeq,T}.

In particularly quiet areas, such as remote or rural settings, where the background noise levels are very low, lower noise limits may be more appropriate and this may be reflected in more stringent licence limits being set.

Table 1 Recommended Noise Limit Criteria

Scenario	Daytime Noise Criterion, dB L _{Ar,T} (07:00 to 19:00hrs)	Evening Noise Criterion, dB L _{Ar,T} (19:00 to 23:00hrs)	Night-time Noise Criterion, dB L _{Aeq,T} (23:00 to 07:00hrs)
Quiet Area	Noise from the licensed site to be at least 10dB below the average daytime background noise level measured during the baseline noise survey.	Noise from the licensed site to be at least 10dB below the average evening background noise level measured during the baseline noise survey.	Noise from the licensed site to be at least 10dB below the average night-time background noise level measured during the baseline noise survey.
Areas of Low Background Noise	45dB	40dB	35dB
All other Areas	55dB	50dB	45dB

5.7. **Environmental Management Guidelines Environmental Management in the Extractive Industry (Non-Scheduled Minerals), 2006**

3.5.2 Recommended ELVs (Environmental Limit Values)

The Environmental Protection Agency (EPA) has produced a Guidance Note for Noise in Relation to Scheduled Activities (EPA, 1996). It deals in general terms with

the approach to be taken in the measurement and control of noise, and provides advice in relation to the setting of noise ELVs and compliance monitoring.

- In relation to quarry developments and ancillary activities, it is recommended that noise from the activities on site shall not exceed the following noise ELVs at the nearest noise-sensitive receptor:

Daytime: 08:00–20:00 h

LAeq (1 h) = 55 dBA

Night-time: 20:00–08:00 h

LAeq (1 h) = 45 dBA

(Note: 95% of all noise levels shall comply with the specified limit value(s). No noise level shall exceed the limit value by more than 2 dBA.)

- On-site activities should be permitted during night-time hours where they comply with the noise ELVs (e.g. heating up of asphalt plants, loading of materials).
- Where existing background noise levels are very low, lower noise ELVs may be appropriate.
- Audible tones or impulsive noise should be avoided at night.
- It is also appropriate to permit higher noise ELVs for short-term temporary activities such as construction of screening bunds, etc., where these activities will result in a considerable environmental benefit.

5.8. Natural Heritage Designations

- 5.8.1. The nearest Natura site is Raheenmore Bog SAC (site code 000582) located c 2.1km, direct line distance, from the subject site and not hydraulically connected thereto. The site is hydraulically connected to the protected site River Boyne and River Blackwater SAC (site code 002299) and SPA (site code 004232), which are in excess of 25km away.

5.9. EIA Screening

- 5.9.1. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, the absence of any connectivity to any sensitive location, there is no real likelihood of significant

effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Two third party appeals against the planning authority's decision to grant planning permission have been received from: Barry Murphy and from Seamus Murphy. The grounds can be summarised as:

- The impact on the appellant and his young family.
- Noise disturbance.
- His residence is approx. 350m from the proposed location of the works. The operation of transporting, unloading and chipping of logs for a period of 32-50 weeks per year up to 2030 will result in sustained noise exposure to them.
- The noise impact report shows that noise limits will be exceeded at his residence; the location is indicated on an aerial photo.
- They have doubts over the mitigation measures conditioned.
- There is no reference in the planning conditions as to who will be responsible for monitoring.
- The location of his house is significantly higher than the works site. A windstock as proposed would not be an adequate means of dealing with this issue.
- The site is big enough to locate the works elsewhere.
- Chipping has taken place on site before, but not nearly as close as is now proposed. The noise could be heard from over 1km previously and will be very high at his home and garden, regardless of the way the wind is blowing.
- The permission 12/4018 was for the out-loading of peat, which is different with significantly different health, safety and environmental implications for the local community, wildlife and residents. This should be a new application.

- Westmeath County Development Plan 2014-2020 - P-REN 7 – contrary to this policy.
- The application states logs will be stored to a height of 4.1m. they are currently higher in some areas.
- The application map indicates the boundary of the storage and chipping areas. Logs are currently being stored outside this boundary and in particular closer to his home.
- Ongoing and sustained impact will have a detrimental effect on wildlife.
- Dust has been an ongoing problem. BnM's response to concerns re. dust and noise from the loading of peat into HGV's was never sufficient and appellant does not have much confidence that this operation will be dealt with any better.
- The Traffic and Transport Assessment indicates that HGVs will be entering and exiting 50 weeks a year using the L-1113. Routes onwards from the L-1113 are not indicated, nor is it indicated which direction traffic will take on the L-1113. The road is exceptionally busy with subsidence issues and black spots. Pedestrians and cyclists use sections on a daily basis and will be seriously endangered by any increase in HGVs as there are no designated cycle lanes or footpaths. Local children who partake in healthy initiatives like 'Cycle to School' days, promoted by Tyrellspass National School.
- There is a danger of fire from timber storage on peatlands, compounded by the act of chipping. Fire prevention, and control measures, to safeguard the appellant, are unclear. The Fire Officer refers to adequate water supply, it is unclear where such supply is available.
- Appellant's residence is approx. 260m from the proposed location of the works, why on a 760 ac site it should be located where 'there is potential for the noise limits to be exceeded at these nearest dwellings', is unclear, or why Westmeath County Council did not seek an alternative site layout.
- The previous operation would have been no closer than 1,000m from appellant's house but could be clearly heard. Hence the grave concerns for

works operating 260m from his house, and even closer, as the applicant has gone beyond the planning boundary.

- Appellant questions why the noise survey was not carried out at evening and night time as the daytime results of 38dB is below the 40dB EPA for areas of low background noise, and a reduced noise of 45dB is the EPA recommended noise limit.
- It is not only the noise level but the type of noise that is of concern.
- Appellant questions why Westmeath County Council chose sound pressure limits of Leq 30 minutes when the applicant noise test was based on Leq 15 minutes.
- Chipping should occur in a controlled location to deal with the noise. If chipping has to occur on site, it should be only in a designated area where the noise level can be monitored accurately and permanent noise control measures can be put into place.
- He is concerned about potential contamination of the Rathgarrett Stream and the Yellow River a tributary of the River Boyne. He notes Westmeath County Council 's concern and the 12 monthly water quality monitoring. There is no need for the storage and chipping of logs beside Rathgarrett Stream. There is an abundance of footage of the chipper (Jenz HEM 820) working. Clearly showing the dust and noise generated from the process. The truck will be within metres of Rathgarrett Stream.
- The choice of site appears to be based on the gravel road. Only 1.1km of this roadway is subject to permission 12/4018, the remainder has no permission. The roadway location along the boundary of the site and adjacent to Rathgarrett Stream makes the site unsuitable.
- The commercial sustainability of the use of the site as a storage and chipping site is debatable.
- The noise mitigation is ambiguous. Remote management, with sub-contractors being used for haulage, is mentioned.

- The use of a windsock may be well intentioned, but it is impractical. Appellant had direct experience in the past of the applicant using windsocks to control dust during the peat harvesting process and it had zero effect.
- The applicant's noise test has even stated that the wind direction was variable at the time of noise testing on the chipper.
- Appellant provides locations for youtube videos, of the chipper at work.
- Appellant suggests locations for the development, away from Rathgarrett Stream and dwellings.
- Appellant refers to condition 2 (ii) which states 'chipping operations shall not occur within 500m of a noise sensitive receptor when the receptor is directly downwind of the chipping activity'. Noise sensitive receptor will always be directly downwind of the chipping activity. To properly mitigate for this no works should occur within 500m of a noise sensitive receptor.
- An aerial photo showing the limit of the permission and the continuation of logs beyond this limit is provided.
- Appellant questions the comprehensiveness of the survey carried out on a single day. He questions the impact on birds using the log piles and of the noise on wildlife particularly during nesting season. The impact of task lighting has not been considered.
- The inclusion of traffic using the facility in the baseline traffic is stated by appellant to indicate flawed measurement and to invalidate the survey.
- Appellant estimates the current log storage as 69,750 tonnes (24,910 stated) and that delivery loads of 2,735 per year of 11 per day is an increase of 36% over the 7 loads per day stated in the application.
- Continuation of operation at Edenderry Power Plant from 2023 to 2030 has been notified, with an increase in traffic volumes to the plant.
- No consideration has been given to traffic impact on Tyrellspass and/or Kilbeggan and their national schools and secondary school.
- Re table 8.3 of the development plan, the statement in the Traffic and Transport Assessment that this is retention of an existing operation and

access and does not involve a new access or intensification of use at the existing access is contradictory. The volume of traffic is noted to be greater, and the volume of logs stored on site is greater.

- Appellant refers to condition 2 (i) that noise levels shall not exceed 55dB at day time beyond the site boundary. The chipping process exceeds 70dB at 50m. The location along the gravel roadway is within 10-15m of the site boundary.
- Appellant refers to condition 2 (ii) and reiterates that works should not take place within 500m of a noise sensitive receptor.
- Re. fire risk – the fire officer has no objection subject to adequate water for fire fighting. There are no fire hydrants along the 5km of log pile. Rathgarrett Stream is low flowing and flow is at its lowest at the period of highest risk. The absence of a detailed fire emergency plan is a serious oversight.
- Applicant has continued (since July 2020), to store logs higher than stated (photo provided), to store logs outside the planning boundary, to show poor regard for other road users, allow logs to enter Rathgarrett Stream, and operate on site.

6.2. Applicant Response

- 6.2.1. Fehily Timoney & Company have responded to the appeal on behalf of the applicant. The response includes responses to the issues raised:

Noise and vibration

Storage capacity and risk of higher traffic volumes than states

Risk of dust to Rathgarrett Stream

Storing materials outside boundary and height of log piles.

Regarding noise and vibration:

- The reason why the survey was undertaken during daytime is because the development will be operating during daytime.

- The condition does not require monitoring but Bord na Móna Energy Ltd have committed to implementing several mitigation measures to mitigate any potential noise impacts.
- The requirement for no downwind noise – 0° to 10° from crosswind 80° . With such a large angle included, the wind will need to be blowing from at least crosswind 90° to upwind 180° for chipping to take place. Bord na Móna Energy Ltd will be responsible for the implementation of mitigation measures.
- On two occasions per year there is the potential for chipping operations to occur within 500m of the dwellings. It typically takes a chipping machine one day to move 50m when chipping a typical log pile. The number of days in any year that chipping could potentially occur within 500m of the nearest dwelling is 6 days. Over the course of a day this would equate to a less than 10 degree change in angle of orientation when the chipping occurs at the western most planning boundary and move eastwards. As the chipper moves, the angle to the dwelling will change at a much smaller angle compared to larger included angles for upwind conditions. Use of a windstock is a robust means of determining favourable conditions.
- Condition 2 i) day-time and night-time limits. The condition refers to noise limits at a noise sensitive receptor. There is no reference to a noise indicator. In their opinion the use of 'above existing noise levels' refers to L_{Aeq} (ambient noise) rather than L_{A90} (background noise). They give a summary of noise limits using L_{Aeq} and L_{A90} as the basis for 10 dB(A) above existing noise levels. As the site is operational during daytime hours (07.00-19.00 hrs per EPAs NH4 guidance document).

Monitoring location	Arithmetic Average of Noise Levels Measured During Baseline Noise Survey	Measured Noise Level plus 10dB	Noise Limit (L_{Aeq} , 30 minutes)

	L _{Aeq}	L _{A90}	L _{Aeq}	L _{A90}	Using L _{Aeq} noise level	Using L _{A90} noise level
N1	53	40	63	50	55	<u>55</u>
N2	63	38	73	48	55	<u>55</u>
N3	48	37	58	47	55	<u>55</u>
N4	53	38	63	48	55	<u>55</u>

- The condition states that all noise measurements shall be carried out and assessed in accordance with Environmental Protection Agency guidance Note for Noise: Licence Applications, Surveys and Assessments in relation to Scheduled Activities (NG4). However the periods set out depart from NG4 guidance which are daytime 07.00-19.00, evening 19.00-23.00, night-time 23.00- 7.00. The condition refers to Daytime (08:00am to 8:00 pm) and Night-time (8:00 pm to 08:00 am). They recommend that the periods align with those specified in NG4. They point out also that the condition refers to a noise limit of 55dB L_{Aeq} as was demonstrated the noise levels from activity on site will be less than 45dB L_{Aeq} at the appellants dwelling.
- Re. task lighting clarification - Task lighting will be mounted on the plant. There will be no additional noise due to the provision of task lighting.
- Re. recorded noise included a tractor, and baseline should be lower – measured levels are representative of typical noise sources. The baseline survey was undertaken when COVID 19 restrictions were in place. It is expected that the baseline noise levels would be higher were there no COVID 19 restrictions in place. This monitoring location was classified as an area of low background noise and a noise limit of 45dB L_{Aeq} was derived, 10dB lower than the typical EPA noise limit.

- Re. the likelihood of noise exceedance at appellant's dwelling – Bord na Móna Energy Ltd will not store or chip logs outside the planning boundary. The development will comply with the plans and particulars submitted with the application. The closest point to appellant no. 1s dwelling is 370m and to appellant no. 2s dwelling is 429m. Chipping will only be carried out within 500m of a noise sensitive receptor if the wind direction is favourable. As a worst case scenario there is potential for chipping operations to occur twice a year if logs are allowed to season for 6 months. It typically takes a chipping machine one day to move 50m. Given that the nearest dwelling's location is 370m distance the maximum number of days that chipping could potentially occur within 500m is 6 days.
- Re. the statement that the proposed mitigation is not a robust solution: the trailer can't block the sound and the appellant's house is at a higher level. The chipper intake and engine are the components with the greatest potential to generate noise and these are at a height below the top of the articulated lorry. The lorry is located very close to the chipper, maximising its effectiveness as a noise barrier. As they are close together the elevation of the dwelling will have a minimal impact. The outlet from the chute moves to ensure an even distribution of material. The development will have to comply with the conditioned noise limits.
- Responding to chipping working 32 weeks per year to 2030 would be an extremely long and sustained period to be subject to excessive noise. The Westmeath Noise Action Plan 2018 – 2023 recommends a maximum noise limit of 55dB during the daytime for industrial and commercial developments. For County Offaly the EPA NG4 guidance can be used. Bord na Móna Energy Ltd have committed to complying with the conditioned limits and to implementing the measures in the Planning Support Statement and will be responsible for implementing the measures. As previously stated the potential impact is for 6 days a year. No tones were observed using the objective method for assessing the audibility of tones in sound: third octave method. It is not expected that any vibration will be perceptible, given the distance.

- Responding to the statement that the appellants have grave doubts about the effectiveness of the mitigation measures; and should not be allowed so close to appellant's home. The EPAs guideline NG4 was followed; previous responses refer.

Regarding storage capacity of the site and traffic volumes

- No more than 4.7km length will be stored. They refute the tonnage estimates and delivery estimates presented. The worst case scenario was considered and it is most unlikely that the site would store 4.7km of logs twice a year. The more typical scenario, since the facility began operating, is that logs are left to season for longer than 6 months and are delivered on a very ad-hoc basis over many months. It has not been standard practice to replenish the entire volume of logs immediately after they have been shipped and removed from the site. Such a scenario was assessed as worst case. Figures for log deliveries (in tonnes) and number of truck deliveries, per year from 2015 to 2020 are given and exports of woodchip (in tonnes) and number of truck trips are also given for these years.

Responding to the extent of storage and dust from chipping operations

- Logs are stored at present for a distance of approx. 200m adjacent to Rathgarrett Stream. As detailed in the planning drawings Bord na Móna Energy Ltd will not store logs on the Rathgarrett Stream side of the access tracks. Therefore the risk of logs falling into the stream will be eliminated. Logs are generally chipped once they reach a moisture content of approx. 35%. There is no risk of dust entering the Rathgarrett Stream as a result of the chipping operations. The planning boundary sets out Bord na Móna's intent with respect to the extent of log storage in the future.
- Height of log piles – the procedure for storing logs is clearly communicated to all contractors who are instructed to store logs at the same height as the highest bar on their logging/drawbar truck, approx. 4.1m high. Bord na Móna Energy Ltd will ensure that this is adhered to.

6.3. Planning Authority Response

The planning authority has not responded to the grounds of appeal.

7.0 Assessment

- 7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, noise traffic and other issues, and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment

- 7.2.1. The proposed development including retention is for use for storage and seasoning of biomass logs, for 6-9 Months, followed by chipping of the seasoned logs into trucks for removal off-site.
- 7.2.2. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision.

7.3. AA Screening Report

- 7.3.1. To facilitate the Board in carrying out this function the applicant has submitted a Habitats Directive Screening report prepared by Rowan Engineering Consultants.
- 7.3.2. The protected sites which require to be considered are:

European Site	Site Code	Relevant QI & SCI	Distance and ecological connection
Raheenmore Bog SAC (site code) located, direct line distance	000582	active raised bogs*, degraded raised bog capable of regeneration, rhynchosporion depressions.	c.2.1km not hydraulically connected
Lough Ennell SAC	000685	Alkaline fens	c.8.6km not hydraulically connected
Lough Ennell SPA	004044	Pochard Tufted Duck Coot	c.8.6km not hydraulically connected

		Wetland and Waterbirds	
Split Hills and Long Hill Esker SAC	001831	Semi-natural dry grassland and scrubland facies on calcareous substrates	5km not hydraulically connected
Charleville Wood SAC	000571	Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> Desmoulin's whorl snail	14.8km not hydraulically connected
River Boyne and River Blackwater SAC	002299	Alkaline fens Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> River Lamprey Salmon Otter	in excess of 25km hydraulically connected
River Boyne and River Blackwater SPA	004232	Kingfisher	in excess of 25km hydraulically connected

* denotes priority habitat.

7.3.30. The report considers that given the small size and scale of the facility in relation to the overall size of the European sites identified, along with the overall distance, there is no likelihood of any significant effects, either direct, indirect or in combination with other plans or projects, upon these designated sites.

7.3.31. In relation to the River Boyne and River Blackwater SAC/SPA it notes the downstream distance of 32km, that there are no emissions of contaminated storm water to the Rathgarrett Stream and given the hydrological distance, there are no likely significant effects, on these designated sites.

7.3.32. There will be no storage of chipped wood at the biomass facility. All logs that are chipped are removed immediately from the site following chipping with the mobile unit. Uncontaminated rainwater will flow towards the ditches that are within the site and these ditches flow towards the Rathgarrett Stream. There will be no atmospheric emissions.

7.3.33. Screening Assessment

7.3.34. Although Raheenmore Bog SAC (site code 000582) is located c 2.1km, direct line distance, from the subject site, it is not ecologically connected thereto. The proposed

development cannot impact the qualifying interests of the protected site. Lough Ennell SPA is not hydraulically connected to the subject site. The subject site is unvegetated and would be of no value for the special conservation interests of the protected site therefore the proposed development cannot impact the special conservation interests of protected site.

- 7.3.35. Having regard to the qualifying interests of the protected sites: Split Hills and Long Hill Esker SAC and Charleville Wood SAC, and the lack of ecological connectivity, there is no possibility of impact arising from the proposed development.
- 7.3.36. The site is hydraulically connected to the protected sites: River Boyne and River Blackwater SAC (site code 002299) and River Boyne and River Blackwater SPA (site code 004232). The designation of the River Boyne as part of the River Boyne and River Blackwater SPA / SAC is from a point near Longwood where it flows under the Dublin Sligo railway line, some 32 km distance downstream of the subject site.
- 7.3.37. The Rathgarret River which adjoins the subject site is a tributary of the Yellow River, a tributary of the River Boyne. The local watercourse is unsuitable for Common Kingfisher, River Lamprey, Salmon or Otter and therefore direct impacts on qualifying interest species are unlikely. Impact on water quality could potentially affect these species downstream. The other qualifying interest species: Alkaline fens and Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* are unlikely to be affected by impact on water quality.
- 7.3.38. The grounds of appeal states concern about potential contamination of the Rathgarrett Stream, noting Westmeath County Council's concern and the 12 monthly water quality monitoring.
- 7.3.39. The applicant states that logs are generally chipped once they reach a moisture content of approx. 35% and that there is no risk of dust entering the Rathgarrett Stream as a result of the chipping operations. They point out that chipped wood is not stored on the site but removed immediately following chipping.
- 7.3.40. Notwithstanding the hydrological connection with the designated sites, given the nature and scale of the proposed development, it is unlikely that the development would significant effect the water quality and therefore the conservation objectives of the SAC/SPA. In my opinion there is no likelihood of significant effects.

7.3.41. The screening report provided by the applicant notes that various domestic and agricultural developments were granted planning permission, having been screened for AA, and notes that the NIS for the substitute consent application for peat extraction (Board Ref. No. 307278), by Bord na Móna, concluded that there have been no significant effects, either individually or in combination with other plans or projects adversely affecting the conservation interests or conservation objectives of European sites. The Board should note, regarding the case referred to, that the reference is to the report prepared by the applicant for that application, which has since been withdrawn.

7.3.42. In my opinion, in the absence of any likelihood of significant effects arising from the proposed development, there is no likelihood of significant in-combination effects.

7.3.43. Screening Determination

7.3.44. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the proposed development individually, or in combination with other plans or projects would be likely to give rise to significant effects on European site(s) No. 002299, or 004232 in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on the following:

The nature of the development and the distance from the European Sites.

7.4. Noise

7.4.1. The grounds of appeal states concern about noise, including:

- Proximity of appellants' residences stated to be 260m and 350m from the proposed location of the works, where transporting, unloading and chipping of logs for a period of 32-50 weeks per year up to 2030 will result in sustained noise exposure.
- That the noise impact report shows that noise limits will be exceeded at residences.

- Doubts over the mitigation measures conditioned and who will be responsible for monitoring.
- A windstock as proposed would not be an adequate means of dealing with this issue.
- Chipping has taken place on site before, but not nearly as close as is now proposed. The noise could be heard from over 1km previously and will be very high regardless of the way the wind is blowing.

7.4.2. The applicant states in response that:

- The requirement for no downwind noise, with such a large angle included, the wind will need to be blowing from at least crosswind 90° to upwind 180° for chipping to take place. Bord na Móna Energy Ltd will be responsible for the implementation of mitigation measures.
- On two occasions per year there is the potential for chipping operations to occur within 500m of the dwellings. It typically takes a chipping machine one day to move 50m when chipping a typical log pile. The number of days in any year that chipping could potentially occur within 500m of the nearest dwelling is 6 days. Over the course of a day this would equate to a less than 10 degree change in angle of orientation when the chipping occurs at the western most planning boundary and move eastwards. As the chipper moves, the angle to the dwelling will change at a much smaller angle compared to larger included angles for upwind conditions. Use of a windstock is a robust means of determining favourable conditions.
- They also make some comments regarding Condition 2, regarding day-time and night-time limits and the Guidelines.

7.4.3. Regarding the response to the grounds of appeal which states that given that the nearest dwelling's location is 370m distance, the maximum number of days that chipping could potentially occur within 500m is 6 days.

7.4.4. The nearest dwelling is stated by the appellant to be 260 distance. It appears from the map supplied and from google maps, that the nearest dwelling is 370m from the subject site. Nevertheless it would take almost 2.5 days for the approaching chipper, having entered within the 500m distance to move along the line, before reaching the

point closest to the dwelling, and a further 2.5 days moving away from the dwelling before leaving the 500m limit, on the basis of 50 linear metres of product being chipped in a day. This would occur twice a year, as the wood seasons in 6 months; and therefore the period during which chipping would occur within 500m of the nearest dwelling would be 10 days per year, rather than 6 days as estimated by the applicant.

7.4.5. Mitigation is proposed by the applicant

- When chipping is occurring within 500m of a dwelling it is proposed that chipper is set up such that the truck being loaded with biomass blocks direct line of sight between the chipper and the noise sensitive location or the logs block direct line of sight with the receptor location.
- When chipping occurs within 500m of dwelling it is proposed that chipping does not occur when the nearest dwellings are downwind of chipping activity. To aid the operation of this it is proposed to install a windstock at the site boundary closest to the nearest dwelling.

7.4.6. Condition no 2 of the planning authority's decision seeks to protect residential amenity from undue noise impact including by ensuring that ii) Chipping operations shall not occur within 500m of a noise sensitive receptor when the receptor is directly downwind of the chipping activity. A windsock shall be installed at the site boundary closest to the nearest dwelling.

7.4.7. It is accepted by all parties that the chipping operation would give rise to excessive noise at noise sensitive receptors when the wind is blowing towards those receptors. The wind predominantly blows from south, south-west, and west in this area, and a situation where the wind direction would be towards a sensitive receptor would not be uncommon. In my opinion the planning authority's proposal to rely on a windsock to guide the developer, in order to restrict chipping within 500m of the upwind nearest dwelling, is unduly reliant on developer compliance, in the context of an unsupervised site. The condition would also be very difficult to enforce. In my opinion chipping should not take place within 500m of a dwelling, and in order to ensure compliance with this requirement, those areas which are within 500m of an inhabited dwelling should be secured by fencing or other barrier, along the access road, to ensure that following chipping and removal of the stock of logs currently in place,

these areas cannot in the future be used for the storage (and therefore chipping) of logs. This requirement should be fulfilled within 6 months of a permission, which would allow a sufficient period for product currently stored in such locations to be chipped and removed from the site.

- 7.4.8. The appellant states that the periods set out in the condition depart from NG4 guidance which are daytime 07.00-19.00, evening 19.00-23.00, night-time 23.00-7.00. The condition refers to Daytime (08:00am to 8:00 pm) and Night-time (8:00 pm to 08:00 am).
- 7.4.9. The guidance referred to as NG4 is titled 'Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4), 2016'. It includes as recommended noise limit criteria, a daytime (07:00 to 19:00hrs) limit of – 45dB $L_{A,T}$; for areas of low background noise.
- 7.4.10. Operational hours for all activities associated with the proposed development have been stated in the application as 07.00-19.00 Mon-Fri and 07.00-17.00 Saturdays, closed Sundays and Bank Holidays, therefore only the daytime limit is appropriate. This can be addressed by condition.
- 7.4.11. The applicant has clarified that task lighting will be mounted on the plant and that there will be no additional noise due to the provision of task lighting.

7.5. Traffic

- 7.5.1. The grounds of appeal states concern about traffic, including:
- The volume of HGVs entering and exiting and using the L-1113, which is exceptionally busy with subsidence issues and black spots and without designated cycle lanes or footpaths.
 - They question the tonnage and delivery estimates.
- 7.5.2. The applicant response refers to the worst-case scenario being that which was considered, and that it is most unlikely that the site would store 4.7km of logs twice a year. It is more likely that logs will be left to season for longer than 6 months and delivered on a very ad-hoc basis over many months. Figures for log deliveries (in tonnes) and number of truck deliveries, per year from 2015 to 2020 are given and

exports of woodchip (in tonnes) and number of truck trips are also given for these years.

7.5.3. The L-1113 is a busy local road and has been used for the export of material from this site in the past. The planning authority is satisfied, that the use of the road is acceptable, subject to certain conditions, including the payment of contributions for road restoration and maintenance.

7.5.4. In my opinion having regard to the nature of the road and its existing use, it is capable of accommodating the traffic which would be generated by the proposed development, such that the proposed development would not cause obstruction or hazard to other road users.

7.6. Other Issues

7.6.1. The appellant states that the site is big enough to locate the works elsewhere. The applicant has stated that the site was selected due to the suitability of the existing infrastructure, where logs could be stored adjacent to access tracks and accessed with ease.

7.6.2. The appellant states concerns regarding the potential for outbreak of fire. The fire officer has reported on the application and has no objection to the proposed development. The site is in a rural area and a considerable distance from the nearest dwelling such that the spread of fire is not a consideration. In my opinion the proposal is a suitable use of these lands.

7.6.3. The planning authority has conditioned two special contributions towards roads maintenance and it is noteworthy that the applicant has not raised any objection to these conditions.

8.0 Recommendation

8.1. In accordance with the foregoing, it is recommended that planning permission be granted for the following reasons and considerations and in accordance with the following conditions.

9.0 Reasons and Considerations

- 9.1.1. The proposal to process biomass as an energy source accords with government policy to promote renewable energy use, as set out in plans and policies at national, regional and local level, and subject to the following conditions, the development would not unduly impact on the amenities of the area or on nature conservation, would not impact on the use of the adjoining local road by other users, would not give rise to fire safety concerns and would accordingly be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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 18 day of November 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>This facility shall only be used between 07.00 hours and 19.00 hours on Mondays to Fridays inclusive, and only between 07.00 hours and 14.00 hours on Saturdays. It shall not operate on Sundays or public holidays.</p> <p>Reason: In the interest of amenity.</p>
3.	<p>The applicant shall ensure that activities at the site shall not give rise to noise levels off site which exceed the limit of 45dB_{L_{Ar,T}}; at any sensitive</p>

	<p>receptor. To this end, subject to condition no. 4, chipping operations shall not occur within 500m of an inhabited dwelling.</p> <p>Noise levels measured at noise sensitive locations in the vicinity of the site shall not exceed a level of 10dB(A) above the existing noise levels during working hours.</p> <p>Noise measurements shall be carried and assessed in accordance with Environmental Protection Agency Guidance Note for Noise: Licence Applications, Surveys and Assessments in relation to Scheduled Activities (NG4), at any time at the request of Westmeath County Council (WCC). Noise sensitive locations shall be agreed in writing with WCC.</p> <p>Reason: In the interest of amenity.</p>
4.	<p>In order to facilitate the removal of logs within the cordon set out in condition no. 3, the chipping of logs currently stored within this area may be carried out within 6 months of the date of this decision. Thereafter areas along the access road which are within 500m of an inhabited dwelling shall be secured by fencing or other barrier, to the written satisfaction of the planning authority, so that they cannot in the future be used for the storage of logs.</p> <p>Reason: In the interest of amenity.</p>
5.	<p>Dust deposition from the works at the site boundary shall not exceed 350mg/sq.m/day (based on a 30-day composite sample) as measured using the Bergerhoff Gauge method or 130mg/sq.m/day measured on a Frisbee type dust gauge. Dust monitoring shall be submitted to the planning authority on request.</p> <p>Reason: In the interest of amenity.</p>

6.	<p>The developer shall implement measures to reduce environmental risks associated with the use of oils and hydrocarbons, including the storage of fuel and oil within specially constructed bunds, and the use of spillage mats and catch trays to ensure that fuel spillages are fully contained. Such measures shall be subject to the written agreement of the planning authority prior to commencement of operations.</p> <p>Reason: In order to protect waters.</p>
7.	<p>a) No contaminated surface water shall be discharged to any surface water drainage system.</p> <p>b) The developer shall carry out grab sampling annually, downstream of the facility, to test for the parameters required by the planning authority and shall submit the results to the planning authority.</p> <p>Reason: In order to protect waters.</p>
8.	<p>This permission is for a period up to 31st December 2030. The use of the facility shall cease at that date unless its continued use is permitted by a future planning permission.</p> <p>Reason: In the interest of clarity.</p>
9.	<p>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 in respect of road restoration works on the L-1113 at the entrance due to the associated HGV turning movements. 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</p>

	<p>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.</p> <p>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.</p>
10.	<p>The developer shall pay to the planning authority, an annual contribution for the duration of use, as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of road maintenance on the L-1113 due to the use of this road by the associated HGV traffic. The amount of the contribution shall be agreed between the planning authority and the developer within 3 months of the date of this permission, 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.</p> <p>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.</p>

11.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme 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 to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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Planning Inspector

14th April 2021

Appendices:

Appendix 1 Photographs

Appendix 2 National Framework Plan, extracts

Appendix 3 Midlands RSES, extracts

Appendix 4 Climate Action Plan, 2019, extracts

Appendix 5 Westmeath County Development Plan 2014-2020, extracts

Appendix 6 Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4), 2016, extracts.