



An
Bord
Pleanála

Inspector's Report

ABP-314944-22

Development	Re-contouring of agricultural land with inert soil and stones and all associated site works.
Location	Anneville, Clonard, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	22/1045
Applicant(s)	Padraig Mitchell
Type of Application	Planning Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Tom McElhinney
Observer(s)	Richard Hickey & Others
Date of Site Inspection	28 th February 2024
Inspector	Gary Farrelly

1.0 Site Location and Description

- 1.1. The subject site has a stated area of approximately 6.3 hectares and is located within the townland of Anneville, County Meath, which is located approximately 1km north of the village of Clonard. Access to the site is via a single carriageway lane which connects to the Local Road, the L-8020. This road also serves a dwellinghouse approximately 450 metres further up from the access to the site. This dwelling is located approximately 120 metres east of the proposed fill area. A number of other residential dwellings are located approximately 80 metres south and 200 metres west of the proposed fill area.
- 1.2. The subject site comprises of agricultural land with part of the site comprising of excavated ground that was previously quarried for sand and gravels. The site of the proposed fill area is bounded by agricultural lands to the north, south, east and west. The topography of the site is undulating ranging from approximately 79mAOD within the centre of the site to approximately 68mAOD to the north and west boundaries of the site.
- 1.3. The north and west boundaries of the site are defined by a drainage ditch. The site is approximately 490 metres north of the Clonard/Kilwarden River which flows eastwards into the River Boyne approximately 2km downstream. The River Boyne then flows eastwards for approximately 1.5km where it is then designated as the River Boyne and River Blackwater Special Area of Conservation (SAC) (Site Code 002299) and River Boyne and River Blackwater Special Protection Area (SPA) (Site Code 004232). The Molerick Bog Natural Heritage Area (NHA) is located approximately 100 metres north of the subject site.

2.0 Proposed Development

- 2.1. The application seeks permission for the re-contouring of agricultural land and all associated site works. It is stated that the imported material will consist of clean inert soil and stones for the consequential benefit to agriculture. It is proposed to import 99,600 tonnes of material over a period of 5 years, subject to a maximum of 25,000 tonnes per annum. The re-contouring of the land will be to an average depth of 1.4 metres with a maximum depth of 7.16 metres in the area of the excavated ground. The

submitted section drawings indicate that sections of the site will also be cut by a depth of approximately 1-3 metres (Sections A-A, G-G and H-H).

- 2.2. A temporary haul road will be constructed on-site which will lead to an unloading and turning area. A temporary site hut measuring 5.476sqm will be maintained for the purposes of record keeping and there will be a self-contained portaloo for site staff. Waste is to be disposed of in a skip in a hardcore quarantined area which will be collected by an approved waste collector. A drive through wheel wash is proposed next to the site entrance which is located approximately 250 metres from the public road. The wheel wash will comprise of a concrete base and measure 18 metres in length and 5 metres in width.
- 2.3. It is proposed to complete the works under a waste facility permit from Meath County Council. It is proposed to carry out the works under four phases as illustrated in a submitted phasing plan.

3.0 Planning Authority Decision

3.1. Decision

Meath County Council (The Planning Authority) decided to grant permission by Order dated 30th September 2022, subject to 13 conditions;

- Condition 1 relates to the carrying out of the development in accordance with the plans and particulars submitted with the application.
- Condition 2 relates to the installation of a wheelwash, to record volumes of waste, dust monitoring, preventative measures to prevent adverse impact on water and the undertaking of an annual noise survey.
- Condition 3 relates to the maintaining of sightlines at the junction of the public road.
- Conditions 4 and 9 relate to the treatment of surface water, within the site and no discharge onto the public road or adjoining properties.
- Condition 5 limits the development to 20 loads per day.
- Condition 6 relates to the proposed haul road.

- Conditions 7 and 8 relate to the undertaking of a construction stage traffic management plan.
- Condition 10 relates to archaeological monitoring.
- Condition 11 ensures no deposition of material prior to or during heavy rainfall.
- Condition 12 states that any mounding of material shall take place at the maximum available distance from any watercourse.
- Condition 13 relates to a special financial contribution under Section 48(2)(c).

3.2. **Planning Authority Reports**

Planning Reports

The Area Planner's report assessed the application in terms of the principle of the development, access and traffic, flood risk, EIA Screening and Appropriate Assessment screening. The Area Planner recommend that permission be granted subject to 13 conditions and this recommendation was endorsed by the Senior Executive Planner.

Other Technical Reports

- Transportation Department (Report dated 12th September 2022) – They had no objection to the development subject to conditions in relation to, inter alia, the maintenance of 90 metre sightlines, a limit of 20 truckloads per day, a special financial contribution, a traffic management plan and the adherence to the haul route proposed.

3.3. **Prescribed Bodies**

- An Taisce (Report dated 12th September 2022) – They recommended that a 10-metre buffer zone is established on either side of all drains and watercourses, that no deposition of material occurs immediately before or during periods of heavy rainfall and that any mounding of material occurs as far away from all watercourses as possible. Any risk to groundwater should be fully assessed.

- Department of Housing, Local Government and Heritage (Report dated 13th September 2022) – This report recommended an archaeological monitoring condition to be attached to any grant of permission.
- Inland Fisheries Ireland (Email dated 1st September 2022) – They had no objection to the development once adjoining tributaries of the River Boyne and Royal Canal are protected.

3.4. **Third Party Observations**

A total of 4 no. third party observations were submitted. A number of issues were raised including, inter alia, concerns in relation to traffic and public safety, the suitability of the laneway, archaeological concerns, monitoring concerns to ensure that only inert materials are imported, water contamination, the requirement for an EIA, preservation of views and prospects, light pollution, the impact on biodiversity, deprecation of property values and the omission of a weigh station.

4.0 **Relevant Planning History**

None

5.0 **Policy Context**

5.1. **Development Plan**

Meath County Development Plan 2021-2027

Policy RD POL 12

To facilitate the development of agriculture while ensuring that natural waters, wildlife habitats and conservation areas are protected from pollution.

Policy RD POL 25

To ensure that the extractive industry and associated development minimises adverse impacts on the road network in the area and that the full cost of road improvements, including during operations and at time of closure, which are necessary to facilitate

those industries are borne by the industry itself.

Policy RD POL 26

To ensure that all existing workings shall be rehabilitated to suitable land uses and that all future extraction activities will allow for the rehabilitation of pits and proper land use management. The biodiversity value of the site should be considered in the first instance when preparing restoration plans. Where landfilling is proposed, inert material is the preferred method. Each planning application shall be considered on a case by case basis and where relevant will be dealt with under the relevant regional Waste Management Plan.

Policy RD POL 38

To ensure that all development accessing off the county's road network is at a location and carried out in a manner which would not endanger public safety by way of a traffic hazard.

Objective HER OBJ 56

To preserve the views and prospects listed in Appendix 10, in Volume 2 and on Map 8.6 and to protect these views from inappropriate development which would interfere unduly with the character and visual amenity of the landscape.

5.2. National Policy

- Project Ireland 2040 – National Planning Framework (2018) and National Development Plan 2021-2030
- A Waste Action Plan for a Circular Economy, Ireland's National Waste Policy 2020-2025
- Climate Action Plan 2023, as updated

5.3. Regional Policy

- Regional Spatial and Economic Strategy for the Eastern and Midland Region

5.4. National Guidance

- The Planning System and Flood Risk Management Guidelines (2009)
- Transport Infrastructure Ireland Rural Road Link Design (2017) (Document DN-GEO-03031)

- Transport Infrastructure Ireland Traffic and Transport Assessment Guidelines (PE-PDV-02045 May 2014)

5.5. Natural Heritage Designations

The Molerick Bog Natural Heritage Area (NHA) (001582) is located approximately 100 metres north of the subject site. The qualifying interest of this NHA is peatlands. The Mount Hevey Bog SAC (Site Code 002342) is located approximately 1.8km northwest of the site. This is also designated as a proposed Natural Heritage Area (pNHA). The Royal Canal pNHA is located approximately 1.1km north of the site.

The River Boyne and River Blackwater SAC (Site Code 002299) and SPA (Site Code 004232) are located approximately 3km east of the site.

5.6. Environmental Impact Assessment (EIA) Screening

The application addresses the issue of EIA within an EIA Screening Report that contains information to be provided in line with Schedule 7A of the Planning and Development Regulations 2001, as amended (Planning Regulations). This proposed development is of a class of development included in Schedule 5 of the Planning Regulations. Part 2 of Schedule 5 of the Planning Regulations provides that mandatory EIA is required for various classes of development, including the following:

- Class 11(b) Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.
- Class 15 Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

I have completed an EIA screening assessment of the proposed development with respect to all relevant considerations, as set out in Appendix 1 of this report.

Having regard to the criteria in Schedule 7 of the Planning and Development Regulations 2001, as amended, the information provided by the applicant in accordance with Schedule 7A of the Planning and Development Regulations 2001, as amended, and the following:

- (a) To the nature of the proposed development, which relates to the infilling of an existing sand and gravel extraction area and agricultural lands with clean inert soil and stone material;
- (b) To the nature and scale of the proposed development, which involves the importation of 99,600 tonnes of material over a period of 5 years, which equates to 19,920 tonnes per annum, and up to a maximum of 25,000 tonnes per annum, which is under the threshold in respect of Class 11(b) of Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended),
- (c) To the location of the site and proposed fill area outside of the Molerick Bog Natural Heritage Area (NHA), the Mount Hevey Bog Special Area of Conservation (SAC) and proposed Natural Heritage Area (pNHA), the Royal Canal pNHA and the River Boyne and River Blackwater SAC and Special Protection Area (SPA),
- (d) To my appropriate assessment screening conclusion within Section 7 of this report;
- (e) To the guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- (f) To the Office of the Planning Regulator’s (OPR) Practice Note PN02 Environmental Impact Assessment Screening (2021),

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report (EIAR) is not therefore required.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was lodged to the Board on 26th October 2022 by Tom McElhinney. The grounds of appeal can be summarised as follows:

- The site is directly connected to a Natura 2000 site via a drain to the Kilwarden/Clonard River which ultimately connects to the River Boyne. A NIS should have been provided and the PA could not have made an informed decision that the development would not have adversely effected the integrity of the site.
- The development is a commercial landfill development and not an agricultural reclamation project, and a number of costs are calculated to support this assertion. The development is considered excessive to fill the entire site when only a quarter of the site is non-productive. It makes more sense to reclaim the old sand and gravel workings.
- No conditions are imposed to control and monitor the water supply. There are concerns with contamination of wells. An EIAR should have been provided in this regard. Conditions should be imposed to protect water quality, testing and monitoring and an alternative clean source should be provided in event of contamination. A bond should also be conditioned.
- Upon completion rainwater will be channelled north possibly flooding neighbouring lands and properties and the Molerick Bog NHA.
- The PA does not address concerns in relation to the impact on protected views and prospects. Concerned that failure to complete the development to a high standard will diminish the value of properties.
- The PA does not address concerns in relation to traffic queuing on the road waiting to access the site.
- The development will likely disturb the historic resting places of individuals interred at this location.
- The application does not indicate where the material will be sourced. Uncontaminated soil and stone from excavation works is considered a production residue and is regarded as a by-product only if all four byproduct conditions are met under the EPA Guidance. For the use of by-product to be lawful and EIA and AA are required.

- The applicant has not confirmed that inert soil and stone would be used in the development and has not been conditioned. There is concern that other materials will be used to fill the site.
- No traffic studies and no traffic assessment has been undertaken. The laneway will not withstand the significant increase in traffic and the ditches either side of the lane will be damaged.
- The bridge over the Clonard River on the haul route is not suitable in width or structurally to support the level of HGV movements. This bridge was not referenced in the application.
- Due to the distance of the wheelwash from the public road and condition of the laneway, mud, dirt and debris will be deposited on the public road. Concerns that the condition does not mandate all traffic to use it.
- The applicant does not have the right of way to use the laneway for the purposes of the proposed development.
- The applicant will not be able to maintain 90 metre sightlines due to land ownership restrictions. Concerns regarding road safety at the junction of the R-148 and L-8020 and this junction is not referenced in the application.
- Questions the level of financial contributions attached and references a reclamation project at Moyfin, Longwood. Questions whether €11,000 would cover the cost of restoring the bridge over the Clonard River.
- The application does not advise of the appointment of an ecological clerk of works or ecologist.
- No invasive species management plan has been conditioned.
- No condition to provide a waste management plan.
- No construction environmental management plan provided to include environmental control measures to protect the river Boyne and to ensure no invasive species are introduced or transferred out of the area.
- No condition to ensure adequate supplies of spill kits and hydrocarbon absorbent materials are stocked on site.

- No evidence of experience or expertise in the operation of such landfill operations. Concerns that the operation will be subcontracted who may not be responsible for the environment.
- The applicant has not provided an end of development plan and has not been conditioned to do so. No restoration bond to ensure the landfill site will be restored to productive agricultural use in agreed time frames. No mention of topsoil being imported to return the land to agricultural use.
- Concerns that there are no conditions to secure the development site to ensure that flytipping and dumping do not occur.
- Concern that condition 2 does not obligate the applicant to install a weighbridge and thus will not monitor and control the importation of materials. Concerns with use of waste in this condition.
- There are no adjacent farm water supplies that the applicant can utilise.

6.2. Applicant Response

The applicant responded to the grounds of appeal on 21st November 2022. Their response can be summarised as follows:

- It was requested that the Board uphold the decision of Meath County Council to grant permission.
- A stage 2 appropriate assessment is not required. An Taisce and IFI made submissions that were considered by the PA.
- The site is not within a flood risk zone and no works are proposed close to any stream or drainage ditch. The strategic flood risk assessment maps and OPW maps have been fully reviewed.
- Only uncontaminated soil will be used to reclaim the site. Therefore, there will be no impact on groundwater or surface water within the area.
- The site is not a landfill as no disposal will occur. The reclamation of agricultural land is a soil material recovery activity and not a waste disposal activity.

- The proposal will be temporary in nature and will enhance rather than detract from the long term visual amenity of the area. The site is removed from the public road and public viewing points.
- Reference is made to the draft EPA Guidelines regarding by-product criteria for greenfield soil and stones used in developments, September 2022.
- The site entrance gates will be locked outside of working hours to prevent unauthorised access and to eliminate fly-tipping. Soil will only be accepted between 8am and 6pm Monday to Friday and between 8am and 2pm on Saturdays.
- There are clear conditions to maintain water quality in the area such as condition 2(i), 2(iv), 4, 11 and 12.
- There are clear conditions for monitoring quantity of imported materials such as a proposal for a weighbridge and specifying the carrying out of topographical surveys at set periods. There are also strict monitoring controls, site inspections and record keeping obligations under a waste facility permit.
- There are clear proposals and clear conditions to prevent soiling of the public road such as the installation of a wheel wash and dust suppression measures.
- A 4-stage phasing plan has been provided.
- A full assessment has been made by the Council's Roads Section with regards to the proposed development on roads and traffic.
- The applicant has the option of boring a well on his property to supply water for the wheel wash and for livestock going forward.

6.3. Planning Authority Response

- The Planning Authority is satisfied that all matters raised by the third-party appeal have been considered in the assessment of the application. They respectfully request to uphold the decision of the PA.

6.4. Observations

Observations have been received from Mary and Pat Daly, John and Orla Doyle, Marie Boothman, Theo and Lynsay Orton, Seamus Quinn and Anne Farrell, Vincent and Edel Smullen, Edward and Noeleen Campbell, Alan Maloney, David and Olwen Campbell, Nan Connolly and Richard Hickey. They have raised the following issues:

- Concerns with contamination of neighbouring wells and watercourses in terms of human health and health of animals. Concern that not enough conditions attached to monitor drinking water quality and to ensure private water supplies meet the drinking water regulations.
- Concerns with water runoff to adjoining lands effecting ground conditions and flooding of neighbouring properties.
- Concerns with the impact on traffic on the local road network including in terms of traffic safety, visibility and impact on the road bridge over the Clonard River. Roads are extensively used by vulnerable road users including children.
- Concerns with impact of movements on the lane on occupier of dwelling on the lane and health impact. Concerns that the ditch could collapse and potential queuing on local road and laneway. If the surface level of laneway is to be increased it will be above the level of the public road causing surface water to run onto the public road.
- Concerns in relation to unauthorised waste activities being carried out onsite. Questions over the source of material to be imported and whether there are any details. It is considered that it would be impossible to ensure only inert products are imported to such a rural location.
- It is stated that the site was used previously as a burial ground and human remains were removed from the site in the 1960s. There will be a detrimental effect on archaeology.
- At most only a third of the land needs to be reclaimed, the remainder of the site is already grazing land.

- The owner of the property to the north of the site usually parks her car at the junction of the laneway and public road and this may make things difficult for turning trucks.
- The development is for commercial gain and the existing excavation onsite is unauthorised.
- No consideration to the end of life of this landfill development and the applicant has demonstrated no experience or knowledge of such an operation.
- Concern with release of carbon, greenhouse gases and potentially methane gases into the local environment. The development disregards the global SDG Goal number 13 Climate Action and will increase emissions and the overall environmental impact.
- Conditions attached are vague and lack clarity around monitoring and enforcement in relation to the location of the wheelwash, weighbridge, no safeguards to ensure surface water does not enter the public road and no details on how truckload numbers are monitored.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, after an inspection of the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues on this appeal are as follows:

- Principle of the development
- Visual Amenity
- Traffic Safety
- Flood Risk & Public Health
- Biodiversity
- Appropriate Assessment (AA) Screening
- Other Issues

7.2. Firstly, I acknowledge that there are concerns from the Appellant and Observers regarding materials, other than clean inert soil and stone, being imported into the site. The Board should note that this application and appeal relates to the importation of clean inert soil and stones and would be subject to a waste permit from Meath County Council. Notwithstanding this, if the Board are minded to grant permission, in the interest of clarity, I consider it reasonable to condition that material imported to site is only clean inert material.

Secondly, I note that the site is located within a rural area and the proposed fill area is located approximately 80 metres from a dwelling to the south, approximately 120 metres from a dwelling to the east and approximately 200 metres from a dwelling to the west. Due to the nature of the development which involves HGV and machinery movements of soil and stone, there will potentially be noise and dust associated with the works onsite. I note that section 1.12 of the submitted planning and environmental report proposes dust and noise control measures. Having regard to these measures, to the temporary nature of the development and distance to properties, it is my view that there would be no adverse impact on the residential amenities in the area in terms of noise or dust. Notwithstanding this, if the Board are minded to grant permission, I recommend that an environmental management system (EMS) is prepared by the developer to include noise and dust management measures.

Principle of the development

- 7.3. The Applicant states that the proposed works are intended to improve the nature of the land for agricultural purposes. The site contains uneven topography and old hollows and excavations from historical quarrying for sand and gravels. It is proposed to strip off the topsoil, raise the level of the land with imported clean subsoil, soil and stones and grade the fill into the site. The topsoil will then be spread and the site reseeded. The Applicant states that this will result in dryer soils from better drainage which will improve the productivity of the land. I note that the documentation states that the operations will commence upon a grant of a waste facility permit application by Meath County Council.
- 7.4. The proposed development seeks to import 99,600 tonnes over a five-year period, with the maximum amount per annum to be less than 25,000 tonnes. The re-contouring of the land will be to an average depth of 1.4 metres with a maximum depth of 7.16 metres in the area of the existing extracted area, as illustrated on submitted section drawings D-D and E-E.
- 7.5. Having regard to the purpose of the development, which will result in a benefit to agriculture, I consider that the development complies with policy RD POL 12 of the Meath County Development Plan 2021-2027 (CDP), subject to the protection of the environment as I will assess below. Therefore, I consider that the proposed development is acceptable in principle.

Visual Amenity

- 7.6. I note the comments from the Appellant regarding the potential impact of the development on protected views and prospects. I note that the nearest protected views and prospects, as designated under the CDP, are Views 54 and 83, which are located to the north and northeast of the subject site. I note that these viewpoints relate to views along the Royal Canal. Therefore, having regard to the location and nature of the proposed development, I am satisfied that the development will not adversely impact these viewpoints.
- 7.7. Furthermore, I note that the site is located within the southwest lowlands, which is designated under the CDP as a landscape character area of high value. I consider that the proposed works would result in a neutral or slight positive impact on the visual amenity of the area, due to the infilling of an existing extraction area within the site and

to the average depth level increase of 1.4 metres throughout the remainder of the site. Having regard to this, I am satisfied that the development would not contravene objective HER OBJ 56 of the CDP. However, I do agree with the Appellant regarding the preparation of a site restoration plan and I recommend that this is conditioned if the Board are minded to grant permission.

Traffic Safety

Sightlines

- 7.8. I note the comments from the Appellant and the Observers in relation to sightlines at the junction with the public road and along the proposed haul route. The submitted plans illustrate that 90 metre sightlines are achievable in both directions at a setback of 2.4 metres. I note that under Condition 3 of the PA's notification to grant permission, they requested that 90 metre sightlines are maintained. However, I note that the blue line ownership boundary does not extend along the roadside boundaries. Therefore, the Applicant has no control over the maintenance of these roadside boundaries.
- 7.9. Notwithstanding this, I noted on the date of my site inspection that there were existing adequate sightlines in both directions at the junction with the public road. Therefore, I am satisfied with the proposed development in terms of traffic safety in this regard.
- 7.10. With regards to concerns of sightlines at other junctions along the proposed haul route, having visited the site I was able to safely navigate the junctions along the route. Furthermore, I note that the Transportation Department raised no concerns regarding the proposed haul route in terms of sightlines.

Use of the laneway

- 7.11. I note the concerns from the Appellant and Observers regarding the use of the laneway to access the Applicant's lands and the impact of the development on the occupier of a residential dwelling that also takes access off this laneway.
- 7.12. I noted on the date of my site inspection that the laneway is narrow and cannot accommodate opposing traffic movements. I did encounter a tractor when I was leaving the site in which I had to reverse back towards the proposed entrance to the site in order to let it pass. However, I also noted the low trafficked nature of the laneway. Furthermore, I note there are no potential alternative access routes to the Applicant's lands.

- 7.13. The submitted planning and environmental report indicates that a total of 6,225 rigid lorry loads will be required to be imported to the site. The PA have conditioned that only a maximum of 20 loads per day are accepted on the site which is the equivalent of 40 HGV movements per day. I consider this to be reasonable, and in any case, I consider this to be the worst-case scenario as it is based on the availability of suitable recovery material and weather conditions. Notwithstanding this, I have calculated the average number of loads per day (based on a six-day week over 52 weeks per year for 5 years) as 4 (equivalent of 8 movements).
- 7.14. I do acknowledge that the use of approximately 200 metres of the laneway will be an inconvenience for the occupier of the residential dwelling. If the Board are minded to grant permission, I recommend that a condition is attached that advance warning signs are installed along the laneway to alert HGV drivers of potential other drivers using the laneway. In my view due to the narrowness of the laneway HGVs will be travelling at a very slow speed. Having regard to this, to the low trafficked nature of the laneway, to the temporary nature of the works and to the limit of 20 loads per day, I am satisfied that the development will not result in a traffic hazard. I also note that the Transportation Department of the PA did not raise any objection to the development in this regard.
- 7.15. I note the question raised regarding the existing right of way facilitating a development of this nature. Having regard to the information on file, I consider that there is no evidence to undermine the first party claims. In any case, the Board should note the provisions of Section 34(13) of the Planning and Development Act 2000, as amended.

Location of wheelwash

- 7.16. I note that the proposed wheel wash will be located approximately 250 metres from the junction with the public road. I acknowledge that this is not in the most optimal location and therefore there is potential for muck, dirt and debris to be deposited onto the public road after the HGVs traverse the laneway. However, I note that there is no other possible siting closer to the junction within the ownership of the Applicant.
- 7.17. I note that Section 1.12.1 of the submitted planning and environmental report outlines that a tractor mounted brush sweeper will be used at the site and if necessary will sweep the immediate area on the public road. Therefore, if the Board are minded to grant permission I recommend that a condition is attached as part of the EMS that

ensures that the junction is kept free from such muck, dirt and debris. Notwithstanding this, the Board should note that the PA are responsible for the upkeep of the public road and have raised no concerns with the development in this regard.

Wider Road Network

- 7.18. The site is located approximately 7km east of Junction 10 of the M4 Motorway and approximately 1km from the Regional Road R-148. I note the concerns raised regarding the impact of the development on the wider local road network and the absence of any traffic studies. I note that the PA conditioned that a construction traffic management plan is agreed prior to commencement of the development to include deliveries not conflicting with morning and evening peak school traffic flow.
- 7.19. Having regard to the volume of traffic flow associated with the development, i.e. a maximum of 40 HGV movements per day at a worst-case scenario, and to TII publication PE-PDV-02045, I am satisfied that a traffic and transportation assessment is not required for a development of this size and nature. I also note that the Transportation Department of the PA did not request such an assessment. It is my view that the wider road network has the capacity to accommodate the traffic movements associated with the proposed development.
- 7.20. I note the concerns regarding the structural integrity of the bridge over the Clonard River approximately 750 metres south of the site. Again, the Board should note that the PA are responsible for the upkeep of this bridge and have raised no concerns with the use of this bridge for HGV traffic. The PA did condition a special financial contribution of €11,000 towards the costs of repair of the local road network, which did not include for any concerns related to the structural integrity of the bridge, and I note that the Applicant did not appeal this condition. I acknowledge that the Appellant questions the amount. However, I note that the Transportation Department provided a description of the works to be included for such a contribution. Therefore, I am satisfied that the special development contribution is warranted and appropriate.
- 7.21. Overall, I have no significant concerns with the impact of the development on the wider road network.

Flood Risk & Public Health

- 7.22. I note the Appellant's concerns regarding the possibility of flooding of neighbouring lands and properties. I also note that there are a number of concerns regarding potential contamination of groundwater due to other material being brought in onsite.
- 7.23. With regards to flood risk, I note that the subject site is not located within Flood Zones A or B for coastal and fluvial flooding. I noted on the date of my site inspection that the drainage ditches along the northern boundary of the site contained a substantial amount of water indicating wet ground conditions in this northern part of the site. I observed that the topography of the site sloped significantly downwards to the northern boundary. I did not observe any substantial levels of water in the drainage ditch along the west boundary. I note that mapping indicates that the drainage flows southwest towards the Clonard River.
- 7.24. I note from submitted Section drawing A-A, a large portion of the northern section of the field is proposed to be cut by approximately 3 metres. This together with the proposed fill will provide a more level topography and therefore, should ensure less chance for significant surface water run-off into the drainage ditches. Therefore, it is my view that the proposed development would reduce the risk of pluvial flooding of adjoining fields.
- 7.25. With regards to contamination, I have reviewed the Geological Survey Ireland GIS Map and note that the site of the proposed fill area is located within a locally important underground aquifer with high vulnerability. The bedrock type is limestone. Having regard to the vulnerability of the aquifer and porous nature of limestone, I consider that there would be potential for contaminants to infiltrate groundwater. However, the Board should note that the application is for the importation of clean inert soil and stones and therefore I am satisfied that due to the nature of the development it would not pose a risk to groundwater and public health.
- 7.26. Notwithstanding this, I agree with the concerns of the Appellant regarding groundwater monitoring and the keeping of a spill kit onsite. Therefore, if the Board are minded to grant permission I recommend that these are conditioned as part of the EMS.

Biodiversity

- 7.27. The subject site is located approximately 100 metres south of the Molerick Bog Natural Heritage Area (NHA) (Site Code 001582). The National Parks and Wildlife Service's (NPWS) Site Synopsis states that the site comprises a raised bog that includes both areas of high bog and cutover bog. The NPWS site synopsis indicates that the threats to this NHA are drainage and burning of the high bog. The drain on the northern boundary flows southwest from the NHA.
- 7.28. Having regard to the importation of clean inert material, to the distance of the development site to the NHA, to the pattern of drainage and to the implementation of the proposed buffer zone between the proposed fill area and the drainage ditches, I am satisfied that the development will not adversely affect the Molerick Bog. I note that the Applicant recommended a 5 metre buffer zone, however the PA conditioned a 10 metre zone in response to the submission from An Taisce. I consider 10 metres to be appropriate.
- 7.29. I note the Appellant raises the issue of the appointment of an ecological clerk of works or ecologist to oversee the works. However, having regard to the nature of the development and distances to protected ecological sites, it is my view that this is not necessary. I also note that Inland Fisheries Ireland and An Taisce had no objection to the development.
- 7.30. I note the concerns of the Appellant in relation to the importation of invasive species onto the site. The control of invasive species is subject to separate Regulations under the European Communities (Birds and Natural Habitat) Regulations 2011. However, I consider it reasonable for such measures to be conditioned as part of the EMS. For clarity, the Board should note that the conditioning of this EMS is not a measure to reduce or avoid any potential harmful impact on a European Site but is a measure to protect the amenities of the area, public health and the biodiversity and agricultural productivity of the subject site.

Appropriate Assessment (AA) Screening

- 7.31. I note the Appellant's concerns regarding the impact of the development on European Sites, the existence of a drain connecting the site to the Kilwarden/Clonard River and to the requirement for a Natura Impact Statement (NIS).

- 7.32. I note that a screening for appropriate assessment was submitted by the Applicant as part of section 1.17 of the submitted planning and environmental report. I note that the screening concludes that the activity “*would not be likely to have a significant effect on the integrity of a European Site*”. The Board should note that this is an incorrect conclusion, as the evaluation of a proposed development on the integrity of a European Site is a matter that is considered under the appropriate assessment stage and not at the screening stage. The trigger for appropriate assessment is based on the likelihood of a potential significant effect on the conservation objectives and not on certainty. Notwithstanding this, I am satisfied that there is enough information on file for me to undertake a screening for appropriate assessment to determine whether an appropriate assessment is required.
- 7.33. I note that the PA concluded that the proposed development, by itself or in combination with other plans and developments in the vicinity, would not be likely to have a significant effect on European Site(s) and that a stage 2 appropriate assessment was not required.
- 7.34. I have identified the relevant European Sites that could be affected by the proposed development under Table 1 below. It is my view that potential impacts would be pollution from vehicles and plant entering watercourses and increased sediments entering watercourses. These impacts have the potential to result in habitat reduction and species disturbance.

Table 1: Identification of relevant European Sites

European Site (Code)	List of Qualifying Interest	Distance from proposed development	Connections	Considered further in screening
Mount Hevey Bog SAC (Site Code 002342)	<ul style="list-style-type: none"> • Active raised bogs [7110] • Degraded raised bogs still capable of natural regeneration [7120] • Depressions on peat substrates of the Rhynchosporion [7150] 	Approximately 1.8km northwest from the subject site.	No	No

River Boyne and River Blackwater SPA (Site Code 004232)	<ul style="list-style-type: none"> • Kingfisher (Alcedo atthis) [A229] 	Approximately 3.2km east of the subject site.	Potential hydrological connection	Yes
River Boyne and River Blackwater SAC (Site Code 002299)	<ul style="list-style-type: none"> • Alkaline fens [7230] • Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] • Lampetra fluviatilis (River Lamprey) [1099] • Salmo salar (Salmon) [1106] • Lutra lutra (Otter) [1355] 	Approximately 3.2km east of the subject site.	Potential hydrological connection	Yes

7.35. From a desktop review and having visited the site, I can reasonably conclude that the drainage ditch to the west and north connects to the Kilwarden/Clonard river to the southwest of the site. Having reviewed the Environmental Protection Agency's AA Mapping Tool, I note that the Kilwarden/Clonard river connects to the River Boyne approximately 2km downstream which then is designated as the River Boyne and River Blackwater SAC (002299) and SPA (004232) approximately 1.5km further downstream. I am satisfied that there would be no likely significant effect on the Mount Hevey Bog SAC having regard to the absence of any hydrological connection and to the distance of the subject site to the designated site in relation to any other potential ecological pathways.

7.36. Having regard to the proposed 10 metre buffer zone between the proposed fill area and the existing drainage ditches and to the inherent characteristic of the development which involves the importation of clean inert soil and stone material, I consider that there is no likelihood for the proposed development to significantly affect these European Sites, in view of the sites' conservation objectives. I am satisfied that this proposed buffer zone is not a mitigation measure intended to avoid or reduce a harmful impact on the European Sites and is a standard feature of any infilling project close to drainage ditches.

Ex-Situ Effect

7.37. With regards to potential ex-situ effects on the Kingfisher (*Alcedo atthis*) [A229], i.e. the qualifying interest of the River Boyne and River Blackwater SPA, I have reviewed the Bird Watch Ireland website, and note that the Kingfisher is found on slow moving, clean waterways and nests in burrows on vertical waterway embankments. Furthermore, I have reviewed the National Biodiversity Data Centre's biodiversity maps which illustrate that the subject site is within the grid for evidence of breeding of the species. However, having regard to the characteristics of the subject site which comprises of agricultural land and a disused extraction area, and to the separation distance from the designated site and the Kilwarden/Clonard river, I am satisfied that no likely ex-situ effects would occur on the Kingfisher.

In-combination Impact

7.38. With regards to an in-combination impact, having reviewed the Department of Housing, Local Government and Heritage's National Planning Application database and EIA Portal and the Meath County Council's planning register, I am satisfied that there are no plans or projects that could, in-combination with the current project, likely result in a significant effect on the European Sites.

Screening Conclusion

7.39. To conclude, I note that there is a hydrological connection from the subject site to the European Sites, however, having regard to the inert nature of materials proposed to be imported, to the proposed 10 metre buffer area from any hydrological connection and to the separation distance with regards to any other ecological pathways, I consider that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on these European Sites, in view of the said sites' conservation objectives.

Other Issues

7.40. I note that the proposed fill area is located approximately 150 metres from a recorded monument of an inhumation burial (Ref. ME047-018). I note that there are cut works proposed as part of the development. Therefore, as recommended by the Department of Housing, Local Government and Heritage, I recommend that archaeological monitoring is conditioned as part of any grant of permission.

7.41. I note the comments regarding the water supply and the response from the Applicant. I also note the sinking of a well is considered exempted development under Class 44 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

7.42. I note the Appellant's detailed comments regarding the commercial nature of the development. However, the Board should note that the financial implications for the Applicant of granting permission is not a material planning consideration. I have assessed the development in terms of the environmental implications, the impact on visual and residential amenities and on the proper planning and sustainable development of the area.

8.0 Recommendation

I recommend that permission is granted for the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the location of the lands within a rural agricultural area, to the purpose of the development to improve agricultural land, to Policy RD POL 12 of the Meath County Development Plan 2021-2027 and to the nature and volume of the materials to be imported into the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would not have significant effects on the environment or the biodiversity of the area and would be acceptable in terms of traffic safety, flood risk and public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior
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	<p>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>(a) The imported material to be deposited on the land shall comprise of inert soil, stone and topsoil only, and shall be levelled, contoured and seeded upon the completion of the works and protected until established.</p> <p>(b) Restoration shall be carried out in accordance with a restoration plan, which shall include existing and proposed levels, landscaping proposals and a timescale for implementation. This plan shall be prepared by the developer, and shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In order to assimilate the development into the surrounding rural landscape, to ensure the satisfactory restoration of the site and in the interest of visual amenity.</p>
3.	<p>The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the following:</p> <p>(a) Proposals for the on-going monitoring of sound emissions at dwellings in the vicinity.</p> <p>(b) Proposals for the suppression of dust on site and on the access road.</p> <p>(c) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.</p> <p>(d) Proposals for the disposal of waste material offsite.</p> <p>(e) Proposals to prevent the introduction of invasive species onsite.</p>

	<p>(f) Proposals for keeping the public road free of muck, dirt and debris including cleaning arrangements.</p> <p>(g) Monitoring of ground and surface water quality, levels and discharges.</p> <p>(h) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.</p> <p>Reason: In order to safeguard local amenities.</p>
4.	<p>This 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. The restoration shall be completed by the end of this five year period.</p> <p>Reason: In the interest of clarity.</p>
5.	<p>(a) The maximum quantities of inert soil and stone to be accepted at the site shall not exceed 99,600 tonnes in total over the period referred to in condition number 4, and shall not exceed 25,000 tonnes in any one year.</p> <p>(b) Prior to commencement of the development, the Developer shall submit proposals for the installation of a weighbridge at the facility for the written agreement of the planning authority. All vehicles importing material to the site shall use the weighbridge. The developer shall keep a written record onsite of all the material imported to the site (volume and classification) and this shall be made available for inspection by the planning authority upon request.</p> <p>(c) A maximum of 20 loads per day shall be imported to the site.</p> <p>Reason: In the interest of clarity and for the protection of the environment.</p>
6.	<p>The final use of the site, after completion of the importation of materials, shall be for agricultural purposes only and the lands shall be reinstated and haulage route and other infrastructure removed to the written satisfaction of</p>

	<p>the planning authority and in accordance with the site restoration plan agreed under Condition number 2(b).</p> <p>Reason: To ensure the satisfactory restoration of the site, in the interest of visual amenity.</p>
7.	<p>All trees and hedgerows on the boundaries of the site shall be retained and maintained, with the exception to those necessary to provide for the proposed entrance.</p> <p>Reason: In the interest of visual amenity and biodiversity.</p>
8.	<p>The importation of inert soil and stone and the operation of associated machinery shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays, bank or public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In the interest of good traffic management and to protect the amenities of the area.</p>
9.	<p>(a) Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a Traffic Management Plan (TMP) for the operational life of the development for the written agreement of the planning authority. The TMP shall incorporate details of the timing of imports to the site to not conflict with the morning or evening periods of peak school traffic flow. The agreed TMP shall be implemented in full during the course of the development.</p> <p>(b) Vehicles transporting material to the site shall use the haul route outlined in Section 1.4 of the submitted planning and environmental report.</p>

	Reason: In the interest of sustainable transport and safety.
10.	<p>(a) Details of road signage, including advance warning notices along the public road and along the laneway (to include notifying the drivers of other users of the laneway), and proposals for traffic management at the site entrance, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(b) A wheelwash facility shall be installed in a location to be agreed in writing with the planning authority prior to commencement of the development.</p> <p>(c) The developer shall be responsible for the full cost of repair in respect of any damage caused to the public roadway arising from the construction works and operations and shall make good any damage to the road to the satisfaction of the planning authority.</p> <p>Reason: In the interest of traffic safety.</p>
11.	<p>(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water shall discharge onto the public road or to adjoining properties.</p> <p>(b) A 10-metre buffer zone shall be maintained from all drainage ditches and watercourses and shall be demarcated by protective fencing. No works shall be undertaken and no vehicles shall encroach within this buffer zone.</p> <p>Reason: To protect the environment, biodiversity and in the interest of traffic safety.</p>
12.	<p>The noise level from within the boundaries of the site, measured at noise sensitive locations in the vicinity, shall not exceed:</p> <p>(a) an L_{Ar,T} value of 55 dB(A) between the hours of 0800 and 1900 from Mondays to Fridays and between the hours of 0800 and 1400 on Saturdays (excluding public holidays); and</p> <p>(b) an L_{Aeq, T} value of 45 dB(A) at any other time.</p>

	<p>Reason: To protect the residential amenities of property in the vicinity.</p>
13.	<p>During the construction stage, dust emissions shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge).</p> <p>Reason: To protect biodiversity and the residential amenities of property in the vicinity.</p>
14.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development,</p> <p>(b) employ a suitably qualified archaeologist who shall monitor all ground excavation works, and</p> <p>(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
15.	<p>The developer shall pay €11,000 as a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of repairs to the local road network and junctions as a result of the increased number of HGVs on the road due to the proposed development. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of</p>

	<p>payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.</p> <p>Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Gary Farrelly
Planning Inspector

22nd March 2024

Appendix 1: Environmental Impact Assessment (EIA) Screening Determination

A. Case Details		
An Bord Pleanála Case Reference	314944-22	
Proposed Development Summary	The re-contouring of agricultural land and all associated site works	
	YES / NO / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the Planning Authority (PA)?	No. PA considered that as the development was below the mandatory thresholds under Class 2, Part 11(b) and 13(a), an EIA was not required.	Having regard to the nature of the project, i.e. importation of clean inert soil and stones, I consider that the project falls under Class 11(b) and 15 of Part 2, Schedule 5 of the Planning and Development Regulations 2001, as amended.
2. Has Schedule 7A information been submitted?	Yes	An EIA Screening report within Section 1.18 of the submitted planning and environmental report accompanies the application.
3. Has an AA screening report or NIS been submitted?	No	An AA Screening statement accompanies the application under Section 1.17 of the submitted planning and environmental report.
4. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	N/A

5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	N/A	The site is located on unzoned lands within a rural area.
B. Examination	Where relevant, briefly describe the characteristics of impacts (i.e the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact).	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	The subject site measures 6.209 hectares and relates to the infilling of a former sand and gravel extraction area in order to return it to agricultural use, and the infilling of agricultural lands to increase productivity. The infill material will be clean inert soil and stone material.	No
1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	The nature of the development seeks to fill an existing sand and gravel quarry by approximately 7 metres in depth and cut and fill agricultural lands by approximately 1m-3m in depth. There will be a change in the topography of the quarry, however, the fill of the former quarry area will return this part of the site to the original topography.	No
1.3 Will construction or operation of the project use natural resources such as land,	The site will use uncontaminated, naturally occurring inert soil and stone material.	No

<p>soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>		
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Any litter introduced onsite will be removed on reception and will be sent to an approved facility for appropriate treatment and disposal. No fuels will be stored onsite. A mobile bowser will be brought onto site to refuel any plant equipment.</p>	<p>No</p>
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>A skip will be provided in a small hardstanding quarantine area to accommodate any materials that could be contained in any importation loads.</p>	<p>No</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>A 10-metre buffer zone will be maintained from the drainage ditches along the boundaries of the site where no fill material will be placed. Therefore, there should be no adverse impact on surface waters. Only uncontaminated soil will be used to reclaim the land and therefore this should not adversely impact groundwaters.</p>	<p>No</p>
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>There will be noise associated with machinery and HGV movements. The activity will be subject to controlled working hours and maximum noise levels when measured at noise sensitive locations.</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>Due to the nature of material being imported into the site and filled, there is no potential adverse impact on groundwaters in the area. Air pollution will be limited to typical construction nuisance such as dust.</p>	<p>No</p>

1.9 Will there be any risk of major accidents that could affect human health or the environment?	There are no risks of major accidents associated with a development of this nature. In any case, a CEMP will be required to be prepared and agreed with the planning authority prior to commencement of works.	No
1.10 Will the project affect the social environment (population, employment)?	The project will result in a positive impact in terms of agriculture by providing productive agricultural lands.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	Having reviewed the Department of Housing, Local Government and Heritage's National Planning Application database and EIA Portal and the Meath County Council's planning register, I note that there are no plans or projects for potential cumulative effects on the environment.	No
2. Location of Proposed Development		
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	The site is located approximately 100 metres south of the Molerick Bog Natural Heritage Area (NHA). The site is located approximately 1.8km southeast of Mount Hevey Bog SAC (Site Code 002342). This is also designated as a proposed Natural Heritage Area (pNHA). The site is located approximately 1km south of the Royal Canal proposed Natural Heritage Area. The River Boyne and River Blackwater SPA and SAC are located approximately 3km east of the subject site. The application has been accompanied by an appropriate assessment screening statement: My Appropriate Assessment undertaken concludes that the proposed development will not likely result in a significant effect on any European Site.	No

<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	<p>The site does not accommodate any potential foraging or breeding opportunities for the Kingfisher, i.e. the qualifying interest of the River Boyne and River Blackwater SPA.</p> <p>The qualifying interests of Molerick Bog NHA, Mount Hevey Bog SAC and the River Boyne and River Blackwater SAC are not located within the site.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>The proposed fill area is located approximately 150 metres from a recorded monument of an inhumation burial (Ref. ME047-018). The proposed works within the fill area would not significantly impact this recorded monument. However, it is recommended that an archaeologist is employed by the developer to monitor all groundworks associated with the development.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>The site is not located within a forested area. The site is bounded by a drainage ditch along the north and west boundaries, however, the proposed 10 metre buffer will ensure no significant impact.</p>	<p>No</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>The subject site and surrounding lands are located outside Flood Zones A and B for coastal and fluvial flooding.</p> <p>Having regard to the average depth of fill across the site, to the proposed cut areas that will provide a more level topography and to the location of drainage ditches along the boundaries of the site, this should ensure no surface water flooding of adjoining lands.</p>	<p>No</p>

2.6 Is the location susceptible to subsidence, landslides or erosion?	There is no evidence of these risks.	No
2.7 Are there any key transport routes(e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	The site is located approximately 7km from Junction 10 of the M4 Motorway. The Regional Road R-148 is located approximately 1km south of the site. Having regard to the level of traffic associated with the project, which will be a maximum of 20 loads per day, and to the proximity of the motorway network, I consider that there should be no significant congestion or environmental problems.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	The site is located within a rural area characterised by dispersed one-off housing. No community facilities are located in close proximity to the site.	No
3. Any other factors that should be considered which could lead to environmental impacts		
4.		
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the project (See answer to Question 1.11 above).	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No transboundary considerations arise.	No
3.3 Are there any other relevant considerations?	No	No
C. Conclusion		

No real likelihood of significant effects on the environment.	✓	EIAR Not Required.
Real likelihood of significant effects on the environment.		EIAR Required.

D. Main Reasons and Considerations

Having regard to the criteria in Schedule 7 of the Planning and Development Regulations 2001, as amended, the information provided by the applicant in accordance with Schedule 7A of the Planning and Development Regulations 2001, as amended, and the following:

- (a) To the nature of the proposed development, which relates to the infilling of an existing sand and gravel extraction area and agricultural lands with clean inert soil and stone material;
- (b) To the nature and scale of the proposed development, which involves the importation of 99,600 tonnes of material over a period of 5 years, which equates to 19,920 tonnes per annum, and up to a maximum of 25,000 tonnes per annum, which is under the threshold in respect of Class 11(b) of Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended),
- (c) To the location of the site and proposed fill area outside of the Molerick Bog Natural Heritage Area (NHA), the Mount Hevey Bog Special Area of Conservation (SAC) and proposed Natural Heritage Area (pNHA), the Royal Canal pNHA and the River Boyne and River Blackwater SAC and Special Protection Area (SPA),
- (d) To my appropriate assessment screening conclusion within Section 7 of this report;
- (e) To the guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- (f) To the Office of the Planning Regulator’s (OPR) Practice Note PN02 Environmental Impact Assessment Screening (2021),

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report (EIAR) is not therefore required.

Inspector: _____

Date: 22nd March 2024