



An
Bord
Pleanála

Inspector's Report

ABP-317153-23

Development	Development consent to the completion of the Tipperary Town Closed Landfill Remediation Scheme
Location	located at Carrownreddy and Spital-Land (ED Tipperary), Tipperary Town, Co. Tipperary
Local Authority	Tipperary County Council
Type of Application	Application for approval made under Section 177AE of the Planning and Development Act 2000, as amended
Prescribed Bodies	1 Uisce Éireann 2 Transport Infrastructure Ireland
Observers	None
Date of Site Inspection	30th August 2023
Inspector	Tomás Bradley

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1.0 Introduction

Under the provisions of Section 177AE of the Planning and Development Act 2000, as amended (PDA), Tipperary County Council (TCC) has made an application to An Bord Pleanála (the Board) for the completion of the Tipperary Town Closed Landfill Remediation Scheme at Carrownreddy and Spital-Land (ED Tipperary), Tipperary Town, Co. Tipperary.

TCC in considering the proposed development has determined that it would be likely to have significant effects on European sites and, accordingly, an Appropriate Assessment (AA) is required. A proposed development in respect of which an AA is required shall not be carried out unless the Board has approved it with or without modifications.

The Board should note that there is a concurrent and separate application related to the proposed development for a Compulsory Purchase Order (ABP-317172-23). There were no objections received in respect of that application.

2.0 Site Location and Description

The site is located in the townlands of Carrownreddy and Spital-Land, Co. Tipperary, which is approximately 850 m north of Main Street, Tipperary Town. The site is on Local Road L8217 (also known as the Carrownreddy Road or Lake Road) which is accessed from Regional Road R661 to the east.

In proximity to the site there are numerous residential areas including Springfield to the north-east, Rosanna Close to the south. There is linear residential development along the R661 to the east and R497 to the west also. Municipal Offices of TCC, Tipperary Primary Care Centre, a halting site and a commercial/industrial facility are located to the south. These are interspersed with agricultural lands.

The site itself, which is approximately 3.5 ha, is a former landfill which has ceased operation circa 1990 and is closed. Vegetation covers most of the site's surface which is uneven and varies in level owing to natural hollows which have been infilled with waste and mounds which have been built up with waste and capped with soil.

At the entrance to the site on the southern end, there is a storage building and associated areas where machinery and aggregate has been stored and stockpiled, respectively. There are some tracks through the site. The site encompasses lands

outside of the former landfill which include improved grassland and scrub primarily used for agricultural purposes.

On the OSi Discovery Series, water features are evident including a lake. This is confirmed on examination of the historic mapping in which a lough is marked. The applicant also confirms in Section 1.4 of the Planning & Environmental Report that the site is partially within a wetland. The former lough is fed by the Fidaghta Stream. At present surface water is accumulating at the base of the former landfill. The site drains to the south-east where the Spial-land stream is located.

There is a Recorded Monument on the site which is an Enclosure (Record Number: TS067-003----). In terms of natural heritage site, Bansha Wood proposed Natural Heritage Area (pNHA) (Site Code: 002043) is approximately 4 km from the site and Lower River Suir Special Area of Conservation (SAC) (Site Code: 002137) is located 6km from the site.

3.0 Proposed Development

3.1. Development Description

The remediation of the Tipperary Town Closed Landfill is required to comply with the conditions attached to the Closed Landfill Certificate of Authorisation (CoA) (Register Ref: H0004-01). This was granted by the Environmental Protection Agency (EPA).

The proposed development includes:

- Demolition of existing structures including an existing agricultural building, concrete walls and post and wire fencing.
- Clearance of vegetation and tree felling.
- Grading/Profiling of Existing Profile.
- Installation of an engineered landfill capping system to include: a landfill gas venting system, a linear low-density polyethylene (LLDPE) barrier, a sub-surface drainage system, a geogrid layer, sub-soil and topsoil layers, a surface water drainage system, an access track and a shared access way to adjoining third party lands, fencing, a car park area, temporary works/mitigation measures, security fencing, landfill gas/leachate management infrastructure, landscaping and an anchor trench/gas barrier.
- Temporary site compound for the construction contractor.

These details of the proposed development are set out in the public notice.

An indicative approach to the construction and operation phase is set out in Section 2.0 of the Planning and Environmental Report submitted with the application. The estimated construction phase is for a period of 6-8 months.

3.2. Documents supporting the Proposed Development

The following documents were submitted by TCC in support of the proposed development:

- Cover Letter
- Schedule of Documents, Plans and Particulars
- Planning and Environmental Report
- Natura Impact Statement (NIS)
- Environmental Impact Assessment (EIA) Screening Report
- Construction and Environmental Management Plan (CEMP)
- Notice of Section 177AE Application for Approval
- List of the Prescribed Bodies Notified
- Letters and Notices issued to the Prescribed Bodies
- Newspaper Notices (Tipperary Star and The Nationalist)
- Plans and Particulars
- Associated Drawings and Maps.

4.0 Planning History

A review of the TCC Planning Portal and the Board's case files was carried out on the 4th of September 2023 to collate any planning history for the site. There was no recent planning history for the subject site, save for the planning application the subject of this application.

The site is the subject of a CoA (Register Ref: H0004-01) under Regulation 7 (6) of the Waste Management (Certificate of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008 which is issued by the EPA. The CoA for the site was issued on the 6th of February 2019. Condition 3 of the CoA requires TCC to implement remediation works to this historic landfill. The purpose of the planning application is to progress the remediation works required by this condition of the CoA.

5.0 Policy Context

The Tipperary County Development Plan 2022-2028 (TCDP) came into effect on 22nd of August 2022. Section 4.2.1 of the plan states that

4.2.1 Town Plans: The settlement strategy has identified 12 towns in Tipperary. Town Development Plans are currently in place for seven of these towns, with two towns subject to LAPs. As stated in the Core Strategy, the current Town Development Plans and LAPs will remain applicable until they are replaced with LAPs, in accordance with the framework and timeline as set out in Table 4.2.'

The Tipperary Town & Environs Development Plan 2013-2019 (TT&EDP) is one of several town development plans identified in Table 4.2 and is therefore still in effect.

5.1. Tipperary Town & Environs Development Plan 2013-2019 (TT&EDP)

5.1.1. Zoning Objective

The TT&EDP is the relevant plan for the subject site. The site is primarily zoned 'A - Amenity'. The general objective for such areas is "to preserve and enhance recreation and amenity areas". The peripheral areas of the site are zoned 'AG - Agricultural'. The general objective for such areas is "to provide for agricultural needs and to protect and enhance rural amenity". These are marked on Land Use Zoning Map A that accompany the plan.

5.1.2. Specific Policies in respect of the Former Landfill

Given the sites history as a landfill, the TT&EDP has specific objectives and plans for the site including its remediation and management of environmental risks.

Policy INF 19 states:

The Planning Authority may require, as part of development proposals on or within the vicinity of the former municipal landfill site, the developer to implement mitigation measures as deemed necessary, to offset any potential risk which may result from the closed landfill. The extent of any measures required will be predicated on the status of South Tipperary County Council's remediation plan. As such the developer is required to develop such measures with South Tipperary County Council.

The measures would likely include:

- Gas Protection Measures for houses within 250m of the closed landfill.
- No houses to be permitted within 50m of the closed landfill.
- No private gardens within 10m of the closed landfill.
- Gas monitoring boreholes etc.
- Archaeological Assessment of the Recorded Monument on site of landfill and implementation of any measures arising from same.

Many of these measures arise out of and/or are stipulated in the Strategic Environmental Assessment (SEA) of the plan.

5.1.3. Specific Policies in respect of Natural Heritage

In respect of wildlife and habitat protection it is Policy AH 9 of the TT&EDP:

to protect plant, animal species and habitats which have been identified by the Habitats Directive, Bird Directive, Wildlife Act (1976) and Wildlife (Amendment) Act 2000 and the Flora Protection order S.I. No. 94 of 1999.

5.1.4. Specific Policies in respect of Archaeology

In respect of archaeology, it is Policy AH 3 of the TT&EDP:

to safeguard sites, features and objects of archaeological interest generally and the Council will protect (in-situ where practicable or as a minimum, preservation by record) all monuments included in the Record of Monuments and Places and sites, features and objects of archaeological and historical interest generally

5.2. Tipperary County Development Plan 2022-2028 (TCDP)

5.2.1. Specific Policies in respect of the Waste

More generally, it is Policy 10-4 of the TCDP to:

Ensure the sustainable management of waste in line with the Regional Waste Management Plan for the Southern Region 2015-2021 (and any review thereof) in the management of new development

The 'Southern Region Waste Management Plan 2015 – 2021' (SRWMP) is supportive of remediating historic closed landfills, including the site at Carrownreddy, prioritising actions to those sites which are the highest risk to the environment and human health.

6.0 Legal Context

Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora ('the Habitats Directive') is European Community legislation aimed at nature conservation. The Habitats Directive requires that where a plan or project is likely to have a significant effect on a European site(s), (and where the plan or project is not directly connected with or necessary to the nature conservation management of the European site), the plan or project will be subject to AA to identify any implications for the European site(s) in view of the site's Conservation Objectives. The Habitats Directive is transposed into Irish law by Part XAB of the PDA, and the Planning and Development Regulations 2001, as amended (PDR).

Section 177AE sets out the requirements for the AA of developments carried out by or on behalf of local authorities. Where AA is required, the local authority shall apply to the Board for approval. A proposed development in respect of which an AA is required shall not be carried out unless the Board has approved it with or without modifications.

The Board, as competent authority, is required to determine that the proposed development shall not adversely affect the integrity of a European site and in doing so shall consider the NIS, any submissions or observations received and any other information relating to the likely effects on the environment; the likely consequences for the proper planning and sustainable development of the area; the likely significant effects on a European site.

7.0 Submissions

There are no submissions from third parties in respect of the proposed development under the provisions of Section 177AE.

There are two submissions received from prescribed bodies, Uisce Éireann and Transport Infrastructure Ireland (TII). It is noted that the TCC issued prescribed notices to eighteen prescribed bodies in total.

These submissions are summarised below.

7.1. Submission of Uisce Éireann (UÉ)

- UÉ have an 80 mm diameter unplasticized Polyvinyl Chloride (uPVC) water distribution pipe located along the Carrownreddy Road and connecting into a site at the south.
- There is no objection to the proposed development in principle and it is requested the following condition be included:
 - *“The applicant shall engage with UÉ’s Diversion Section to assess the feasibility of carrying out the works near and/or diversion prior to the commencement of remediation works”.*

7.2. Submission of TII

- The site is in the N24 Cahir to Limerick Constraints Study Area which is a project identified in the National Development Plan 2021-2030.
- Section 2.9 of the Spatial Planning and National Road Guidelines for Planning Authorities (2012) which is a Section 28 Ministerial Guideline is relevant.
- The N24 Cahir to Limerick Design Team has been engaged with by TCC and that consultation concluded that there should be no conflict between the proposed project and the N24 Cahir to Limerick scheme.
- TII concurs with the conclusions of the consultation and the outcome is acceptable to TII.

8.0 Assessment

Section 177AE (6) of the PDA requires that the Board, before making a decision, shall (inter alia) consider:

- the likely effects on the environment,
- the likely consequences for the proper planning and sustainable development in the area, and
- the likely significant effects of the proposed development upon a European Site.

The structure of the assessment section of this report follows these headings.

8.1. Likely Effects on the Environment

8.1.1. EIA Screening

An EIA Screening Report was submitted by TCC to support the application, where it was concluded that there is no real likelihood of significant effects on the environment arising from the proposed development and that an EIA Report is not required in respect of the proposed development.

The following matters are considered relevant in the assessment of whether the submission of an EIA Report is required:

- Assessment of project type/class of development under Schedule 5 of the PDR, relevant to the proposed development.
- Assessment of relevant thresholds under Part 2 of Schedule 5 of the PDR.
- Assessment of proposed development including its likely effects on the environment as set out below in Section 8.1.2.

8.1.1.1. *Project Types / Class of Development*

The applicant in their submissions have indicated the classes in Schedule 5 within which the development is considered to fall, including:

- Schedule 5, Part 2, Class 10 (b) (iv) Urban Development
- Schedule 5, Part 2, Class 11 (b) Disposal of Waste
- Schedule 5, Part 2, Class 13 (a) and (c) Change or Extension / Demolition
- Schedule 5, Part 2, Class 15 'Sub-Threshold' Projects

In addition to those categories listed above, the following is considered for completeness.

- S.I. 383 of 2023 which amends Part 2 of Schedule 5 of the PDR, by inserting 'Projects for the restructuring of rural landholdings' should also be considered.

Having reviewed the details of the proposed development, the relevant legislation and guidance, and the documentation on file, it is considered that the following classes of development may be applicable.

Schedule 5, Part 2, Class 10 (b) (vi) Urban development which would involve an area greater than 2hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph,

“business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

It is considered that this class of development may be applicable. TCC has identified the proposed development of being of this class, Class 10 (vi), Urban Development. The proposed development is on zoned lands in the TT&EDP and will be connected to existing infrastructure. In the following section the relevant threshold is examined.

Schedule 5, Part 2, 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.

It is not considered that this class of development is applicable. There is no waste intake as part of the proposed development.

Schedule 5, Part 2, Class 13 (a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:- (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and (ii) result in an increase in size greater than – - 25 per cent, or - an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.

It is not considered that this class of development is applicable. The proposed development would not result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule or result in an increase in size.

Schedule 5, Part 2, Class 13 (c) Any change or extension of development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, which would result in the demolition of structures, the demolition of which had not previously been authorised, and where such demolition would be likely to have significant effects on the environment, having regard to the criteria set out under Schedule 7.

It is considered that this class of development may be applicable. The existing shed on the site will be demolished as part of the proposed development.

(a) Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4

kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares.”

It is considered that this class of development may be applicable. Certain ‘agricultural’ zoned lands are affected by the proposed development which includes the grading/profiling of the site.

8.1.1.2. *Project Thresholds*

As set out above, it is considered that the proposed development is of a class for the purposes of EIA, including:

- Class 10 (b) (vi)
- Class 13 (c)
- Restructuring of Rural Land Holdings

The threshold cited under Class 10 (b) (iv) and Restructuring of Rural Land Holdings is 10 hectares and 5 hectares respectfully. It is noted the proposed development is on a site of approximately 3.57 hectares. Therefore, it is ‘subthreshold’, and a mandatory EIA is not required.

In such instances and also considering Schedule 5, Part 2, Class 13 (c), where the development is ‘subthreshold’, an assessment should be made against the criteria for determining whether development listed in Part 2 of Schedule 5 which are set out in Schedule 7 of the PDR.

The applicant has included this information in Table 3.1 of the EIA Screening Report and its conclusion that there would be no likely effects on the environment is considered reasonable and the same conclusion is reached below in Section 8.1.2.

The criteria for determining whether a development would or would not be likely to have significant effects on the environment are under the following considerations:

1. Characteristics of proposed development.
2. Location of proposed development.
3. Types and characteristics of potential impacts.

These considerations are factored into the assessment below.

8.1.2. Assessment of the Characteristics, Location and Potential Impacts

The proposed development is effectively an upgrading of an existing facility and seeks, under the direction of the EPA, to improve the existing environment at the site and its surrounds. The remediation works involves the installation of an engineered landfill cap “barrier” system which will:

- isolate the waste body from rainfall inputs which might otherwise produce leachate. This will protect underlying ground water and adjacent surface waters.
- minimise the potential for uncontrolled landfill gas migration to the atmosphere or adjacent lands.
- provide a physical barrier between the finished surface and buried wastes.
- facilitate controlled discharge of surface water runoff and sub surface drainage flows into the receiving surface waters.

Plainly, the proposed development aims to reduce the overall environmental impact arising for both leachate and gas migration. The proposed development should, in principle, be likely to have a positive impact on the environment.

Considering the nature and scale of the proposed development, including its environment, it is considered that the likely effects of the proposed development on the environment can be assessed under the following topics:

- Population and Human Health
- Biodiversity
- Land, Soil and Water
- Air and Climate
- Material Assets
- Cultural Heritage
- Landscape
- Risk of Major Accidents and Disasters
- Interactions between the Factors
- Cumulation of Impacts

8.1.2.1. Population and Human Health

While the site is within the settlement boundary of Tipperary Town, it is surrounded by agricultural fields. The development around the site has been largely controlled and limited through the zoning and policy objectives of the development plan.

During the construction phase there will routine construction related pollution and nuisance generated including noise, odour, light, dust and traffic related impacts with the potential to cause nuisance and impact on the amenities of adjoining populated areas. These impacts will be temporary and short-term and would be controlled as part of standard and best practice construction measures. A CEMP accompanies the planning application.

Aside from the routine construction issues, there is potential to impact human health through disturbance of the site and increased risk of pollution events to soil and water, in particular any drinking water in the vicinity.

There are dwellings within 250m of the waste body and the primary impact to residents human health would be degradation of water quality. However the applicant notes that all houses in the vicinity can be served by the public water supply as required. No information is provided on private wells and their quality.

The construction phase of the site will involve management of discharges and emissions to ensure they do not cause pollution or deterioration in the status of surface water or groundwater bodies. These impacts will be temporary and short-term and would be controlled as part of best practice construction measures outlined in the CEMP, the comprehensive monitoring arrangements which are undertaken by TCC under the direction of the EPA and the terms of the CoA.

In addition, there are risks to human health during construction and operation from those attending the site. The site is a known landfill and is being managed by TCC and will be subject to the relevant health and safety standards and legislation.

During the operational phase there will be some pollution and nuisance associated with the facility owing mainly to the continued risk of pollution events to soil and water as well as odour. It is noted that the situation will be improved as a result of the proposed development. Any impacts will be controlled as part of the standard and best practice operation measures, the comprehensive monitoring arrangements which are undertaken by TCC under the direction of the EPA and the terms of the CoA.

It is considered unlikely that significant impacts would arise on population and human health.

8.1.2.2. *Biodiversity*

This section concerns general biodiversity and in particular the potential for impacts on habitats and species which are not qualifying interests of European sites. Matters relating to European Sites will be considered below in Section 8.3. Similarly, issues related to soil and water will be addressed in the subsequent Section 8.1.2.3 to avoid repetition and duplication. However, it is acknowledged that these topics interact – interactions are considered in Section 8.1.2.9.

The site itself does not have any specific natural heritage designations. The area may be used by mammals, birds and other species. The use of the site by any species is limited in any case given the existing use as a former landfill undergoing remediation. There is no specific floodings issues at the site. The proposed development will result in removal of existing habitats on site and disturbance/displacement of species using the site. Overall, the site is not considered to be environmentally sensitive and has capacity to absorb the proposed development subject to standard and best practice construction and operation measures.

Figure 3.1 of the NIS includes a Habitat Map according to the Fossitt, 2000 classification system. There a numerous habitat classes across the site given its current condition. The central area of the site is characterised by spoil and bare ground, recolonising bare ground and scrub. There are areas of dry meadow and grassy verges also. Surrounding the site are wetter areas of reed and large sedge swamps, wet willow-alder-ash woodland and wet grassland.

There are a number of invasives species on the site including Japanese Knotweed among others, which have ongoing management plans in place to eradicate them. Details of the plans are appended to the NIS and are noted. A condition should be considered to ensure the continued implementation of same.

The structure on site that is identified to be demolished is unlikely to be suitable for bat roosts given it has large openings and is regularly disturbed by vehicles dumping and moving aggregate such as tar chippings. Regardless, a condition should be attached to complete a pre-commencement survey to confirm this prior to demolition.

If bats are present at this time, then an application should be made to the National Parks and Wildlife Service (NPWS) for a derogation licence which would further minimise any potential impacts, if any.

There are four pNHA located within 5 km of the site. However, given the nature and scale of the proposed development, the distance to such sites and the identified mitigation measures there is limited connectivity between the proposed development and these habitats and therefore no potential for impacts.

There are plans to introduce landscaping measures, which will include wildflower grass cover, post-construction. While it is primarily required to prevent erosion of soils it will also reintroduce vegetation following the removal of that existing.

Overall, the site is not considered sensitive in terms of biodiversity. The main impact to biodiversity of the site is as a result of the removal and disturbance of trees, vegetation and soil during the construction phase. However, this is limited given the condition of the existing site and the longer terms aim of the proposed development which is to improve it, along with the management of invasive species and the provision of landscaping plan post-construction.

It is considered unlikely, subject to mitigation measures, that significant impacts would arise on biodiversity.

Surveys

Details of faunal survey are limited and the results are not explicitly set out in reports. While Further Information could be requested in this respect, it is considered that this is not warranted in the context of the proposed site and the mitigation measures set out.

An Ecological Impact Assessment Report dated 2011 is found Appendix 2 of the 'Tier 3 Environmental Risk Assessment' which are found in Appendix 2 of the NIS. The Environmental Risk Assessments are developed to support the application to the EPA for the CoA. While the surveys are somewhat dated, the conclusion that the site is unlikely to be important for protected, important or sensitive species of fauna or flora (e.g., for breeding, nesting, foraging, resting, overwintering, migration) is accepted.

The field surveys undertaken are described in Section 2.3 of the NIS and the extent of which are considered reasonable in the context of the site environment, however, during the construction phase the appointment of an Ecological Clerk of Works should be conditioned to any approval to oversee pre-construction surveys and mitigate any potential impact to biodiversity on the site.

8.1.2.3. *Land, Soil and Water*

Land

The proposed development is effectively an environmental improvement of an existing facility. In terms of its appearance and use, there will be no material change and there is no other suitable use at present given its environmental condition.

The proposed development is compatible with the existing use of the land for amenity and the site is zoned 'A - Amenity'. The remediation of the lands will not prohibit future achievement of the general zoning objective and can only further its achievement. The wider areas of the site is zoned 'AG - Agricultural'. These areas may still be used for such purposes and in time may be incorporated into the amenity lands. In any case both zoned areas depend on the remediation of the landfill to be if they were ever to be fully utilised in the future.

It is also considered that the proposed development in the context of its zoning objective would not significantly impact adjoining zoning objectives such as the residential areas in proximity to the site.

It is considered unlikely, that significant impacts would arise on land.

Soil and Water

The site is on a former lough and as noted the site has some characteristics of a swamp/marsh. A depositing river flowing in from the west feeds the swamp/marsh. It is drained on the eastern side by a stream that flows south and is largely culverted through the town to the River Ara.

The core objective of the proposed development is to secure the remediation of the landfill preventing in particular continued leachate generation which has the potential to contaminate soils, surface water and ground water. The CoA sets out the conditions under which the local authority is to remediate and manage the facility which is of particular relevance for the impacts on soil and water.

On the basis of the available information, the landfill is having an impact groundwater quality or surface water quality and several parameters monitored are being exceeded.

Works involving excavation of a quantity of soil and subsoil including the grading/profiling of the site is an intrinsic part of the proposed development. There is no extensive excavation of waste proposed, however, it may be disturbed during the works. Any waste generated, be it soils or waste is proposed to be removed and disposed of by licenced operators. However, the majority of excavated materials is expected to be reused on site for grading/profiling.

There is no likelihood of impact on geological heritage sites.

There is potential impacts through disturbance of the site and an increased risk of pollution events to soil and water. The construction phase of the site will involve management of discharges and emissions to ensure they do not cause pollution or deterioration in the status of surface water or groundwater bodies. These impacts will be temporary and short-term and would be controlled as part of best practice construction measures outlined in the CEMP, the comprehensive monitoring arrangements which are undertaken by TCC under the direction of the EPA and the terms of the CoA.

During the operation phase, the installation of an engineered landfill capping system and barrier which will limit rainwater infiltrating the landfill and introduce a surface drainage system the potential for impacts from any deterioration in water quality as a result of the uncontrolled or unmitigated release of pollutants, including sediments, invasive species and leachate, to the drains and streams will be significantly reduced.

It is considered unlikely, subject to mitigation measures, that significant impacts would arise on soils and water.

Flooding

The Office of Public Works (OPW), flood mapping does not indicate any significant risk of flooding at the site from fluvial or pluvial events. There are no past flood events recorded at the site.

It is considered unlikely, subject to mitigation measures, that significant impacts would arise from flooding.

8.1.2.4. *Air and Climate*

Air including Odour

During the construction phase there will routine construction related pollution and nuisance generated including, odour, dust and traffic related impacts with the potential to cause nuisance and impact on the amenities of adjoining populated areas in terms of air and climate. These impacts will be temporary and short-term and would be controlled as part of standard and best practice construction measures.

During the operational phase there will be some pollution and nuisance associated with the facility owing mainly to the odour. It is noted that the situation will be improved as a result of the proposed development. Any impacts will be controlled as part of the standard and best practice operation measures, the comprehensive monitoring arrangements which are undertaken by TCC under the direction of the EPA and the terms of the CoA.

It is considered unlikely, subject to mitigation measures, that significant impacts would arise on air.

Climate

Having regard to the characteristics of the proposed development, comprising the remediation of a facility and its location it is considered unlikely that there is a risk of climate change impacts.

The amount of traffic which would be generated would not be described as significant due to the short duration of the works. The evidence available is that the site is not giving rise to significant generation of methane, carbon dioxide, hydrogen sulfide or other gases that may arise, which is consistent with the type of waste, its age and the thickness of the deposit. The proposed development will not result in an increase in emissions.

It is considered unlikely, that significant impacts would arise on land.

8.1.2.5. *Material Assets*

Road Network including Traffic

During the construction phase there is potential for an impact to the surround network owing to traffic generated by the proposed development. The L8217 primarily serves the landfill site and one other residential dwelling. All parking requirements can be accommodated within the site. A Construction Traffic Management Plan (CTMP) will also be finalised prior to the commencement of the proposed development. Regardless, these impacts will be temporary and short-term and would be controlled as part of standard and best practice construction measures included in the CTMP.

During the operational phase there will be some use of the road network, however, it will be similar if not the same as the existing level of use.

It is considered unlikely, subject to mitigation measures, that significant impacts would arise the road network.

Water Network

The 80 mm diameter uPVC water distribution pipe located along the Carrownreddy Road and connecting into a site at the south is noted. Any impacts will be temporary and short-term and would be controlled as part of standard and best practice construction measures as well as ongoing engagement the UÉ.

It is considered unlikely, that significant impacts would arise on the water network.

Future Road Network

The site is in the N24 Cahir to Limerick Constraints Study Area and in proximity to an identified preferred solution. It also interacts with a northern inner relief road for the town identified in the TT&EDP. It is not considered that there is a direct conflict between the proposed development and the roads scheme. The road scheme would need to factor in the existing landfill and its environmental requirements should it progress.

It is considered unlikely, that significant impacts would arise on the future road network.

8.1.2.6. Cultural Heritage

There are no sites of architectural significance at the site.

There is a known recorded monument at the site and its Zone of Interest. An Archaeological Test Trenching & Assessment Report prepared in 2005 for the subject site states there is no evidence of potential unrecorded archaeological features within the site. Given the site's use as a landfill and the level of works being carried out the potential for impacts to unrecorded features is limited. TCC has committed to all ground works associated with the development being archaeologically monitored in case isolated subsurface unrecorded archaeological features or artefacts relating to the possible enclosure are revealed.

It is considered unlikely, subject to mitigation measures, that significant impacts would arise on cultural heritage and in particular archaeology.

8.1.2.7. Landscape

During the construction phase there may be an increase in visual impact due to the presence of construction phase activities at the site. These impacts will be temporary and short-term.

During the operation phase the sight will appear different owing to the grading/profiling of existing site. The removal of vegetation will also be noticeable on the landscape. Notwithstanding, the landscape at this location is not of high value and there are no designated scenic views or prospects at this location. The site is also within an built up area with intermittent development. TCC is of the view the proposed development will generally improve the aesthetics of the existing site.

It is considered unlikely, that significant impacts would arise on the landscape.

8.1.2.8. Risk of Major Accidents and Disasters

The operation of site include the management and control of methane. Methane can be highly flammable and can lead to major accidents should build ups occur.

However, having regard to the highly regulated and monitored nature of the site by the TCC and the EPA, it considered unlikely that significant impacts would arise in relation to major accidents and disasters.

8.1.2.9. Interaction between the factors

There is potential for interactions between various environmental factors, notably between land and biodiversity and population. These would be controlled as part of the standard and best practice construction and operation measures. On this basis it

considered unlikely that significant impacts would arise from the interaction between factors.

8.1.2.10. Cumulation of Impact

The adopted development plan has been subject to SEA and AA and considered the land use and specific objectives for this site including Policy INF 19. The SEA for the plan concluded that its implementation would not result in significant effects on the environment.

It is also noted that the development is on serviced lands in a built up area and does not constitute a significant urban development in the context of the wider town and the other projects which may occur in the vicinity including road schemes.

The development is not associated with any significant loss of habitat or pollution which could act in a cumulative manner to result in significant negative effects to any ecological site.

Should the construction of the proposed development occur in tandem with other development any impacts would be of a temporary nature and short-term given:

- the limited nature of works (i.e., no significant structures),
- the expected duration of the works (6-8 months),
- the location of lands to be developed (zoned lands),
- the location and distance to the other existing and/or approved projects.
- the likelihood of temporal overlap of construction works between projects.
- the implementation of standard and best practice construction and operation measures.

It is considered unlikely that cumulative impacts with other existing and/or approved projects would arise.

8.1.2.11. Conclusion

Having regard to the nature and scale of the proposed development, the environmental impacts are not complex or intense. Furthermore, the implementation of standard best practice methodologies during the construction and operation phase of the proposed development will result in a reasonable possibility of effectively reducing potential impacts.

Having regard to the nature and scale of the proposed development, it is expected that the impacts will be on-going, long term and will generally only be reversible if the constructed elements of the scheme are removed. The construction phase impacts, of approximately 6-8 months will be of short duration and limited frequency.

Overall it is considered unlikely that there would be significant effects on the environment arising from the proposed development.

8.2. Likely Consequences for the Proper Planning and Sustainable Development

The remediation of the site at Carrownreddy is identified in the TT&EDP and is a key objective within the SRWMP. This application constitutes the response of TCC to the CoA and the conditions therein required by the EPA.

The CoA authorises the remediation, restoration and after-care of the landfill by TCC and includes requirements to manage and monitor the landfill to ensure that it does not cause environmental pollution. In principle the proposed development is the mechanism for TCC to comply with legislative requirements.

It is considered that the proposed development is consistent with the policy objectives for the area including the zoning objectives for the site and the policies policy objectives aimed at managing legacy landfill sites as set out in the TT&EDP, the TCDP and the SRWMP.

As set out above the proposed development will not give rise to any likely significant environmental impacts. In fact it could be considered that there will be long-term, positive effects as a result of the remediation and restoration of the site

The proposed development would be in accordance with the proper planning and sustainable development of the area

8.3. Likely Significant Effects upon a European Site

The NIS submitted with the application concluded that the proposed development would not either alone or in combination with other plans or projects, adversely affect any European Site.

The application documentation includes information required in respect of the methodology applied, a description of the existing sites, current monitoring arrangements and the 'Stage 1' and 'Stage 2' assessments. The areas addressed in this assessment includes the following:

- Screening for AA
- NIS
- AA of implications of the proposed development on the integrity each European site

The applicant has submitted an AA Screening Report and NIS which is dated December 2022 as part of the particulars supporting the application. The documentation is in line with current best practice guidance and allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites. The documentation was prepared by Fehily Timoney and the qualifications and experience of the main author of the report is suitable and relevant.

As previously outlined, details of faunal survey are limited and the results are not explicitly set out in reports. While Further Information could be requested in this required, it is considered that this is not warranted for the purposes of the AA in the context of the proposed site and the mitigation measures set out.

This assessment has had regard to relevant guidance including:

- Department of the Environment Heritage and Local Government (DoEHLG) (2009), AA of Plans and Projects in Ireland: Guidance for Planning Authorities.
- European Commission (2002), Assessment of Plans and Projects significantly affecting Natura 2000 sites. Methodological Guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC.

At a high level and to put the proposed development and site in context:

- The proposed development will not be located within a European site and the closest European 2000 site is approximately 6.5 km from the site. There are five European sites within 15 km of the site.
- The site is partially within a wetland. The former lough is fed by the Fidaghta Stream. The site drains to the south-east where the Spital-land stream is located.
- The site is hydrologically connected to the River Suir. The connection is through the Spital-land Stream which flows from the site at the south-east into

the Ara River and in turn the Aherlow River which is a tributary of the River Suir. The instream distance from the site to the River Suir is approximately 18 km.

8.3.1. Screening for Appropriate Assessment ('Stage 1')

The AA Screening Report describes the proposed development, its receiving environment and relevant European Sites in the zone of influence of the development.

No habitats or species listed as qualifying interests for any nearby European Sites or corresponding with Annex I are identified on the site in the AA Screening Report. The proposed development is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on any European sites.

The AA Screening Report considers European sites within a 15 km range with a hydrological connection. This Zone of Influence was established based on the extent at which potential impacts may be carried via identified pathways (i.e., watercourses). Having regard to the nature of the proposed development, the nature of the receiving environment and the source-pathway-receptor model. It is considered that this is a reasonable Zone of Influence.

Having regard to:

- the information and submissions available.
- the nature, size and location of the proposed development.
- its likely direct, indirect and in-combination effects.
- the source-pathway-receptor model; and
- the sensitivities of the ecological receptors.

It is considered that:

- Lower River Suir SAC (Site Code 002137)
- Moanour Mountain SAC (Site Code 002257)
- Philipston Marsh SAC (Site Code 001847)
- Galtee Mountains SAC (Site Code 000646)
- Lower River Shannon SAC (Site Code 002165)

are relevant to include for the purposes of initial screening for the requirement for Stage 2 AA on the basis of likely significant effects.

Table 1 below lists the qualifying interests of these sites, their conservation objectives, and possible connections between the proposed development (source) and the sites (receptors).

8.3.1.1. Sites *unlikely to be Significantly Effects*

On consideration of the European Sites set out above and the source-pathway-receptor model which indicates any potential or meaningful connectivity between the proposed development. It is reasonable to conclude, on the basis of the information on the file, that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect, in view of their conservation objectives, on the following European sites:

- Moanour Mountain SAC (Site Code 002257)
- Philipston Marsh SAC (Site Code 001847)
- Galtee Mountains SAC (Site Code 000646)
- Lower River Shannon SAC (Site Code 002165)

This is because there is no potential for meaningful biological or relevant hydrological connectivity to these sites. Given the separation of the proposed development from this site and the fact the sites are designated only for habitats which occur within their boundaries or outside the water catchment, it is considered that the potential for impacts to arise from the construction and operation phase of the proposed development is unlikely.

8.3.1.2. Sites *likely to be Significantly Effects*

As the proposed development is located upstream of the Lower River Suir SAC, this raises the potential for indirect effects on it and its qualifying interests during the construction and operation phase. It is noted that there is a significant instream distance between the proposed development and this European site and the Spital-land Stream has a relatively slow flow and low capacity. Notwithstanding this, potential impacts could arise from any deterioration in water quality as a result of the uncontrolled or unmitigated release of pollutants, including sediments, invasive

species and leachate, to the drains and streams that are hydrologically connect the site to the River Suir. This in turn could have adverse impacts on qualifying interests.

On this basis, it is considered that it cannot be excluded, on the basis of the information before the Board, that the proposed development, individually or in combination with other plans or projects, would have a significant effect on the following European Site:

- Lower River Suir SAC (Site Code 002137)

Therefore, it is determined that an AA of the proposed development is required. This conclusion is consistent with the documentation submitted by TCC.

No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

Table 1: European Sites considered for Stage 1 Screening				
European Site (Code)	Distance	Qualifying Interest(s)	Conservation Objectives	Source-Pathway-Receptor and Potential for Likely Significant Effects
Lower River Suir SAC (Site Code 002137)	6.5 km (18.2 km instream) NE, E, S	<ul style="list-style-type: none"> Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Water courses of plain to montane levels with the <i>Ranuncion fluitantis</i> and <i>CallitrichoBatrachion</i> vegetation [3260] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0] <i>Taxus baccata</i> woods of the British Isles [91J0] <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] <i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092] <i>Petromyzon marinus</i> (Sea Lamprey) [1095] <i>Lampetra planeri</i> (Brook Lamprey) [1096] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Alosa fallax</i> (Twait Shad) [1103] <i>Salmo salar</i> (Salmon) [1106] <i>Lutra</i> (Otter) [1355] 	To maintain or restore the favourable conservation condition of the Annex I habitats for which the SAC has been selected	The site is hydrologically connected to the River Suir. The connection is through the Spital-land Stream which flows from the site at the south-east into the Ara River and in turn the Aherlow River which is a tributary of the River Suir. The instream distance from the site to the River Suir is approximately 18 km.
Moanour Mountain SAC (Site Code 002257)	8.3 km SW	<ul style="list-style-type: none"> Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] European dry heaths [4030] 	To maintain or restore the favourable conservation condition of the Annex I habitats for which the SAC has been selected	No potential for meaningful biological or relevant hydrological connectivity to this site. Given the separation of the proposed development from this site and the fact this site is designated only for habitats which occur within their boundaries, it is considered that the potential for impacts to arise from the construction and operation phase of the proposed development is unlikely.
Philipston Marsh SAC (Site Code 001847)	9.2 km N	<ul style="list-style-type: none"> Transition mires and quaking bogs [7140] 	To maintain or restore the favourable conservation condition of the Annex I habitats for which the SAC has been selected	No potential for meaningful biological or relevant hydrological connectivity to this site. Given the separation of the proposed development from this site and the fact this site is designated only for habitats which occur within their boundaries, it is considered that the potential for impacts to arise from the construction and operation phase of the proposed development is unlikely.
Galtee Mountains SAC (Site Code 000646)	9.3 km S	<ul style="list-style-type: none"> Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230] Blanket bogs (* if active bog) [7130] Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110] 	To maintain or restore the favourable conservation condition of the Annex I habitats for which the SAC has been selected	No potential for meaningful biological or relevant hydrological connectivity to this site. Given the separation of the proposed development from this site and the fact this site is designated only for habitats which occur within their boundaries, it is considered that the potential for impacts to arise from the construction and operation phase of the proposed development is unlikely.

		<ul style="list-style-type: none"> • Calcareous rocky slopes with chasmophytic vegetation [8210] • Siliceous rocky slopes with chasmophytic vegetation [8220] 		
Lower River Shannon SAC (Site Code 002165)	12.2 NW	<ul style="list-style-type: none"> • Sandbanks which are slightly covered by sea water all the time [1110] • Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] • Coastal lagoons [1150] • Large shallow inlets and bays [1160] • Reefs [1170] • Perennial vegetation of stony banks [1220] • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] 	To maintain or restore the favourable conservation condition of the Annex I habitats for which the SAC has been selected	No potential for meaningful biological or relevant hydrological connectivity to this site. Given the separation of the proposed development from this site and the fact this site is in a different catchment, it is considered that the potential for impacts to arise from the construction and operation phase of the proposed development is unlikely.

8.3.2. Appropriate Assessment ('Stage 2')

8.3.2.1. *Potential Adverse Effects*

The Lower River Suir SAC (Site Code 002137) consists of the freshwater stretches of the River Suir immediately south of Thurles, Co. Tipperary. The tidal stretches of the river are as far as the confluence with the Barrow/Nore immediately east of Cheekpoint in Co. Waterford and many tributaries including the Aherlow in Co. Tipperary.

The proposed development is not directly connected with or necessary to the management of the Lower River Suir SAC (Site Code 002137) or any other European sites in the surrounding area.

It is noted that there is a significant instream distance between the proposed development and this European site and the Spital-land Stream has a relatively slow flow and low capacity.

However, as the proposed development is located upstream of and hydrologically connected to the Lower River Suir SAC, this raises the potential for indirect effects on it and its qualifying interests during the construction and operation phase.

The potential impacts could arise from any deterioration in water quality as a result of the uncontrolled or unmitigated release of pollutants, including sediments, invasive species and leachate to the drains and streams that are hydrologically connect the site to the River Suir. This in turn could have adverse impacts on qualifying interests.

The potential likely significant impacts that could arise during the construction and operational phases of the proposed development on the European site's qualifying interests habitats and species are:

- the release of pollutants, including sediments and leachate to surface and ground water.
- the loss of or damage to habitats, including breeding resting, foraging places, used by qualifying interest species.
- the dispersal of invasive species with resultant impacts on qualifying interest habitats and species in particular downstream bank destabilisation.

In particular, there may be a deterioration of the habitat of:

- Austropotamobius pallipes (White-clawed Crayfish) [1092]
- Petromyzon marinus (Sea Lamprey) [1095]
- Lampetra planeri (Brook Lamprey) [1096]
- Lampetra fluviatilis (River Lamprey) [1099]
- Salmo salar (Salmon) [1106]
- Lutra (Otter) [1355]

All these species have been known to use different parts of the hydrologically connected waters. It is noted that their presence is not likely in the Spital-land Stream and unlikely in the Ara River. Other qualifying interests and habitats of the SAC are noted but have no potential to be affected due to their characteristics, location and/or distance from the site.

8.3.2.2. *Potential In-Combination Effects*

In combination effects are examined within Section 7.6.2 of the NIS submitted. The proposed development were considered in combination with residential development in the Tipperary area, other historic landfills in the River Suir catchment, the dairy industry and other land uses such as forestry, agriculture and quarries.

Based on scientific analyses of best available scientific information, no other European sites in the area are relevant to the screening assessment and NIS.

The conclusion that with the implementation of mitigation measures, the in-Combination effect of the proposed development will not be significant is considered reasonable. It can therefore be concluded that there would be no in-combination effects on the European sites or their qualifying interests.

8.3.2.3. *Mitigation Measures*

Mitigation Measures identified in the NIS

The mitigation measures that are proposed in the NIS to address the potential adverse effects of the construction and operation are primarily to prevent the release of pollutants, including sediments and leachate and the dispersal of invasive species to the watercourse. The measures are set out in the NIS and summarily include:

- design measures for the landfill side slopes (no steeper than 1:2.5) and swale drainage system to mitigate the risk of erosion.

- design measures and construction methodology for the access track to reduce suspended solids generation and prevent offsite landfill gas migration.
- management of invasive species to control, prevent and eradication any spread in accordance with the invasive species management plan.
- design measures for geogrids to facilitate placement of soils overlying synthetic materials on steep side slopes and avoid the need to excavate large volumes of waste materials
- Standard, general and best practice mitigation measures (detailed in Table 7.2 of NIS) below that will be implemented prior to and/or during construction phase.

It should be restated and emphasised that the proposed development is of itself, is a key mitigation measure as it involves the installation of an engineered landfill cap “barrier” system which will:

- isolate the waste body from rainfall inputs which might otherwise produce leachate. This will protect underlying ground water and adjacent surface waters.
- minimise the potential for uncontrolled landfill gas migration to the atmosphere or adjacent lands.
- provide a physical barrier between the finished surface and buried wastes.
- facilitate controlled discharge of surface water runoff and sub surface drainage flows into the receiving surface waters.

The proposed development will effectively improve the existing environment at the site and minimise effects to hydrological connections and in turn European sites.

Subject to the implementation of the mitigation measures, there would be no resultant adverse effects on qualifying interest species and habitats respect to its attributes and targets.

Additional Mitigation Measures

In addition to the mitigation measures outlined above, it is recommended that all works shall be monitored by an Ecological Clerk of Works.

8.3.2.4. Residual Effects

None anticipated post mitigation.

8.3.2.5. Conclusion

Having regard to the foregoing and taking account of the scale and nature of the proposed development and on the basis of the information on the file, it can be reasonably concluded on the basis of best scientific knowledge, therefore, that the proposed development, individually or in combination with other plans and projects, will not adversely affect the integrity of the Lower River Suir SAC (Site Code 002137) in view of the sites' Conservation Objectives, subject to the implementation of the mitigation measures and any recommended conditions.

9.0 Recommendation

It is recommended that the Board approve the proposed development subject to the reasons and considerations below and subject to the conditions set out including requiring compliance with the submitted details and with the mitigation measures as set out in the NIS.

10.0 Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- the EU Habitats Directive (92/43/EEC),
- the European Union (Birds and Natural Habitats) Regulations, 2011 (as amended),
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European sites,
- the conservation objectives and qualifying interests for Lower River Suir SAC (Site Code 002137),
- the policies and objectives of the Tipperary Town & Environs Development Plan 2013-2019 and the results of the Strategic Environmental Assessment and Appropriate Assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC),
- the nature and extent of the proposed works as set out in the application for approval,

- the information submitted in relation to the potential impacts on habitats, flora and fauna, including the NIS,
- the submissions received in relation to the proposed development, and,
- the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment

The Board agreed with the screening assessment, Appropriate Assessment and conclusions contained in the Inspector's report that the Lower River Suir SAC (Site Code 002137) is a European site for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions on file, and the Inspector's assessment. The Board completed an Appropriate Assessment of the implications of the proposed development for the affected European site, namely Lower River Suir SAC (Site Code 002137), in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the Appropriate Assessment, the Board considered, in particular, the following:

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

In completing the appropriate assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the integrity of the aforementioned European site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European site, in view of the site's conservation objectives

Likely Effects on the Environment

It is considered that, subject to compliance with the conditions set out below including requiring compliance with the submitted details and with the mitigation measures, the proposed development would not have significant negative effects on the environment.

Likely Consequences for the Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the proper planning and sustainable development of the area.

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 any mitigation measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment

2. The mitigation and monitoring measures outlined in the plans and particulars relating to the proposed development, shall be implemented in full or as may be required in order to comply with the following conditions. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

Reason: In the interest of protecting the environment, the protection of European Sites and biodiversity and in the interest of public health.

3. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies (including Uisce Éireann), a Construction Environmental Management

Plan (CEMP), incorporating all mitigation measures set out in the Natura Impact Statement and conditions set out herein. The CEMP shall include a Traffic Management Plan, Waste Management Plan and Invasive Species Management Plan which shall adhere to best practice, standards and protocols. All plans prepared shall be placed on file and retained as part of the public record.

Reason: In the interest of protecting the environment and in the interest of traffic safety and waste management.

4. All conditions attached to the closed landfill certificate of authorisation in respect of management and monitoring shall be fully complied with.

Reason: In order to prevent pollution and to ensure appropriate monitoring of the development.

5. Site development and building works shall be carried out only between the hours of 0800 to 2000 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances.

Reason: In order to safeguard the amenities of property in the vicinity.

6. A suitably qualified Ecological Clerk of Works shall be retained by the local authority to oversee pre-commencement surveys, the site clearance and construction of the proposed development. The ecologist shall have full access to the site as required and shall oversee the implementation of mitigation measures. Upon completion of works, an ecological report of the site works shall be prepared by the appointed Ecological Clerk of Works to be kept on file as part of the public record.

Reason: In the interest of biodiversity and the protection of European sites.

7. Prior to the commencement of development further surveys for protected plant and animal species including bats shall be undertaken at the site and where

required the appropriate licence to disturb or interfere with same shall be obtained from the National Parks and Wildlife Service. The details of such surveys and licences (if required) shall be placed on the file and retained as part of the public record.

Reason: In the interest of wildlife protection.

8. The local authority and any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. A suitably qualified archaeologist shall be appointed by the local authority to oversee the site set-up and construction of the proposed development and the archaeologist shall be present on site during construction works.

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.

Professional Declaration

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.

Tomás Bradley,

Senior Planning Inspector

11th September 2023