



An
Bord
Pleanála

Inspector's Report ABP-318595-23

Development

Importation, recovery & recycling of soil, stone, concrete and brick materials by sorting, crushing, and screening for dispatch/re-use in construction and engineering projects. The annual tonnage proposed for acceptance at the site shall not exceed 25,000 tonnes per annum. A Natura Impact Statement (NIS) was submitted with the application

Location

Ballynamona, Summerhill, Co. Meath

Planning Authority

Meath County Council

Planning Authority Reg. Ref.

23243

Applicant(s)

Shannon Valley Plant Hire Ltd..

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Shannon Valley Plant Hire Ltd.

Observer(s)

None

Date of Site Inspection

09/09/2024

Inspector

Alan Di Lucia

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1.0 Site Location and Description

- 1.1. The subject site is located in the Townland of Ballynomona, Co. Meath. Approximately 7km southeast of Trim and 3.2 km northeast of Summerhill. The subject site has a stated area 2.6Ha.
- 1.2. The site lies adjacent to an active sand and gravel pit located to the northeast of the site, with Meath County Councils closed landfill site located to the northwest. The site is bounded to the south by the River Dangan and utilises an existing and permitted access from the local road (L-6029). The Regional Road R158 (Kilcock to Trim Road) is located 2.6 km to the west of the site, with the Regional Road R154 located 4.5km to the east.
- 1.3. The wider landscape consists of agricultural lands with individual dispersed rural houses and farm complexes throughout. The nearest residential properties are approximately 360m to northeast, 600m to east, 800m to west and 700m to south.
- 1.4. The site has an established but recently extant use as a Construction and Demolition Waste Recovery Facility, granted by Meath County Council (Ref: TA 160678) and An Bord Pleanála (Ref: PL17.247792) in 2017 and Ref TA60130 in 2006. The site access, internal haul road, wheel wash facilities and weighbridge are existing and the levels on site are established. All activity on site has ceased operation.

2.0 Proposed Development

- 2.1. Permission is sought for the importation, recovery and recycling of soil, stone, and brick materials by sorting, crushing, and screening for dispatch / re-use in construction and engineering projects. Only minor works such as the erection of aggregate bays, mobile office and the setup of mobile recycling plant is required. The annual tonnage for acceptance on site shall not exceed 25,000 tonnes per annum. A Natura Impact Assessment was submitted as part of the planning application.

3.0 Planning Authority Decision

3.1. Further Information

The Planning Authority requested further information relating to the following:

- Submission of a development management justification test as per the “The Planning System and Flood Risk Management: Guidelines for Planning Authorities, Nov 2009”.
- Breakdown of waste streams
- Clarify area of infill on site
- Volumes of soil and stone imported to date
- Mitigation measures relating to surface water, groundwater, air, and noise.
- Examine the impact on the underlaying ground waters and surface waters within the area of the site.
- Provide, identify, and maintain a waste inspection area and waste quarantine area.
- Details of sources for waste material, importation and removal off site and haul routes for same.

The Further Information submitted included:

- A Site-Specific Flood Risk Assessment, which concluded that the less vulnerable development is sited within Flood Zone B and C and is in accordance with the guidelines and that areas within Flood Zone A remain as open, green space and not subject to development. Therefore, the proposal complies with the guidelines and a justification test is not required.
- Details of waste breakdown tonnage per year(estimate): Concrete 15,000; Soil and Stone 5000; Mix of Concrete, Tiles, Brick and Ceramics 2500; Dredging Spoil 500; Track Ballast 500; Street Cleaning Residues 300; Bricks 250; Tiles and Bricks 250; Minerals 200; Total 24,500 Tonnes
- No infilling proposed on site
- 122,000 Tonnes imported to date

- Environment controls established under Waste Facility Permit No. WFP-MH-003-02 issued by Meath County Council.
- Material sourced and recycled from projects within the greater Dublin Area, Meath, Kildare, and it is expected that vehicles depositing waste will leave with recycled aggregate.

3.2. **Decision**

Following receipt and assessment of the further information, the Planning Authority issued a notification of decision to refuse planning permission for two reasons summarised as follows:

- The applicant has not provided sufficient information relating to the “Planning System and Flood Risk Management: Guidelines for Planning Authorities. Nov.2009” in relation to the required justification test to enable the Planning Authority to make an informed decision regarding flood issues relating to the proposed development. Therefore, the proposed development would be contrary to these Section 28 Guidelines and contravene the policies of the Meath County Development Plan 2021-2027 and not in the interests of the proper planning and sustainable development of the area.

(Note the wording used in the Planning Authority’s reasons to refuse stated that the proposed development would be contrary to the provision of the Meath County Development Plan 2021-2027, however the planning report states that the proposed development would materially contravene the provisions of the Meath County Development Plan, this is not reflected in the decision issued by the Planning Authority.)

- A robust justification for the suitability of the proposed development in this rural area has not been provided by the applicant as a standalone development not connected to an established use or extraction activity. It considers that the proposed development would seriously injure the amenities and depreciate the value of property in the vicinity and set an undesirable precedent for similar developments in the vicinity.

3.3. Planning Authority Reports

3.3.1. Planning Reports

It is noted that in the Planners report dated 26/04/2023 requesting further information states that *“The planning history would indicate the site relates to C&D Facility which the permission has expired, therefore, it is considered the principle of the development is generally acceptable subject to the relevant development Control criteria below”*.

Following receipt of the further information the Planner’s Report had regard to the following:

- A justification Test in accordance with “Planning System and Flood Risk Management: Guidelines for Planning Authorities. Nov.2009” has not been submitted as required, therefore the Planning Authority cannot make an informed decision regarding to flood risk relating to the proposed development site. Therefore, the proposal would be contrary to the Flood Risk Guidelines and materially contravene policies of the Meath County Development Plan 2021-2027.
- The information provided by the applicant has not demonstrated justification for the suitability of this proposed use in this rural area as a standalone indefinite development that has no connection to an existing established use or extraction activity.

3.3.2. Other Technical Reports

Following receipt of the Further information, the further information was circulated for further consideration.

- Transportation Section: no objection subject to the following requirement that the haul route shall be limited to the Local Road L-6209 and onto the R-158. Vehicles shall not be permitted to turn right (Northeast) when leaving the site.
- Environment Section (Flooding): Refuse permission as contrary to Flood Risk Guidelines.
- Environment Section (General): No report
- Heritage Office: No report.

3.4. **Prescribed Bodies**

Health Service Executive: Sought clarification on environmental considerations which was requested by the Planning Authority as part of the Further Information.. Further Information referred to HSE
No further report on file from HSE.

3.5. **Third Party Observations**

None

4.0 **Planning History**

Appeal Site

PA Ref: 22/509 (Deemed Withdrawn)

Extension of Duration of Planning Permission TA160678- (1) The importation of subsoil & topsoil for the purpose of land reclamation with a consequential benefit for an agricultural activity. (2) The importation, recovery & recycling of concrete & brick materials by crushing & screening for dispatch/re-use in construction & engineering projects. The development will include a proposed truck wheel-wash, weighbridge, mobile crushing/screening plant, aggregate storage bays, portable office/chemical toilet, new vehicular entrance, access road & ancillary site development works (the application is accompanied by an Environmental Impact Statement & the activity will be subject of an application to the Environmental Protection Agency for a Waste Licence.

PA Ref:TA160678: ABP Ref PL17.247792 (Permission granted with revised conditions 10/7/2017 which included an operational condition of 5 years, operations currently not active on site)

Permission for (1) The importation of subsoil & topsoil for the purpose of land reclamation with a consequential benefit for an agricultural activity. (2) The importation, recovery & recycling of concrete & brick materials by crushing &

screening for dispatch/re-use in construction & engineering projects. The development will include a proposed truck wheel-wash, weighbridge, mobile crushing/screening plant, aggregate storage bays, portable office/chemical toilet, new vehicular entrance, access road & ancillary site development works (the application is accompanied by an Environmental Impact Statement & the activity will be subject of an application to the Environmental Protection Agency for a Waste Licence.

PA Ref: TA60130 (Granted Permission 29/11/2006)

Permission for the importation and deposition of subsoil and topsoil for the purpose of land reclamation in accordance with class 10 of the fourth schedule, a recovery activity involving the treatment of waste on land with a consequential benefit for an agricultural activity under the Waste Management Act 1996 and the importation and deposition of concrete waste conforming to EWC code 17 01 01 for the construction of a haul road as set down in permit WMP 2002/11. A wheel wash portacabin office and chemical toilet (Portaloo) will also be provided.

5.0 Policy Context

5.1. Development Plan

Meath County Development Plan 2021-2027 (MCDP) is the relevant statutory plan for the area.

The subject site is located within an un-zoned rural area of County Meath. The principle goal within rural areas is *“to encourage the continued sustainable development of rural communities without compromising the physical, environmental, natural and heritage resources of the County.”*

The Landscape Character of the area is classified as Central Lowlands, which is considered of high value with moderate sensitivity.

Policy HER POL 52 states that it is the Policy of the Council *“to protect and enhance the quality, character, and distinctiveness of the landscapes of the County in accordance with national policy and guidelines and the recommendations of the Meath Landscape Character Assessment (2007) in Appendix 5, to ensure that new development meets high standards of siting and design”*.

Policy ED POL 15 states that it is the policy of the Council *“to support and facilitate both existing and new businesses who seek to maximise the re-use and recycling of resources, create new business models and promote innovation and efficiency”*

Policy INF Pol 19 states that it is the policy of the Council *“To implement the “Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoEHLG/OPW, 2009) through the use of the sequential approach and application of Justification Tests for Development Management and Development Plans, during the period of this Plan.”*

5.2. National Biodiversity Action Plan (NBAP) 2023-2030

The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

5.3. The Planning System and Flood Risk Management: Guidelines for Planning Authorities, Nov.2009.

The key principles of the Guidelines are:

- Avoid development in areas at risk of flooding.
 - If this is not possible, consider substituting a land use that is less vulnerable to flooding.
 - Only when both avoidance and substitution cannot take place should consideration be given to mitigation and management of risks.
 - Inappropriate types of development that would create unacceptable risks from flooding should not be planned for or permitted.

- Exceptions to the restriction of development due to potential flood risks are provided for through the use of a Justification Test, where the planning need and the sustainable management of flood risk to an acceptable level must be demonstrated.

The guidelines classify land uses and types of development into Highly Vulnerable Development, Less Vulnerable Development and Water Compatible Development. A sequential approach is used in the Guidelines to ensure that development is directed towards land that is at low risk from flooding. The flood zone category and the development type classification will direct the level of flood risk assessment required for planning applications.

Table 3.2 of the guidelines provides a matrix of vulnerability versus flood zone to illustrate appropriate development and development proposals required to meet the Justification test.

	Flood Zone A	Flood Zone B	Flood Zone C
Highly Vulnerable Development	Justification Test	Justification Test	Appropriate
Less Vulnerable Development	Justification Test	Appropriate	Appropriate
Water Compatible Development	Appropriate	Appropriate	Appropriate

Using the sequential approach will provide for the most appropriate response for proposals and flood risk.

5.4. Natural Heritage Designations

The Following European Sites are located within the vicinity of the appeal site.

Site Code	Site Name	Distance (Approx.)
002299	River Boyne and River Blackwater SAC	5.5km
004232	River Boyne and River Blackwater SAC	5.5km

5.5. EIA Screening

I have carried out a Preliminary Pre-Screening and Preliminary Screening for EIA. (See form 1 and 2 appended to this report). The screening report considers the requirement for EIA against the legislative basis set out in Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended.

I considered that the proposed development as subthreshold under class 11(b) Part 2 of Schedule 5 of the Planning and Development Regulations 2001,as amended.

The permitted extent development, (granted permission under PA Ref:TA160678: ABP Ref PL17.247792) operated as a fill site but also as a construction and waste recycling facility importing 120,000 tonnes of soil and waste per year. This permission was subject to EIA. The proposed development is a reduction in the waste provided by the extent permission, therefore 13(a) does not apply as there is no increase.

Based on the information provided, the nature and extent of the development proposed, I consider that there is no real likelihood of significant effects on the environment and that EIA is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- The site is an established permitted C&D Waste recovery facility under a previous expired planning permission and operated under a Waste Facility Permit issued by Meath County Council. (Reference WFP-MH-19-0003-02)
- The site access, internal haul road, wheel wash and weighbridge are established on site. The set up consists of a hard standing platform, crushing and screening of C&D waste to produce recycled aggregates. Only minor works such as erection of aggregate bays, mobile office and set up of mobile recycling plant is required.

- The Site-Specific Flood Risk assessment submitted as part of the further information concluded that the 'less vulnerable' development is sited in flood zone B and C and is therefore considered appropriate in line with the Flood Risk Guidelines. The report also concluded that areas with Flood zone A include green areas are not subject to development. Sufficient information has been submitted to make an informed decision and the proposal does not contravene the MCDP.
- Notes that no justification for the proposed development was requested by Meath County Council. The site was permitted as a C&D waste recycling facility under previous planning permission on site. The applicant is at the forefront of recycled aggregate production and have invested in the site infrastructure which has been implemented on site to a high standard and supports national policy on waste reduction and moves towards the circular economy as provided in the policies and objectives set out in the MCDP.
- Outlined development plan policy and objectives supporting management of waste, green circular economy and the facilitation of appropriate waste recovery and disposal facilities.
- Notes that planners report dated 24/4/2023 states that the planning history would indicate the site relates to C&D facility which the permission has since expired, Therefore, it is considered that the principle of the development is generally acceptable subject to relevant control criteria.
- Notes that there are no third-party submissions made with respect to the proposal and that the location would have less an impact than the presence of the closed landfill to the northwest of the site in terms of injuring amenities and depreciation of property value in the area.
- A Site-Specific Flood Risk Assessment is included with the appeal.

6.2. Planning Authority Response

- Details the reasons for refusal.
- Notes the grounds of appeal and all matters have been dealt with in the Planners Report

- Requests that An Bord Pleanála uphold the decision of the Planning Authority to refuse permission in this case.

7.0 Assessment

7.1. Having examined the application details and all documentation on file and inspected the site and having regard to local policy and national guidelines, I consider that the key issues are as follows.

- Principle of Development
- Residential Amenity
- Flood Risk
- Appropriate Assessment

7.2. Principle of Development

7.2.1. I note the Planning Authority's second reason to refuse states that "the applicant has not provided a robust justification for the suitability of the proposed development in this rural area as a standalone development not linked to an established use or extraction activity." I note that the Planners' Report dated 26/4/2023 states that "The planning history would indicate the site relates to C&D Waste Facility which the permission has expired. Therefore, it is considered that the principle of development is generally acceptable subject to the relevant development control criteria."

7.2.2. I note that there is no further reference to this reason to refuse in the Planners Report dated 6/11/2023 except in the conclusion and recommendation to refuse. There is no assessment relating to this conclusion and there was no request from the Planning Authority for the applicant to make a robust justification for the suitability of the proposed development.

7.2.3. I note from the planning history that planning permission was permitted on site for a construction and demolition waste recycling facility, which has since expired. From a site inspection, it is evident that this use as permitted has been operational, the site access, internal haul road, wheel wash facilities and weighbridge are existing and the levels on site are established. All activity on site has ceased operation. I am

satisfied based on the information provided and site inspection that the proposal is connected to a previously established use at this location since 2006.

- 7.2.4. I note from a site inspection that the operational area of the proposed development is located in a lower ground depression and cannot be seen from the public road network. The existing access and haul road are the only elements visible from the public domain. Therefore, I am satisfied that the proposed development will not have a negative impact on the landscape character of the area.
- 7.2.5. I am satisfied that the proposed development complies with the provisions of the MCDP, as it is an existing established use which permission has expired and seeks to maximise the re-use and recycling of resources and will not have a negative impact on the landscape character of the area. Therefore, I consider that the principle of the proposed development is acceptable at this location.

7.3. Residential Amenity

- 7.3.1. I note the Planning Authority's second reason to refuse states that the proposed development would "seriously injure the amenities and depreciate the value of property in the vicinity and would establish an undesirable future precedent for similar developments of this kind...."
- 7.3.2. The proposal is for the continued operations of the site for the importation, recovery and recycling of soil, stone, and brick materials by sorting, crushing, and screening for dispatch / re-use in construction and engineering projects. This use was established under the previous applications (see planning history above) at this location. It is not proposed to import subsoil and topsoil for the purposes of land reclamation. The average permitted tonnage of recycling material under the previous application was 100,000 tonnes of soils and subsoils per annum and 20,000 tonnes per annum of C&D Waste. The current proposal is for acceptance of C&D waste not exceeding 25,000 tonnes. In terms of quantity of materials, I do not consider that the proposal significantly intensifies the previously established use at this location.

Haul Route

- 7.3.3. The current proposal estimates that on average 20 Heavy Goods Vehicles (HGV) trips per day will use the site as opposed to 60 HGV trips per day under the previous

permitted development. The haul routes to and from the site are via the local road (L6209). All vehicles will approach the site from the R158 to the L6209 which is approximately 2.5 km from the access location. As per the recommendations from the transport section of MCC all vehicles leaving the site turn left onto the L6209 towards the R158. On the date of inspection, I noted 13 residential properties along the L6209 from the access location to the junction with the R158. I am satisfied based on a site inspection and the expected frequency of HGVs utilising the site, that the haul route for materials associated with the proposed development will have minimal impact on the residential amenity of the existing residential properties along the local road R6209.

Noise

- 7.3.4. The nearest residential properties to the site are approximately 360m to northeast, 600m to east, 800m to west and 700m to south. The site is located at a lower elevation to existing ground levels in proximity to the existing residential properties. Mitigation measures proposed include plant and machinery maintenance to reduce noise generated from these sources, internal access road will be maintained in good condition to minimise noise generation from internal traffic. I note that the proposed use will require a Waste Facility Permit from Meath County Council. The Waste Facility Permit will regulate noise threshold limits, and any breaches of threshold limits will be addressed through the Waste Facility Permit. I am satisfied that noise associated with the proposed development will have minimal impact on the residential amenity of existing residential properties at this location.

Dust

- 7.3.5. An existing wheel wash is located at the access/ egress to the site, which ensures all vehicle wheels are cleaned prior to entering the public road system. Mitigation measures are proposed which include the fitting of screeners with dust suppression systems to reduce dust generation from screening activities. . I note that the proposed use will require a Waste Facility Permit from Meath County Council. The Waste Facility Permit will regulate dust threshold limits, and any breaches of threshold limits will be addressed through the Waste Facility Permit.. I am satisfied based on the information provided and the distance to nearest residential properties

that dust associated with the proposed development will have minimal impact on the residential amenity of existing residential properties at this location.

Conclusion

7.3.6. I consider that, based on the previous permitted use on site, that the proposed development is not considered an intensification of this existing use and combined with the proposed haul route and mitigation measures relating to noise and dust, that the continued use of the site as a C&D Waste Recycling facility will have minimal impact on the residential amenity of properties in the vicinity of the site. I note that the issues raised in the Planning Authority's reason to refuse in respect of the devaluation of property in the vicinity. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

7.3.7. I also consider that the proposed C&D Waste Recycling facility is an established use at this location under previous planning permissions and therefore would not set an undesirable precedence for similar developments of this kind as the use has been established.

7.4. Flood Risk

7.4.1. The applicants have included a site-specific flood risk assessment with the appeal. A detailed site-specific model was used to demonstrate the flood zones of the development site. Flood Zone C was identified at the northern part of the site where the land is more elevated compared to the remainder of the site, Flood Zone A was identified through the centre, with Flood Zone B either side.

7.4.2. I note, that under the previous permitted planning application, the flood risk assessment used CFRAM mapping, and the majority of the site located in Flood Zone A related to the filling of lands which the Planning Authority considered Agricultural Use and compliant with the guidelines.

7.4.3. The flood risk assessment states that the development comprises commercial/industrial development and provides a breakdown of each element in relation to use and classification under the Guidelines. The Built development is commercial and industrial use and classified as less vulnerable development. Car

Parking / Access Road is considered local transport infrastructure and classified as less vulnerable development and green areas as open amenity space, which is classified water compatible development. The assessment outlines that 'less vulnerable development will be sited in Flood Zone B and C and is therefore considered appropriate and areas within Flood Zone A will remain as amenity and green space.'

- 7.4.4. I have examined the flood risk assessment and the mapping which details the different elements of the proposed development and their location relating to the different identified flood events. I do not consider that the mapping provides clarity as to the locations and extent of all elements in the recycling process in relation to the Floods Zones.
- 7.4.5. The flood risk assessment submitted considers that the built development element of the proposal as commercial/industrial use which is classified as a less vulnerable use, and they are located within Flood Zone B which is acceptable under the Guidelines. I do not consider that assessing the built development elements as standalone processes is sufficient and that the overall operational processes of the facility needs to be considered, that is the interaction between the different stages of the recycling process and the movement of materials and vehicles throughout the facility should be considered and not just the individual elements as assessed. From the details submitted, it would appear that such interactions in the operational processes are mainly located in Flood Zone A. I consider that the overall operational process includes both built development and interactions between each element as the commercial/industrial use for the proposed development, both appear to be located within Flood Zone A and Flood Zone B, therefore I conclude that part of the commercial / industrial use of the proposed development is within Flood Zone A, which is classified as highly vulnerable development and therefore the justification test is required as per the Flood Risk Guidelines.
- 7.4.6. I note that the flood risk assessment submitted makes no reference to the proposed mitigation measures in the Appropriate Assessment submitted, particularly in relation to the introduction of 0.5m bunds and silt traps along the perimeter of the site. It is unclear from the documentation submitted that the mitigation proposed would have any impact on the flood risk of the site.

7.4.7. I conclude that based on my assessment of the Site-Specific Flood Risk Assessment above and the lack of clarity provided, that the Board cannot make an informed decision regarding the flood risk implications of the proposed development at this location. Therefore, I recommend that permission should be refused for the proposed development.

7.5. **Appropriate Assessment**

As detailed in Section 8.0 of this report below, I am not satisfied that the information submitted with the planning application contains complete and best scientific information in order to reach complete, precise, and definitive findings and conclusions capable of removing all scientific doubt as to the effects of the proposed development on the European Sites identified.

I considered that it reasonable to conclude on the basis of the information on the file, which I consider inadequate in order to carry out a Stage 2 Appropriate Assessment, that it cannot be determined that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the River Boyne and River Blackwater SAC (002299) and River Boyne and River Blackwater SPA (004232) or any other European site, in view of the site's Conservation Objectives. Refer to Section 8.0 of this and Appropriate Assessment Stage 1 Screening and Appropriate Assessment Stage 2 appended to this report.

(This is a new issues not addressed by the Planning Authority in their reasons to refuse and the Board may wish to seek the views of the parties.)

8.0 **Appropriate Assessment**

8.1. **Appropriate Assessment Screening (Stage 1)**

I carried out Appropriate Assessment Screening in accordance with Article 6(3) of the Habitats Directive. (Refer to AA Screening Report appended to this report) I examined the Water Framework Catchment area within which the proposed development is located to determine all Natura 2000 sites that are within or partially within the Water Framework Catchment Area. Three Natura 2000 sites were identified. Utilising the source-pathway-receptor best practice approach I concluded

that the River Boyne and River Blackwater SAC (002299) and River Boyne and River Blackwater SPA (004232) required further screening.

I examined the Qualifying Interests and conservation objectives of the Two European Sites and identified the potential significant effects on each qualifying interest. The screening exercise identified that two qualifying habitats and four qualifying species must be considered further in the screening assessment.

Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in the following impacts:

- Potential reduction in availability of spawning habitat and mortality/morbidity via direct ingestion to River Lamprey and Salmon resulting from surface water contamination.
- Potential mortality / morbidity via direct ingestion or ingestion of contaminated prey to Otters resulting from surface water contamination.
- Potential mortality / morbidity via ingestion of contaminated prey to Kingfishers resulting from surface water contamination.

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I concluded that the proposed development could result in significant effects on the River Boyne and River Blackwater SAC in view of the conservation objectives of a number of qualifying interest features of those sites and therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development was required.

8.2. Appropriate Assessment (Stage 2)

I carried out a Stage 2 Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive. (See Appropriate Assessment appended to this report) and I note inconsistencies between the appellant's screening for appropriate assessment and the Natura Impact Assessment (NIS). Specifically, surface water contamination is identified as the primary source of potential impacts to the River Boyne and River Blackwater SAC and SPA. The AA Screening assessment considers the operational

phase of the proposed development to have the greatest potential to adversely affect the integrity of these European sites, whereas the NIS focuses on construction phase, but provides mitigation for both construction and operation phases

I also note that the AA Screening report indicates that surface water will be contained within the working area using 0.5m high perimeter soil bunds around the facility, and a silt fence will be installed at the land boundary to capture any fugitive surface water runoff, thereby reducing the potential for contamination. These mitigation measures are not included in the mitigation proposed by the appellant in their NIS.

I highlight that Section 5.1 of the appellant's NIS assesses the potential significant effects and the qualifying interests to which these effects apply, alongside their respective Conservation Objectives and the targets set to achieve them. The NIS states that attributes and targets have not been assigned for the Kingfisher (*Alcedo atthis*). However, attributes and targets for Kingfisher are assigned and detailed under the conservation objectives for the River Boyne and River Blackwater SPA.

Finally, I note that the appellant has provided a Site-Specific Flood Risk Assessment for the subject site, which states that the site is in Flood Zone B and Flood Zone C. However, no reference to the flood risk assessment is made in the appellant's appropriate assessment screening or NIS reports. The Site-Specific Flood Risk Assessment should have been robustly considered in the NIS, as flooding could be a potential pathway for pollutants to reach both the SAC and SPA via surface water or through infiltration into groundwater. Surface water contamination is identified as the primary source of potential impact on the Natura 2000 sites, but the potential flooding has not been considered in the NIS.

I am not satisfied that the information submitted with the planning application contains complete and best scientific information in order to reach complete, precise, and definitive findings and conclusions capable of removing all scientific doubt as to the effects of the proposed development on the European Sites identified.

I considered that it reasonable to conclude on the basis of the information on the file, which I consider inadequate in order to carry out a Stage 2 Appropriate Assessment, that it cannot be determined that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of

the River Boyne and River Blackwater SAC (002299) and River Boyne and River Blackwater SPA (004232) or any other European site, in view of the site's Conservation Objectives. I note that in such circumstances, the Board is precluded from granting permission.

This is a new issues not addressed by the Planning Authority in their reasons to refuse and the Board may wish to seek the views of the parties.

9.0 Recommendation

I recommend that planning permission is refused in accordance with the following reasons and considerations.

10.0 Reasons and Considerations

1. The proposed development is in an area which is at risk of flooding. The Board is not satisfied, on the basis of the information lodged with the planning application and in response to the appeal, that the proposed development would not give rise to a heightened risk of flooding either on the proposed development site itself, or on other lands. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

2. On the basis of the information provided with the application and appeal, including the Natura Impact Statement, and in light of the assessment carried out above, I am not satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of River Boyne and River Blackwater SAC (002299) and River Boyne and River Blackwater SPA (004232) respectively, in view of the sites Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.

(This is a new issue and the Board may wish to seek the views of the parties. However, having regard to other substantive reasons for refusal set out above, it may not be considered necessary to pursue the matter)

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.

Alan Di Lucia
Senior Planning Inspector

January 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318595		
Proposed Development Summary	Importation, recovery & recycling of soil, stone, concrete and brick materials by sorting, crushing, and screening for dispatch/re-use in construction and engineering projects. The annual tonnage proposed for acceptance at the site shall not exceed 25,000 tonnes per annum.		
Development Address	Ballynamomona, Summerhill, Co. Meath.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
—Yes		
No	√	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. 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.	Proceed to Q.3

3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?

		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	✓	<p>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</p> <p>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:-</p> <p>(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</p> <p>(ii) result in an increase in size greater than –</p> <ul style="list-style-type: none"> - 25 per cent, or - an amount equal to 50 per cent of the appropriate threshold, whichever is the greater. 	<p>24,400 tonnes of waste</p> <p>Permitted extent development on site was subject to EIAR which imparted 120,000 tonnes per year.</p> <p>Current proposal reduction to less than 25,000 tonnes per year.</p> <p>Increase in size not 25% or an amount equal to 50% whichever is greater.</p>	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-318595-23
Proposed Development Summary	Importation, recovery & recycling of soil, stone, concrete and brick materials by sorting, crushing, and screening for dispatch/re-use in construction and engineering projects. The annual tonnage proposed for acceptance at the site shall not exceed 25,000 tonnes per annum.
Development Address	Ballynamomona, Summerhill, Co. Meath
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
Characteristics of proposed development The proposed development comprises permission for the importation, recovery and recycling of soil, stone, concrete and brick materials by sorting crushing and screening for dispatch / reuse in construction and engineering projects. The annual tonnage proposed is estimated at 24000 tonnes per year.	The site previously operated as a construction and demolition facility and a deposition site, approximately annual intake approximately 120,000 tonnes. It is evident from a site inspection that the site was previously used as a construction demolition water facility and the machinery from this previous use are present on site. .
Location of development	The site is located within a rural area of County Meath. The proposal is within an existing established, recently extent

	<p>from planning, Construction and Demolition recycling facility. There is an active quarry to the northeast and lands to the northwest was previously used as a landfill. The location is not in an environmentally sensitive geographical area. The proposed development is not located within a Natura 2000 Site, however the Dangan river to the south provides a hydrological link. A Natura Impact Statement was submitted with the application and is subject to separate assessment.</p>
<p>Types and characteristics of potential impacts</p> <p>1.Extent of Impact</p> <p>2. Transboundary Nature of Impact</p> <p>3. magnitude and complexity relating to population and Human health, Biodiversity, Land and soils, water. Air, climate, noise and vibration, material assets, cultural heritage, landscape and visual, traffic and transport</p>	<p>The magnitude and spatial extent of any impact is unlikely considered the previous use and surrounding uses. The majority of the expected waste from construction and demolition projects received to the facility will be recycled back to the construction industry with a small percentage disposed of off site</p> <p>There are no transboundary related issues due to location. There is potential impact on Natura 2000 which could be adequately mitigated.</p>

Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	No
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	Schedule 7A information submitted with application.
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appropriate Assessment: Screening Determination

(Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposed Construction and Demolition Waste recycling facility in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A Screening report has been prepared by WSP on behalf of the applicant and the objective information presented in that report informs this screening determination.

Description of the proposed development

The proposed project is for the development of a construction and demolition waste recycling facility on the site previously used for this activity at Ballynamona, Summerhill, Co. Meath. The proposed development consists of the importation, recovery and recycling of concrete and brick and soil and stone materials by crushing and screening for dispatch/reuse in construction and engineering projects.

Shannon Valley have been issued a single user End of Waste Decision from the EPA that allows Shannon Valley to process waste to an End of Waste product subject to meeting all End of Waste criteria. The annual intake of soil and stone and concrete and brick materials to the facility will not exceed 25,000 tonnes per annum. The development proposes to use an existing truck wheel wash Weigh bridge, mobile crushing / screening plant, aggregate storage bays, portable office / chemical toilet established at the site.

The key components of the proposed projects are:

- importation of soil stone concrete and brick
- Stockpile of raw materials for processing
- processing of imported materials to screening crushing and sorting
- and stockpiling of processed materials for dispatch

The Dangan River situated approximately 100m south of the proposed project flows west and discharges into the river Boyne near Trim. The adjoining property to the east of the site is an operational quarry which has planning permission for the extraction crushing and washing of sand and gravel. The management of the operational phase would be in line with common environmental standards set out in CIRIA (2001 and 2015) such that the risk of environmental emissions is minimized as a matter of routine.

European Sites

Two European sites were identified as being located within a potential zone of influence of the proposed development. The River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA are 5.5km from the subject site, but hydrologically connected approximately 15km by the Dangan River which is to the south of the subject site.

European Site	Qualifying Interests	Distance	Connections
River Boyne and River Blackwater SAC (002299)	Alkaline fen (7230) Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion	5.5km	Yes, via Dangan River (15km)

	<p>incanae, Salicion albae (91E0)</p> <p>River Lamprey (<i>Lampetra fluviatilis</i>) (1099)</p> <p>Salmon (<i>Salmo salar</i>) (1106)</p> <p>Otter (<i>Lutra lutra</i>)(1355)</p>		
River Boyne and River Blackwater SPA (004232)	Kingfisher (<i>Alcedo atthis</i>) (A229)	5.5km	Yes, via Dangan River (15km)

I note that the applicant included a greater number of European sites in their initial screening consideration with sites within 15km of the development site considered. There is no ecological justification for such a wide consideration of sites, and I have only included those sites with any possible ecological connection or pathway in this screening determination.

Likely impacts of the project.

The proposed development will not result in any direct effects on either the SAC or SPA as it relates to the River Boyne and River Blackwater.

As the facility is already established, there will be no construction stage impacts. The operational stage will generate noise, dust, and surface water emissions during its operation. Considering the scale, nature and location of the subject site and proposed development, it is not anticipated that noise or dust emissions will exceed levels so as to be environmentally significant beyond localised scale. In the event of a leak, spillage or leaching associated with rainfall, contaminants such as hydrocarbons or suspended solids could be carried long distances downstream. The spread of invasive flora is considered possible, there is potential transport on/offsite via vehicle treads, machinery tracks and footwear.

Likely significant effects on the European sites in view of the conservation objectives

The applicant has identified that the following qualifying habitats and species must be considered in the screening assessment.

- River Lamprey (*Lampetra fluviatilis*) (1099)
- Salmon (*Salmo salar*) (1106)
- Otter (*Lutra lutra*)(1355)
- Kingfisher (*Alcedo atthis*) (A229)

The primary pathway to the River Boyne and River Blackwater SAC or SPA is via the Dangan River. Given that the hydrological link is approximately 15km and location noise and vibration levels are unlikely to exceed baseline noise levels so as to be environmentally significant.

Dust emissions may contribute to surface water contamination and is acknowledged.

In the event of significant rainfall, a certain volume of water could enter the River Dangan. During the operation phase, bunds will be maintained around the site and a silt fence will be erected at the land boundary to capture any fugitive surface water runoff reducing the potential for contamination of surface water runoff.

There is no presence of invasive species within the site, there is potential for invasive species to be imported to site in soil and stone consignments. Transport of seeds and viable plant tissue from the site to the Dangan River is considered a potential risk.

Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in the following impacts:

- Potential reduction in availability of spawning habitat and mortality/morbidity via direct ingestion to River Lamprey and Salmon resulting from surface water contamination.
- Potential mortality / morbidity via direct ingestion or ingestion of contaminated prey to Otters resulting from surface water contamination.
- Potential mortality / morbidity via ingestion of contaminated prey to Kingfishers resulting from surface water contamination.

I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of the SAC and SPA when considered on their own and in combination with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species.

Overall Conclusion

Screening determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the River Boyne and River Blackwater SAC and SPA in view of the conservation objectives of a number of qualifying interest features of those sites.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

Appropriate Assessment

(Stage 2, Article 6(3) of Habitats Directive)

1.1. Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity each European site

1.2. Compliance with Article 6(3) of the EU Habitats Directive

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

1.3. Screening the need for Appropriate Assessment

- Refer to Appropriate Assessment Screening Determination.
-

1.4. Screening Determination

Following the screening process, it has been determined that Appropriate Assessment is required as it cannot be excluded on the basis of objective information that the proposed development of a construction and demolition waste recycling facility individually or in-combination with other plans or projects will have a significant effect on the following European sites (i.e. there is the *possibility* of significant effect):

- River Boyne and River Blackwater SAC (002299)
- River Boyne and River Blackwater SPA (004232)

The possibility of significant effects on other European sites) has been excluded on the basis of objective information. SPA

Measures intended to reduce or avoid significant effects have not been considered in the screening process.

1.5. The Natura Impact Statement

The application included a NIS [Shanno Valley Plant Hire, Proposal for waste facility at Ballynamona, Meath, Appropriate Assessment Screening and Natura Impact Statement, February 2023] which examines and assess potential adverse effects of the proposed development on the following European Sites.

- River Boyne and River Blackwater SAC (002299)
- River Boyne and River Blackwater SPA (004232)

The applicants NIS was prepared in line with current best practice and provides an assessment of the potential effects on site integrity. The potential significant effects and the qualifying interest to which these effects apply, are presented in the NIS alongside their respective Conservation Objectives and the targets set to achieve them.

The applicants NIS concluded *“that the potential effects during, and after the proposed works have been considered in the context of the European Sites potentially affected. Robust and effective mitigation measures have been proposed for the avoidance of any impacts affecting water quality. Considering the mitigation measures proposed, and based on the best scientific knowledge available, it is concluded that there will be no significant adverse impacts on the integrity of the River Boyne and River Blackwater SAC and SPA as a result of the proposed development.”*

The screening report outlines the potential impacts on qualifying habitats and species during the operational phase of the proposed development. The NIS indicates that significant effects are primarily associated with the construction phase, yet the proposed mitigation measures relate to both. The AA Screening report states that, surface water runoff during the operational phase will be contained within the working area using 0.5m high perimeter soil bunds around the facility, and a silt fence will be installed at the land boundary to capture any fugitive surface water runoff, thereby reducing the potential for contamination. These mitigation measures are not included in the Natura Impact Statement.

The appellants have also prepared a Site-Specific Flood Risk Assessment for the proposed development, which indicates that the site is located within Flood Zone B and Flood Zone C. However, the Appropriate Assessment submitted by the appellant does not reference the potential flooding of the lands as indicated in the flood risk assessment. Therefore, after reviewing the submitted documents, I am not satisfied that the information provided allows for a thorough and robust assessment of any adverse effects of the development on the conservation objectives of the River Boyne and River Blackwater SAC and SPA sites, either alone or in combination with other plans and projects.

1.6. Appropriate Assessment of implications of the proposed development

The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in

significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

Summary Matrix for European Sites (Stage 2)	
AA Summary Matrix for River Boyne and River Blackwater SAC (002299)	
<p>River Boyne and River Blackwater SAC (0022990) Located 5.5km from site and hydrologically connected by River Dangan approximately 13km from site.</p> <p>Description of Site: This site comprises the freshwater element of the River Boyne as far as the Boyne Aqueduct, the Blackwater as far as Lough Ramor and the Boyne tributaries including the Deel, Stoneyford and Tremblestown Rivers. These riverine stretches drain a considerable area of Meath and Westmeath, and smaller areas of Cavan and Louth. The underlying geology is Carboniferous Limestone for the most part, with areas of Upper, Lower and Middle well represented. In the vicinity of Kells Silurian Quartzite is present while close to Trim are Carboniferous Shales and Sandstones. There are many large towns adjacent to but not within the site, including Slane, Navan, Kells, Trim, Athboy and Ballivor</p>	
Summary of Appropriate Assessment	
<p>Qualifying Interest: River Lamprey (Lampetra fluviatilis)(1099)</p> <p>Conservation Objective: To restore the favourable conservation condition of River Lamprey (Lampetra fluviatilis)(1099) in River Boyne and River Blackwater SAC</p>	<p>Attribute: Distribution</p> <p>Target: Restore access to all water courses down to first order streams</p> <p>Potential Significant Effects: No Significant Effects are foreseen</p> <p>-----</p> <p>Attribute: Distribution of larvae</p> <p>Target: Not less than 50% of sample sites with suitable habitat positive for larval brook/river lamprey</p> <p>Potential Significant Effects: Sedimentation / release of water-borne contaminants may cause localised hydrological changes which may affect habit quality.</p> <p>-----</p> <p>Attribute: Population structure of larvae</p>

	<p>Target: At least three age/size classes of larval brook/river lamprey present</p> <p>Potential Significant Effects: No Significant Effects are foreseen -----</p> <p>Attribute: Larval lamprey density in fine sediment</p> <p>Target: Mean density of brook/river larval lamprey in sites with suitable habitat more than 5/m²</p> <p>Potential Significant Effects: Sedimentation / release of water-borne contaminants may cause localised hydrological changes which may affect habitat quality -----</p> <p>Attribute: Extent and distribution of spawning nursery habitat</p> <p>Target: No decline in extent and distribution of spawning and nursery beds</p> <p>Potential Significant Effects: Sedimentation / release of water-borne contaminants may cause localised hydrological changes which may affect spawning and nursery bed quality</p>
<p>Qualifying Interest: Atlantic Salmon (<i>Salmo salar</i>)(1106)</p> <p>Conservation Objective: To restore the favourable conservation condition of Atlantic Salmon (<i>Salmo salar</i>)(1106) in River Boyne and River Blackwater SAC</p>	<p>Attribute: Distribution: extent of anadromy</p> <p>Target: 100% of river channels down to second order accessible from estuary</p> <p>Potential Significant Effects: No Significant Effects are foreseen -----</p> <p>Attribute: Adult spawning fish</p>

	<p>Target: Conservation limit (CL) for each system consistently exceeded</p> <p>Potential Significant Effects: Sedimentation / release of water-borne contaminants may cause localised hydrological changes which may affect habitat quality</p> <p>-----</p> <p>Attribute: Salmon fry abundance</p> <p>Target: Maintain or exceed 0+ fry mean catchment-wide abundance threshold value. Currently set at 17 salmon fry/5 minutes sampling</p> <p>Potential Significant Effects: Sedimentation / release of water-borne contaminants may cause localised hydrological changes which may affect habitat quality</p> <p>-----</p> <p>Attribute: Out-migrating smolt abundance</p> <p>Target: No significant decline</p> <p>Potential Significant Effects: Sedimentation / release of water-borne contaminants may cause localised hydrological changes which may affect habitat quality</p> <p>-----</p> <p>Attribute: Number and distribution of redds</p> <p>Target: No decline in number and distribution of spawning redds due to anthropogenic causes</p> <p>Potential Significant Effects: Sedimentation / release of water-borne contaminants may cause localised hydrological changes which may affect habitat quality</p>
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	<p>-----</p> <p>Attribute: Water quality</p> <p>Target: At least Q4 at all sites sampled by EPA</p> <p>Potential Significant Effects: Sedimentation / release of water-borne contaminants may impact water quality.</p>
<p>Qualifying Interest: Otter (Lutra lutra)(1355)</p> <p>Conservation Objective: To maintain the favourable conservation condition of Otter (Lutra lutra)(1355) in River Boyne and River Blackwater SAC</p>	<p>Attribute: Distribution</p> <p>Target: No Significant decline</p> <p>Potential Significant Effects: Operational activities may discourage otters from the section of the River Dangan which is closest to the proposed project</p> <p>-----</p> <p>Attribute: Extent of terrestrial habitat</p> <p>Target: No significant decline. Area mapped and calculated as 447.6ha along riverbanks/ lake shoreline/around ponds</p> <p>Potential Significant Effects: No significant effects are foreseen</p> <p>-----</p> <p>Attribute: Extent of freshwater (river) habitat</p> <p>Target: No significant decline. Length mapped and calculated as 263.3km</p> <p>Potential Significant Effects: Operational activities may discourage otters from the section of the River Dangan which is closest to the proposed project</p> <p>-----</p>

	<p>Attribute: Extent of freshwater (lake) habitat</p> <p>Target: No significant decline. Area mapped and calculated as 31.6ha</p> <p>Potential Significant Effects: No significant effects are foreseen</p> <hr/> <p>Attribute: Couching sites and holts</p> <p>Target: No significant decline</p> <p>Potential Significant Effects: Abandonment of holts along the section of the River Dangan which is closest to the proposed project. (none documented)</p> <hr/> <p>Attribute: Fish biomass available</p> <p>Target: No significant decline</p> <p>Potential Significant Effects: Sedimentation / release of water-borne contaminants may affect fish biomass availability</p> <hr/> <p>Attribute: Barriers to connectivity</p> <p>Target: No significant increase</p> <p>Potential Significant Effects: No Significant effects foreseen.</p>
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AA Summary Matrix for River Boyne and River Blackwater SPA (004232)

River Boyne and River Blackwater SAC (0022990) Located 5.5km from site and hydrologically connected by River Dangan approximately 13km from site.

Description of Site:

The River Boyne and River Blackwater SPA is a long, linear site that comprises stretches of the River Boyne and several of its tributaries; most of the site is in Co. Meath, but it extends also into Cos Cavan, Louth, and Westmeath. It includes the following river sections: the River Boyne from the M1 motorway bridge, west of Drogheda, to the junction with the Royal Canal, west of Longwood, Co Meath; the River Blackwater from its junction with the River Boyne in Navan to the junction with Lough Ramor in Co. Cavan; the Tremblestown River/Athboy River from the junction with the River Boyne at Kilnagross Bridge west of Trim to the bridge in Athboy, Co. Meath; the Stoneyford River from its junction with the River Boyne to Stonestown Bridge in Co. Westmeath; the River Deel from its junction with the River Boyne to Cumber Bridge, Co. Westmeath. The site includes the river channel and marginal vegetation. Most of the site is underlain by Carboniferous limestone but Silurian quartzite also occurs in the vicinity of Kells and Carboniferous shales and sandstones close to Trim. The site is a Special Protection Area (SPA) under the E.U. Birds Directive of special conservation interest for the following species: Kingfisher. A survey in 2010 recorded 19 pairs of Kingfisher (based on 15 probable and 4 possible territories) in the River Boyne and River Blackwater SPA. A survey conducted in 2008 recorded 20-22 Kingfisher territories within the SPA. Other species which occur within the site include Mute Swan (90), Teal (166), Mallard (219), Cormorant (36), Grey Heron (44), Moorhen (84), Snipe (32) and Sand Martin (553) – all figures are peak counts recorded during the 2010 survey. The River Boyne and River Blackwater Special Protection Area is of high ornithological importance as it supports a nationally important population of Kingfisher, a species that is listed on Annex I of the E.U. Birds Directive.

Summary of Appropriate Assessment

<p>Qualifying Interest: Kingfisher (<i>Alcedo atthis</i>) (A229)</p> <p>Conservation Objective: To maintain the Favourable conservation condition of Kingfisher <i>Alcedo atthis</i> (A229) in River Boyne and River Blackwater SPA</p>	<p>Attribute: Population size</p> <p>Target: No significant decline in the long term</p> <p>Potential Significant Effects: Morbidity/mortality due to ingestion of contaminated prey</p> <hr/> <p>Attribute: Productivity rate</p> <p>Target: Sufficient productivity to maintain the population trend as stable or increasing</p> <p>Potential Significant Effects:</p>
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	<p>Morbidity/mortality due to ingestion of contaminated prey</p> <hr/> <p>Attribute: Spatial distribution of territories</p> <p>Target: No significant loss of distribution in the long term, other than that occurring due to natural patterns of variation</p> <p>Potential Significant Effects: No Significant Effects are foreseen</p> <hr/> <p>Attribute: Extent and quality of nesting banks and other suitable nesting features</p> <p>Target: Forage spatial distribution, extent, abundance, and availability</p> <p>Potential Significant Effects: No Significant Effects are foreseen</p> <hr/> <p>Attribute: Water quality</p> <p>Target: Both biotic (i.e. Q-value) and abiotic indices reflect overall good-high quality status</p> <p>Potential Significant Effects: Reduction in fish biomass availability</p> <hr/> <p>Attribute: Barriers to connectivity</p> <p>Target: No significant increase</p> <p>Potential Significant Effects: No Significant Effects are foreseen</p> <hr/> <p>Attribute: Disturbance to breeding sites</p> <p>Target:</p>
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	<p>Disturbance occurs at levels that do not significantly impact upon breeding Kingfisher</p> <p>Potential Significant Effects: No Significant Effects are foreseen</p>
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Section 6.1 of the appellants NIS states that the potential significant effects are linked to the following processes:

- Release of sediment from the site during construction via the adjoining drain
- Release of water-borne contaminants (e.g. oils/petrochemicals) from the site during construction.

Section 6.2 of the appellants NIS states that the following operational requirements to be implemented during operation as a matter of routine procedure, so as to prevent the discharge of sediment or other contaminants to open watercourse. The following mitigation measures are proposed:

- avoidance of working during very wet weather conditions to minimise the occurrence of silt mobilization
- retention of eroded sediments close to watercourses with erosion and sediment control structures, including the use of biodegradable matting over exposed soil with 5m of channels were necessary.
- Fuels, lubricants, and hydraulic fluids for equipment used on the construction site, as well as any solvents and oils, will be carefully handled to avoid spillage, properly secured against unauthorised access or vandalism and provided with spill containment.
- Any spillage of fuels, lubricants or hydraulic oils will be immediately contained, and the contaminated soil removed from the site and dispatched to a suitably authorised waste facility.
- Waste oils and hydraulic fluids will be collected in leak proof containers and removed from the site for disposal or recycling.
- Wash down water from exposed aggregate surfaces, cast in place concrete and from concrete trucks will be trapped on site in a dedicated area, to allow sediment to settle out and reach natural pH before clarified water is allowed to percolate into the ground.
- temporary portable toilet facilities are provided for staff during the construction. These units will be maintained regularly, and the waste disposed of by an appropriate contractor.
- Plant and machinery are to be power washed prior to arrival at the site to avoid importation of invasive species.
- all sources of imported materials are to be verified as free from invasive species.
- no machinery is to enter these fenced off locations, unless constructed by the client or his ...

There are inconsistencies between the appellant's screening for appropriate assessment and the Natura Impact Assessment (NIS). Specifically, surface water contamination is identified as the primary source of potential impacts to the River

Boyne and River Blackwater SAC and SPA. The AA Screening assessment considers the operational phase of the proposed development to have the greatest potential to adversely affect the integrity of these European sites, whereas the NIS focuses on and provides mitigation measures predominantly for the construction phase.

The AA Screening report indicates that surface water will be contained within the working area using 0.5m high perimeter soil bunds around the facility, and a silt fence will be installed at the land boundary to capture any fugitive surface water runoff, thereby reducing the potential for contamination. These mitigation measures are not included in the mitigation proposed by the appellant in their NIS.

Section 5.1 of the appellant's NIS assesses the potential significant effects and the qualifying interests to which these effects apply, alongside their respective Conservation Objectives and the targets set to achieve them. The NIS states that attributes and targets have not been assigned for the Kingfisher (Alcedo atthis). However, attributes and targets for Kingfisher are detailed under the conservation objectives for the River Boyne and River Blackwater SPA.

The appellant has provided a Site-Specific Flood Risk Assessment for the subject site, which states that the site is in Flood Zone B and Flood Zone C. However, no reference to the flood risk assessment is made in the appellant's appropriate assessment screening or NIS reports. The Site-Specific Flood Risk Assessment should have been robustly considered in the NIS, as flooding could be a potential pathway for pollutants to reach both the SAC and SPA via surface water or through infiltration into groundwater.

1.7. Appropriate Assessment Conclusion

The Proposed development of a construction and demolition waste facility has been considered in light of the assessment requirements of Sections 117U and 117V of the Planning and Development Act 2000 as amended.

Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the River Boyne and River Blackwater SAC and SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of its their conservation objectives.

Following an Appropriate Assessment, it cannot be determined the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European Sites (002299) and (004232) or other European sites, in view of the site's conservation objectives.

This conclusion is based on:

- The inconsistencies presented in the appellants Appropriate Assessment Screening Report and Natura Impact Statement,

- The exclusion of scientific information relating to the conservation objectives of the qualifying species within the River Boyne and River Blackwater SPA
- The absence of any reference to the potential impact that flooding may have on the assessment.

Inspector _____

Date

Approved (DP/ADP) _____

Date
