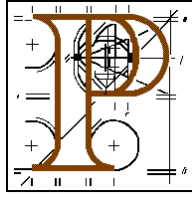


An Bord Pleanála



LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1999

Meath County

Planning Register Reference Number: 01/5006

APPEAL by Fergal O'Byrne of Painestown, Yellow Furze, Beuparc, County Meath and by Celtic Waste Limited of Burton Court, Burton Hall Road, Sandyford, Dublin and by others against the decision made on the 12th day of July, 2001 by the Council of the County of Meath to grant subject to conditions a permission to the said Celtic Waste Limited for development comprising the development and operation of an engineered landfill (area 25 hectares, height 15 metres) to accept 180,000 tonnes/annum of non-hazardous waste for 14 years and ancillary facilities including leachate lagoon, site drains, surface water pond, gas flare, landscaped screening bunds, new entrance layout, new access road (900 metres long), road widening of National Road (N2), underpass at County Road (CR 384), site roads, modular administration building (160 square metres), maintenance garage (72 square metres), portable sheds (two number each 24 square metres), parking spaces (16 number cars, six number coaches), hardstanding area (625 square metres), bunded diesel tank (6,000 litre), waste quarantine area (120 square metres), waste inspection area (120 square metres), effluent treatment system, weighbridge office (24 square metres), weighbridges (two number), wheelwash, aviary fencing, gates, barriers, perimeter and other landscaping, at a 135.45 hectare site, with access to the N2 at Tuiterrath, in the townlands of Knockharley, Flemingstown and Tuiterrath, Navan, County Meath, in accordance with plans and particulars lodged with the said Council:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1999, it is hereby decided, for the reason set out in the First Schedule hereto, to grant permission for the said development in accordance with the said plans and particulars, subject to the conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in the said Second Schedule and the said permission is hereby granted subject to the said conditions.

FIRST SCHEDULE

Having regard to -

- (a) the provisions of Section 54(3) of the Waste Management Act, 1996, which precludes An Bord Pleanála from consideration of matters relating to the risk of environmental pollution from the activities,
- (b) the national waste management policy framework and strategy as set out in Government policy statements “Changing Our Ways” and “Delivering Change” published by the Department of the Environment and Local Government in September, 1998 and March, 2002 respectively,
- (c) the waste management strategy for the North-East region as set out in the North-East Regional Waste Management Plan, 1999-2004,
- (d) the 2001 Meath County Development Plan which has an objective for the provision of a landfill site at Knockharley, and
- (e) to the Environmental Impact Statement and additional information submitted in connection with the planning application and the appeal,

it is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would not seriously injure the amenities of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and development of the area.

SECOND SCHEDULE

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the particulars received by the planning authority on the 17th day of May, 2001, the 1st day of June, 2001 and the 3rd and 9th days of July, 2001, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Waste to be accepted for disposal at the residual landfill facility -
 - (a) shall be limited to waste arising from the North-East region as defined by the Counties of Meath, Louth, Cavan and Monaghan, and
 - (b) shall be restricted to 132,000 tonnes per annum until December 2007, thereafter tonnage for disposal at the landfill facility shall be restricted to a maximum of 88,000 tonnes per annum.

Each consignment of waste arriving for disposal at the landfill facility shall be accompanied by a Certificate which shall identify the weight of each consignment, the name and address of the waste collection contractor disposing of the waste and the composition and nature of the waste for disposal.

On a monthly basis to be agreed with the planning authority, the developer shall submit to the planning authority records of all waste delivered to the site on a daily, weekly and monthly basis.

Reason: To ensure that waste arisings within the North-East region shall be disposed of within that region in accordance with the proximity principle as expressed in the 1997 Waste Management (Planning Regulations) and to ensure that the principles of regional waste management as set out in the 1999-2004 North-East Region Waste Management Plan are adhered to.

3. The proposed landfill footprint indicated on drawing number 2000-144-01-17, submitted to the planning authority on the 11th day of January, 2001, shall be revised to provide for a minimum separation distance of 250 metres between the northern perimeter of the landfill footprint and the existing southernmost boundary of the third party appellant, Mr. Martin Curran's, property to the north. Plans and drawings showing the revised on site location of the landfill shall be submitted to and agreed upon in writing with the planning authority prior to the commencement of development.

Reason: To ensure that the residential amenities associated with the private open space at the rear of the dwelling will not be adversely impacted upon during the construction phase of the proposed development by reason of noise and to ensure that the locational context of the dwelling will not be adversely impacted on by reason of undue proximity of the rear garden to the landfill footprint.

4. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement, plans and drawings providing details of that area within the landfill administration block which it is proposed to provide for use as a public education area as outlined at Section 17 of the Environmental Impact Statement Addendum submitted to the planning authority on the 17th day of May, 2001.

Reason: To clarify the extent of the proposed public area within the administration block.

5. The identification of environmental community projects and works shall be decided upon by a community liaison committee; the composition of the committee shall be based upon equal representation of personnel from the planning authority, the developer, local residents and elected members of Meath County Council; any variation in the composition of the committee shall be subject to the prior agreement of the planning authority.

Reason: To identify appropriate environmental community projects which will mitigate the impact of the landfill facility on the local community in accordance with Government policy as set out in 'Changing Our Ways' published by the Department of the Environment and Local Government in September, 1998.

6. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority and the National Roads Authority design details for the following -
- (a) the landfill access road junction with the National Primary Route, the N2, including drainage and lighting details, and
 - (b) details of all construction work associated with the proposed underpass of the CR384, including bridge construction works and associated traffic diversion arrangements to facilitate same.

No landfill operations shall take place on site until such time as the proposed access road to the landfill site from the national primary route, the N2, is complete as certified in writing by the planning authority.

Reason: In the interest of vehicular and pedestrian safety.

7. The developer shall -
- (a) submit for the written agreement of the planning authority and the National Roads Authority prior to the commencement of development, details of the proposed traffic management plan which shall include, provisions prohibiting landfill associated traffic from travelling along the regional road, the R150, between its junction with the R153 to the west and the N2 to the east, and
 - (b) submit over the lifetime of the traffic management plan details of any modifications deemed necessary to the plan as a result of any plan review. The review shall be carried out in conjunction with the planning authority and the National Roads Authority at not less than three monthly intervals during the initial construction phase of the landfill development and thereafter at not less than six monthly phases during the remaining life of the landfill.

Reason: In the interest of traffic and pedestrian safety and to protect existing educational and recreational facilities associated with the village.

8. Working hours during the construction phase of the proposed development shall be confined to between 0800 and 2000 hours Monday to Friday inclusive and 0800 and 1300 hours on Saturdays (excluding public holidays and Sundays) during the months of August and September 2002, and May, June, July, August and September 2003 unless otherwise previously agreed in writing with the planning authority. Working hours outside of the above during the construction phase of the proposed development, shall be confined to between 0800 and 1800 hours Monday to Friday inclusive and 0800 and 1300 hours on Saturdays (excluding public holidays and Sundays) unless otherwise previously agreed in writing with the planning authority.

Reason: To protect the residential amenities of the area during the construction phase of the proposed development.

9. During the initial construction phase of the proposed development noise levels at the site when measured at noise sensitive locations in the vicinity shall not exceed 65dB(A) between 0800 and 2000 hours Monday to Friday inclusive and 0800 and 1300 hours on Saturdays, excluding public holidays and Sundays, and 45dB(A) at any other time.

Noise monitoring locations for the purposes of the construction phase of the proposed development shall be agreed upon in writing with the planning authority prior to the commencement of any development on site.

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

10. Prior to the commencement of development, the developer shall put in place monitoring arrangements for the measurement of noise emissions, dust deposition and suspended solids of surface water run-off associated with the initial construction phase of the development; during the construction phase of the development the developer shall submit to the planning authority, on a frequency to be determined by the planning authority, the results of the monitoring programme. Monitoring locations for the above shall be agreed upon in writing with the planning authority prior to the commencement of development on site.

Dust deposition during the initial construction phase of the proposed development shall not exceed 350mg/m²/day (DIN standard) when measured at the site boundaries and averaged over 30 days.

Reason: To protect the amenities of the area.

11. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement, details of temporary settlement ponds/silt traps and interceptors to control discharges of site surface water run-off in advance of the construction of the proposed permanent attenuation pond. The concentration of suspended solids in the surface water run-off from the site construction works, for discharge to surface waters shall not exceed 30mg/litre.

Reason: To prevent surface water pollution during the construction phase of the proposed development.

12. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement details of -
 - (a) the extent, alignment, grading, elevational height and overall configuration of the screening berms proposed along the perimeter of the landfill footprint; the details shall provide for a 400 metre northerly extension of the screening berm proposed at the south-eastern corner of the footprint in order to provide screening of Phases 1, 2 and 3 from the dwellings to the east,
 - (b) landscaping proposals for the planted woodland belts around the perimeter of the site and for the proposed screening berms shall -
 - (i) indicate the configuration and depth of the planted perimeter belts,
 - (ii) provide for a mix of feathered and standard, mainly deciduous fast growing native species of trees of minimum girth 8-10 centimetres, and
 - (iii) provide for 10 per cent of all planted trees to be fast growing evergreens.
 - (c) supplementary planting to strengthen hedgerows, and tree belts proposed for retention,
 - (d) the estimated height of proposed planting at completion of each phase of the landfill,
 - (e) a proposed planting scheme to a minimum depth of 10 metres along the entire length of both margins of the site access road, and

- (f) phased landscape implementation and maintenance programmes for the entire site including replacement of failed planting, the implementation and maintenance programmes shall accord priority to the landscaping treatment proposed around the southern, south-western and south-eastern corners of the landfill footprint and the site access road. The scheme shall provide, in particular, that the slopes of the screening berms be topsoiled, grass-seeded and planted as soon as practicable after their construction and that dust suppression sprays shall be used during periods of dry weather until a stable grass covering has been established.

Where modification to the above proposals at (a) to (f) above are required these shall not be carried out without the prior written consent of the planning authority and or, in default of agreement, shall be determined by An Bord Pleanála.

Reason: To protect the visual and residential amenities of the area.

13. During the construction phase of the proposed development -

- (a) bunded storage areas shall be provided for the containment of oil, fuel storage tanks, chemicals and any other materials which pose a risk during the construction phase of the development to waters spilled. The bunded area shall be equivalent to a volume of 110 per cent of the capacity of the largest container stored. Proposed method of drainage of the bunded area shall be to the satisfaction of the planning authority,
- (b) a wheel-wash facility shall be provided adjacent to the site exit, the details, including the location of such a facility, being agreed upon in writing prior to the commencement of development with the planning authority, and
- (c) arrangements for the collection, storage and disposal of all foul sewage effluent arising from temporary site sanitary facilities shall be submitted to and agreed upon with the planning authority prior to the commencement of development.

Reason: In the interest of public health and the protection of the amenities of the area.

14. The developer shall facilitate the planning authority in the archaeological appraisal of the site and in preserving and recording or otherwise protecting archaeological materials or features which may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:-

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

Prior to the commencement of development, a report containing the results of the assessment shall be submitted to the planning authority. Arising from this assessment, the developer shall agree with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be determined by An Bord Pleanála.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation of any remains which may exist within the site.

15. During the construction phase of the proposed development a minimum 15 metre wayleave free from development shall be provided adjacent to the gas transmission line and the ESB high tension pylons crossing the site. The developer shall consult with the relevant statutory utility operators in this regard.

Reason: In the interest of public safety and to conform with the requirements of the relevant utility operators.

16. Within two years of the final capping of the last phase of the landfill, the planning authority shall, by way of formal notification, require the developer to implement any final landscaping restoration measures it may require. In the event of failure to comply with that formal notification, the planning authority shall be empowered to apply the funds or part thereof as referred to in condition number 20 to the satisfactory completion of such restoration measures.

Reason: To ensure satisfactory restoration of the site in the interests of amenity.

17. The internal road network accessing and serving the proposed landfill disposal facility, including turning bays, junctions, parking, hardstanding areas, footpaths, kerbs and the construction of the N2/access road entrance shall be carried out in accordance with the detailed requirements of the planning authority for such works.

Reason: In the interest of amenity and public safety.

18. Lighting arrangements for the overall site and access road shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for agreement prior to the commencement of development.

Reason: In the interest of public safety and to provide a satisfactory standard of development.

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit to secure satisfactory implementation of measures to replace affected water supplies which may result from the construction phase of the proposed development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the provision of such implementation. The amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

Reason: In the interest of public health and to ensure a continuous supply of potable water during the construction phase of the proposed development.

20. Prior to commencement of development the developer shall lodge with the planning authority a cash deposit to secure any final landscaping restoration measures required to be undertaken under the terms of condition number 16, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion and maintenance of any part of the landscape restoration plan. The amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of a landscape restoration plan for the site.

21. The developer shall pay a sum of money to the planning authority as a contribution towards the expenditure that is proposed to be incurred by the planning authority in respect of environmental works facilitating the proposed development. The amount of the contribution and the arrangements for payment shall be agreed between the developer and the planning authority or, in default of agreement, shall be determined by An Bord Pleanála.

Payment of this contribution is subject to the provisions of section 26(2)(h) of the Local Government (Planning and Development) Act, 1963 generally, and in particular, the specified period for the purposes of paragraph (h) shall be the period of seven years from the date of this order.

Reason: It is considered reasonable that the developer should contribute towards the expenditure proposed to be incurred by the planning authority in respect of environmental improvement works for the area in which the proposed landfill is situated.

22. The developer shall pay a sum of money to the planning authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of road works facilitating the proposed development. The amount of the contribution and the arrangements for payment shall be agreed between the developer and the planning authority or, in default of agreement, shall be determined by An Bord Pleanála.

In the case of expenditure that is proposed to be incurred, the requirement to pay this contribution is subject to the provisions of section 26(2)(h) of the Local Government (Planning and Development) Act, 1963 generally, and in particular, the specified period for the purposes of paragraph (h) shall be the period of seven years from the date of this order.

Reason: It is considered reasonable that the developer should contribute towards the expenditure that was and/or that is proposed to be incurred by the planning authority in respect of works facilitating the proposed development.

23. The developer shall pay a sum of money to the planning authority as a contribution towards the expenditure that is proposed to be incurred by the planning authority in respect of monitoring costs (construction phase only) facilitating the proposed development. The amount of the contribution and the arrangements for payment shall be agreed between the developer and the planning authority or, in default of agreement, shall be determined by An Bord Pleanála.

Payment of this contribution is subject to the provisions of section 26(2)(h) of the Local Government (Planning and Development) Act, 1963 generally, and in particular, the specified period for the purposes of paragraph (h) shall be the period of seven years from the date of this order.

Reason: It is considered reasonable that the developer should contribute towards the expenditure proposed to be incurred by the planning authority in respect of works facilitating the proposed development.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2002.