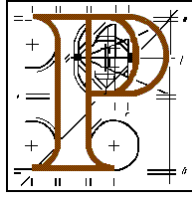


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2006

**Meath County**

**Planning Register Reference Number: NA/60336**

An Bord Pleanála Reference Number: PL 17.220331

**APPEAL** by Greenstar Holdings Limited care of Kieran O'Malley and Company Limited of Saint Heliers, Saint Heliers Copse, Sullorgan Park, Blackrock, County Dublin against the decision made on the 2<sup>nd</sup> day of October, 2006 by Meath County Council in relation to an application by the said Greenstar Holdings Limited for permission for (1) extension measuring circa two hectares (height 15 metres) to existing permitted landfill footprint (circa 23 hectares, height 15 metres) to create an overall landfill footprint (circa 25 hectares, height 15 metres) and all ancillary works. The proposed extension comprises 3.4 hectares of earthworks to construct two hectares of EU compliant lined landfill, (2) increase in waste intake volume to 200,000 tonnes per annum (tpa) until the 2,800,000 tonnes potential capacity of the landfill is complete, and (3) removal of the regional restriction on the origin of the waste accepted at the facility by modifying condition number 2(a) of planning register reference number 01/5006 so the facility can accept waste from adjoining waste regions. Site access will continue at the existing permitted access at the N2 National Primary Route and the proposed development will utilise the existing permitted infrastructure and facilities all on a site at Knockharley, Flemingstown and Tuitterath, County Meath in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to a condition permission for the said removal of the regional restriction on the origin of the waste accepted at the facility by modifying condition number 2(a) of planning register reference number 01/5006 so the facility can accept waste from adjoining waste regions and to refuse permission for the said extension measuring circa two hectares (height 15 metres) to existing permitted landfill footprint (circa 23 hectares, height 15 metres) to create an overall landfill footprint (circa 25 hectares, height 15 metres) and all ancillary works and increase in waste intake volume to 200,000 tonnes per annum (tpa) until the 2,800,000 tonnes potential capacity of the landfill is complete):

## DECISION

- (1) **GRANT permission for the said extension to the existing landfill footprint in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions marked (1) set out below.**
- (2) **GRANT permission for the said removal of the regional restriction on the origin of the waste accepted at the facility in accordance with the said plans and particulars based on the reasons and considerations marked (2) under and subject to the condition marked (2) set out below.**
- (3) **GRANT permission, notwithstanding the decision set out at (4) below, for the continuation of the approved level of the annual intake volume of 132,000 tonnes until the end of 2010, based on the reasons and considerations marked (3) under and subject to the condition marked (3) set out below.**
- (4) **REFUSE permission for the said increase in the waste intake volume to 200,000 tonnes per annum, based on the reasons and considerations marked (4) under.**

### REASONS AND CONSIDERATIONS (1)

Having regard to the planning history of the site and the designation of the existing landfill as the long term residual landfill for the North East Region, it is considered that the proposed footprint extension would not be incompatible with its 'residual role' or inconsistent with the core objectives of the Waste Management Plan for the North East Region 2005-2010. It is therefore considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the proper planning and sustainable development of the area.

### CONDITIONS (1)

1. The proposed development shall be carried out in accordance with the conditions attached to the permission granted under appeal reference number PL 17.125891 on the 26<sup>th</sup> day of August, 2002, except as amended to conform with the provisions indicated in the plans lodged in connection with this application, with the following conditions and with the other elements of this Order.

**Reason:** To ensure consistency with the development as previously permitted.

2. 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 subsurface works (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 any 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 future 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 referred to An Bord Pleanála for determination.

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

3. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

## REASONS AND CONSIDERATIONS (2)

Having regard to:-

- (a) the national waste management policy framework and strategy as set out in the Government policy statement “Waste Management - Taking Stock and Moving Forward,” published by the Department of the Environment, Heritage and Local Government in April 2004,
- (b) the Policy Directions issued pursuant to section 60 of the Waste Management Act, 1996 (as amended), and
- (c) the Waste Management Plan for the North East Region 2005-2010 which facilitates the inter-regional movement of waste,

it is considered that the regional restriction on the source of waste accepted at the facility imposed by condition number 2(a) of the permission granted by An Bord Pleanála under appeal reference number PI 17.125891 should be removed and that waste accepted at the facility be subject to the condition set out below.

### CONDITION (2)

The waste to be accepted for disposal at this facility shall primarily be waste arising in the North–East Region as defined by the Counties of Meath, Louth, Cavan and Monaghan and shall otherwise be in accordance with the proximity principle.

Each consignment of waste arriving for disposal at the 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. The developer shall submit to the planning authority on a monthly basis records of all waste delivered to the site on a daily, weekly and monthly basis.

**Reason:** To ensure compliance with national and regional waste management policy.

## REASONS AND CONSIDERATIONS (3)

Having regard to the short term waste management capacity needs of the North-East Region and the Greater Dublin Area, it is considered that, subject to compliance with the condition set out below, a continuation for a temporary period of the approved level of the annual intake volume of waste to be accepted (132,000 tonnes) would not conflict with the policies of the Waste Management Plan for the North-East Region or be otherwise contrary to the proper planning and sustainable development of the area.

### CONDITION (3)

Waste to be accepted at the facility shall be restricted to 132,000 tonnes per annum until December, 2010, thereafter tonnage for disposal at the facility shall be restricted to a maximum of 88,000 tonnes per annum.

**Reason:** To meet short-term waste management capacity needs and to ensure compliance with the principles of waste management as set out in the North-East Region Waste Management Plan.

### REASONS AND CONSIDERATIONS (4)

Having regard to the current available annual landfill and overall landfill capacity in the North-East Region and to the requirement of the current Waste Management Plan for the North-East Region to reduce the volumes of waste diverted to landfill, it is considered that the proposal to increase the tonnage per annum intake at the facility would compromise the viability of more sustainable waste infrastructure and would compromise the long-term waste infrastructure requirements of the region and the designation of Knockharley as the long-term residual landfill for the region. The proposed development would, therefore, conflict with the policies of the Waste Management Plan for the North-East Region and would be contrary to the proper planning and sustainable development of the area.

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

**Dated this            day of            2007.**