

An  
Bord  
Pleanála

## Board Order ABP-303211-18

### Planning and Development Acts, 2000 to 2020

### Planning Authority: Meath County Council

**Application** for permission under section 37E of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report and Natura impact statement, lodged with An Bord Pleanála on the 12<sup>th</sup> day of December, 2018, by Knockharley Landfill Limited care of Fehily Timoney and Company of J5 Plaza, North Park Business Park, North Road, Dublin.

**Proposed Development:** Proposed development to the existing Knockharley Landfill (developed and operated pursuant to grants of permission by Meath County Council under Planning Register Reference Numbers 01/5006 (An Bord Pleanála reference number PL 17.125891), NA60336 (An Bord Pleanála reference number PL 17.220331) and An Bord Pleanála under reference number PL 17.PA0009. The proposed development comprises further development within the existing Knockharley Landfill of the following:

- (1) An increase in the rate of waste acceptance up to 440,000 tonnes per annum comprising up to 435,000 tonnes of non-hazardous wastes including incinerator bottom ash (IBA) as well as household, commercial and industrial wastes including residual fines, non-hazardous contaminated soils, construction and demolition (C&D) wastes and baled recyclables, and up to 5,000 tonnes of stable non-reactive hazardous waste.

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- (2) The acceptance and placement within the existing permitted landfill footprint of incoming wastes for recovery or disposal as appropriate increasing the height of the landfill body from the current permitted post settlement final contour height of 74 metres OD to a proposed post settlement final contour height of 85 metres OD – the proposed height increase will apply from the active landfill phase at the date of grant of permission. It is proposed to accept waste until the landfill cells are full.
- (3) The construction and operation of a dedicated Incinerator Bottom Ash (IBA) facility. IBA will be accepted at up to 150,000 tonnes per annum. Permission is sought to store IBA until recovery outlets are identified. Permission is sought for trials to prepare IBA for recovery and removal off site. The IBA facility will consist of five number cells which will be constructed in accordance with the requirements of the Landfill Directive 99/31/EC for non-hazardous wastes. A final post settlement contour height of 85 metres OD is proposed. The proposed development includes new perimeter (haul) roads and screening berms. The IBA facility incorporates one number portal frame building 76 metres by 76 metres by 15.5 metres maximum height to facilitate (i) weathering, (ii) metals recovery trials and (iii) crushing, screening and washing of IBA material to facilitate recovery trials and processing. The IBA facility will operate until the cells are full and subsequent aftercare works are complete.
- (4) The construction and operation of a processing building (108 metres by 50 metres by 17 metres maximum height) for the biological treatment of the organic fraction of municipal solid waste (MSW) (i.e. MSW 'fines' material). The proposed biological waste treatment facility consists of incoming and outgoing materials stockpile areas, 12 number concrete composting tunnels (25 metres by 6 metres by 5 metres high), a covered bio-filtration unit with a 20-metre high stack, contingency storage of baled recyclables and baled MSW all located within the processing building and all ancillary and associated works including leachate storage in a below ground tank, bio-treatment system for sanitary wastewater, drainage and fencing. Access is at the internal site road with a marshalling yard area with egress from the

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existing site road to the landfill gas compound. It is proposed to accept up to 25,000 tonnes per annum of MSW fines material at the biological waste treatment facility and to continue to operate this facility post filling of the landfill cells onsite.

(5) The construction and operation of a leachate management facility at the site comprising as follows:

- Three number additional floating cover leachate storage lagoons (L2, L3 and L4) of circa 3,000 square metres each.
- Two number bunded above ground tanks for raw leachate from IBA cells (S1 and S2) approximately 25 metres diameter by 6.0 metres high.
- Three number bunded above ground tanks as follows: one number tank (S3) for treated leachate from landfill approximately 22 metres diameter by 6.0 metres high; one number tank for treated leachate from IBA approximately 25 metres diameter by 6.0 metres high (S4); and one number tank for leachate concentrate 16 metres diameter by 6.0 metres high (S5).
- Modular – typically containerised plant units (C1 through C6) on concrete slab of circa 1,000 square metres and one number elevated tank five metres diameter by 10 metres high (T1) with provision for two number additional low level (<5.0 metres high) bunded storage tanks for dosing and other compounds (T2 and T3).
- Extension of the existing loading area to accommodate two number 25 tonne articulated tankers.
- One new tanker loading area to accommodate two number 25 tonne articulated tankers.

Permission is sought for the continued operation of this plant post filling of the landfill cells to facilitate continued leachate management.

(6) The construction of screening berms up to 10 metres maximum height at the western and eastern boundaries and up to six metres maximum height at the northern boundary with a total berm footprint of approximately 11.3 hectares. Haul roads for construction of the berms will be in or immediately adjacent to the berm footprint.



- (7) The construction of surface water management infrastructure with discharge to the adjacent Knockharley Stream at the northern end of the permitted landfill footprint and proposed IBA cell to comprise: (i) holding pond; (ii) storm water attenuation lagoon; (iii) wetland; (iv) flood compensation culvert to provide equivalent 1:1000-year flood plain storage and (v) permitted stream diversion around permitted development.
- (8) The felling of approximately 12.5 hectares of commercial broadleaf/conifer mix plantations to facilitate the construction of the screening berms along the western boundary and to the north of the proposed IBA facility and the construction of Phase 7 (Cells 27 and 26) and the proposed northern surface water attenuation lagoon. Replanting and new planting totalling approximately 16.8 hectares is proposed at the following locations: (i) replanting over the proposed screening berms and (ii) new planting on the cap over cells 25, 26, 27 and 28 in the currently permitted landfill body.
- (9) The relocation of an existing 20kV overhead ESB powerline serving the facility administration buildings and the construction of two additional ESB substations (4.4 metres by 4.8 metres by 2.9 metres high) as follows: (i) new ESB substation and overhead ESB supply at the north-western corner of the permitted landfill footprint to serve pumps and other infrastructure and (ii) new ESB substation adjacent to proposed biological waste treatment building with ESB connection to adjacent 20kV power lines.
- (10) The extension of the existing car park for the administration area to provide 40 number additional car parking spaces.
- (11) The extension of existing permitted below ground infrastructure and the provision of additional below ground infrastructure including power, water, telemetry, leachate rising mains and drainage, together with all associated and ancillary works necessary to facilitate the proposed development at the subject site.

All on a 135.2-hectare site in the townlands of Knockharley, Flemingstown and Tuiterrath, Navan, County Meath.

## Decision

**Grant permission under section 37G of the Planning and Development Act 2000, as amended, for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

**Determine under section 37H(2)(c) the sum to be paid by the applicant in respect of costs associated with the application as set out in the Schedule of Costs below.**

## Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## Reasons and Considerations

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

- Directive 2014/52/EU amending Directive 2011/92/EU (The EIA Directive) on the assessment of the effects of certain public and private projects on the environment.
- Directive 92/43/EEC (The Habitats Directive) and Directive 79/409/EEC, as amended by 2009/147/EC (The Birds Directive) which sets out the requirements for the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.

- The National Planning Framework – Ireland 2040, which contains objectives to increase waste treatment and management capacity and a standardised approach to managing waste.
- The National Development Plan 2018 - 2027, which identifies the need to increase capacity in waste management infrastructure to meet existing and future waste management objectives.
- The provisions of the Climate Action Plan, 2019.
- The Waste Action Plan for a Circular Economy Ireland's National Waste Policy 2020 - 2025.
- The Eastern-Midlands Region Waste Management Plan 2015-2021.
- The Eastern-Midlands Region Waste Management Plan 2015-2021 - Construction & Demolition Waste Update Report 2020.
- The Eastern and Midlands Regional and Spatial Economic Strategy 2019-2031.
- The policies of the planning authority as set out in the Meath County Development Plan 2013-2019.

The following matters were also taken into consideration:

- (a) the evidence provided with regard to European, national and regional requirements for the treatment and disposal of the various waste streams, including municipal solid waste, bottom ash and construction and demolition waste,
- (b) the nature, scale and design of the proposed development, including the new IBA cells, biological treatment plant facility and associated infrastructure,
- (c) the established use of the site as a waste management facility,
- (d) the proximity of the site to the national primary road network,
- (e) the distance to dwellings and other sensitive receptors,
- (f) the design layout and landscaping of the proposed facility,



- (g) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
- (h) the submissions made in relation to the application, including those submitted at the oral hearing, and
- (i) the report and recommendation of the Inspector and the additional report to the Board by the Inspectorate Ecologist.

### **Appropriate Assessment: Stage 1:**

The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusions reached in the Inspector's report that the River Nanny Estuary and Shore Special Protection Area (Site Code: 004158) is the only European Site in respect of which the proposed development has the potential to have a significant effect.

### **Appropriate Assessment: Stage 2:**

The Board considered the Natura impact statement and associated documentation submitted with the application for permission, the mitigation measures contained therein, the submissions and observations on file, including the further information and submissions made to the oral hearing. The Board completed an Appropriate Assessment of the implications of the proposed development on the River Nanny Estuary and Shore Special Protection Area (Site Code: 004158), in view of the site's Conservation Objectives. The Board concluded that the information before it was adequate to allow for a complete assessment of all aspects of the proposed development and to allow it to reach complete, precise and definitive conclusions for the carrying out of an Appropriate Assessment.

In completing the Appropriate Assessment, the Board considered, in particular, the following:

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

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Site, having regard to the site's Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site in view of the site's Conservation Objectives and there is no reasonable doubt remaining as to the absence of such effects.

### **Environmental Impact Assessment:**

The Board completed an environmental impact assessment of the proposed development taking account of:

- (a) the nature, scale, location and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the planning application, including the further information,
- (c) the submissions received during the course of the application and at the oral hearing,
- (d) the Inspectorate Ecologist's assessment, and
- (e) the Inspector's report.





The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

### Reasoned Conclusions on the Significant Effects:

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- The main impacts on **population and human health** will arise from emissions to air during the construction and operational stages of the proposed development associated with dust, noise, emissions from operating plant and odour. It is considered that these impacts can be mitigated by the implementation of the measures set out in the Environmental Impact Assessment Report and the outline Construction and Environment Management Plan.
- Impacts on **biodiversity** within the site would not be significant and are capable of effective mitigation by the implementation of the measures set out in the Environmental Impact Assessment Report and the Natura impact statement.

The habitats that would be impacted are of low ecological value with no rare or protected plants species recorded. The streams proximate to the site suffer from poor water quality with low fisheries potential.

Faunal species, such as Otter and Badger, use the site for transient foraging but are not breeding on the site. The majority of the birds recorded are not of conservation concern and no protected birds/species of conservation interest are breeding on the site. No bat roosts were recorded. The amphibian

records identified Frogspawn which, if encountered during construction, will be relocated to similar habitat.

- Subject to the implementation of the measures set out in the Environmental Impact Assessment Report and the outline Construction and Environment Management Plan, potential impacts on **land, soil and water** will not be significant. The provision of an additional surface water management system with a four-stage treatment process will reduce the potential for impacts on water quality. The provision of flood compensation measures will reduce the potential for flooding outside the site.
- The impacts on **climate** are assessed as positive associated with the generation of renewable energy.
- Potential impacts on **landscape** will be mitigated by the provision of planted berms and replanting in accordance with a landscaping plan, which will provide a visual buffer between the landfill and sensitive receptors. Notwithstanding the increase in height of the landfill body, the overall visual impact of the proposed development will be highly localised and confined to the environs of the site.
- Potential impacts in terms of **material assets** (roads and traffic) will be mitigated during construction by the measures set out in the outline Construction and Environment Management Plan and during the operational phase by the Operational Traffic Management Plan required by condition. The increase in traffic arising from the proposed development can be accommodated without resulting in significant effects on the carrying capacity and performance of the road network.
- Potential impacts on **cultural heritage** will be mitigated during the construction stage through archaeological monitoring of ground works.

The Board was satisfied that the reasoned conclusion was up to date at the time of making the decision.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, as set out in the Environmental Impact Assessment Report, and, subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Having considered the totality of the Environmental Impact Assessment Report, the associated documentation submitted with the application, the report of the Inspector and the Inspectorate Ecologist's report, the Board concluded that any likely significant effects on the environment would be mitigated by the mitigation measures proposed by the applicant.

**Proper planning and sustainable development:**

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with European, national, regional and local planning and related policy, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not have an unacceptable impact on the landscape or ecology, would not pose a risk to water quality and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.





## CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 25<sup>th</sup> day of October, 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity

2. The mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report shall be implemented in full.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area.

3. The mitigation measures contained in the Natura impact statement submitted with the application shall be implemented in full.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of European Sites.

4. Waste to be accepted at the facility for disposal, recovery and treatment shall not exceed 440,000 tonnes per annum, comprising up to 435,000 tonnes per annum of non-hazardous waste and up to 5,000 tonnes per annum of stable non-reactive hazardous waste, subject to the following requirements:
- (a) The volume of residual municipal solid waste accepted for disposal shall not exceed 188,000 tonnes per annum, which shall be reviewed after a period of three years.
  - (b) 44,000 tonnes per annum shall be reserved as contingency capacity.
  - (c) 150,000 tonnes per annum of Incinerator Bottom Ash shall be accepted for storage pending recovery. The period of storage of this material shall not exceed five years unless otherwise agreed in writing with the planning authority.
  - (d) A maximum of 25,000 tonnes per annum of municipal solid waste fines shall be accepted for treatment at the biological treatment facility.
  - (e) Baled recyclables shall not be placed in the landfill void.
  - (f) Within three months of the date of this Order, the applicant shall submit to the planning authority, details of the overall volume and tonnage of waste which will be deposited in the landfill cells consistent with the information as contained in the application documentation.

**Reason:** To ensure that the volume of waste for disposal addresses identified capacity issues and does not discourage the expansion of other waste treatment options further up the waste hierarchy and the continued diversion of waste from landfill.

5. A comprehensive landscaping plan, prepared by a suitably qualified person, shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The plan shall include the following:

- (a) A detailed phasing scheme for tree felling on site and for the construction of the proposed berms.
- (b) An assessment of the carbon sequestration of trees to be removed on the site and details of the appropriate level of tree planting required to ensure an offset of the sequestration loss consequent to the tree removal.
- (c) Details of the proposed planting scheme which shall include details of the number, age and species to include native deciduous woodland.
- (d) Proposals for the protection of trees to be retained and for future maintenance.

**Reason:** In the interest of visual amenity.

- 6. Details of the materials, colours and textures of all external finishes to the proposed buildings shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

- 7. Working hours during the construction phase of the proposed development shall be confined to between 0800 hours and 1830 hours Monday to Friday inclusive and between 0800 hours and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be permitted in exceptional circumstances where prior written approval has been received from the planning authority.

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



8. The construction of the proposed development shall be managed in accordance with a Construction and Environmental Management Plan which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. This plan shall cover all aspects of the construction phase and incorporate measures to avoid, minimise and mitigate potential effects on the environment. The plan shall provide details of the phasing of the proposed development, intended construction practice, including hours of working, noise management measures, construction traffic management plan, surface water management plan, waste management plan and a programme for the monitoring commitments made in the application and supporting documentation during the construction period. The plan shall be updated at regular intervals.

**Reason:** In the interest of public safety and residential amenity.

9. Prior to commencement of development, the developer shall submit the following for the written agreement of the planning authority:
- (a) An operational traffic management plan with details of proposed haul routes for landfill traffic. The plan shall be subject to review as required by the planning authority and Transport Infrastructure Ireland.
  - (b) 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.
  - (c) A Stage 4 Road Safety Audit of the existing site access in accordance with Transport Infrastructure Ireland standards.

**Reason:** In the interest of traffic management and traffic safety.

10. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist on 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) in relation to the proposed development,
- (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

11. No instream works shall be carried out between the 1<sup>st</sup> day of October and the 30<sup>th</sup> day of June in any given year.

**Reason:** In the interest of nature conservation and the protection of European Sites.

12. The developer shall prepare an Invasive Species Management Plan for the written agreement of the planning authority. All plant and machinery used during the works shall be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

**Reason:** In the interest of the proper planning and sustainable development of the area.

13. The developer shall retain the services of a suitably qualified and experienced bat specialist to survey trees to be removed for the presence of bat roosts prior to commencement of development. The removal of any roosts identified shall be carried out only under licence from the National Parks and Wildlife Service.

**Reason:** In the interest of protecting ecology and wildlife in the area.

14. Artificial light sources relating to the proposed development shall be designed to avoid spillage outside the site.

**Reason:** In the interest of the proper planning and sustainable development of the area.

15. The developer shall pay a sum of money to the planning authority, either annually or in such manner as may be agreed, towards the cost of the provision of environmental improvement and recreational or community amenities in the locality. The identification of such projects shall be decided by the planning authority having consulted with the community liaison committee as provided for under the original permission (case reference number PL 17.125891) governing the development of the site. The amount of the contribution and the arrangements for payment shall be agreed between the developer and the planning authority or, in default of such agreement, shall be referred to the Board for determination. The amount shall be index linked in the case of phased payment. The developer shall consult with the planning authority in this regard prior to commencement of development.

**Reason:** It is considered reasonable that the developer should contribute towards the cost of environmental, recreational or community amenities which would constitute a substantial gain to the local community.



16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site and the delivery route upon cessation of the project, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory reinstatement of the site.

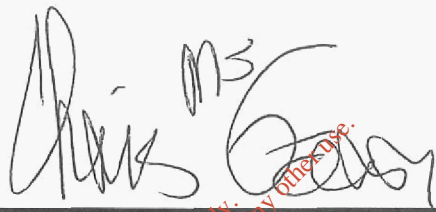
17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. 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, as amended, 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.

## Schedule of Costs

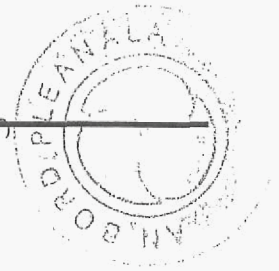
In accordance with the provisions of section 37H(2)(c) of the Planning and Development Act 2000, as amended, the amount due to be paid by the applicant to the Board is **€57,480**.

A breakdown of the Board's costs is set out in the attached Appendix 1.

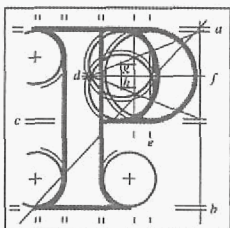


Chris McGarry

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



Dated this 30<sup>th</sup> day of April 2021



An  
Bord  
Pleanála

Board Order –  
Appendix 1  
ABP-303211-18

**Strategic Infrastructure Development**

**Cost of determining the Application**

**File Number:** ABP-303211-18

**Proposed Development:** Disposal, treatment and recovery of waste at existing landfill in the townlands of Knockharley, Flemingstown and Tuiterrath, Navan, County Meath.

**Costs incurred by An Bord Pleanála in determining the application.**

	<b>An Bord Pleanála's Costs</b>	<b>€</b>
(1)	Cost (calculated based on Inspector's time) Inspector 1 (pre-application) - € 11,609 Inspector 2 (application) - €146,718 Ecologist (application) - €3,030	€161,357
(2)	Costs invoiced to Board Sound/recording costs - €2,723	€ 2,723
(3)	Total chargeable costs	€164,080
(4)	Application Fee - €100,000 Pre-application Consultation Fee - €4,500	€104,500
(5)	Observer fees paid	€ 2,100
(6)	Net amount due to be paid by the applicant	€ 57,480



Chris McGarry

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

Dated this 30<sup>th</sup> day of April 2021

