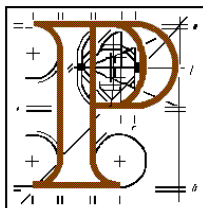


# An Bord Pleanála



## STRATEGIC INFRASTRUCTURE DEVELOPMENT

### PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

An Bord Pleanála Reference Number: 17.PA0013

(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 statement, lodged with An Bord Pleanála on the 8<sup>th</sup> day of May, 2009 by College Proteins care of Tom Phillips and Associates of 2-3 Roger's Lane, Lower Baggot Street, Dublin.

**PROPOSED DEVELOPMENT:** Construction of a biomass combined heat and power (CHP) plant and associated ash landfill facility adjacent to the existing meat rendering plant on the College Proteins site, located in the townlands of College and Rathgillen. The application site extends to approximately 19.25 hectares. The biomass CHP plant, when operating at full capacity, will be capable of processing 105,000 tonnes of biomass per annum. The proposed CHP plant has been designed to process a maximum of 52,500 tonnes per annum of meat and bone meal (MBM) and 52,500 tonnes per annum of waste organic liquids (derived from the agriculture, food and drink industries). The plant will generate some eight megawatts of electricity and will provide a net export of six megawatts for use outside the plant. The CHP plant will be housed in a single building (3,130 square metres) designed with concrete and steel structural framework and covered in metal profiled cladding. This building will house an unloading bay and fuel reception area, a fluidised bed combustion (FBC) system, a boiler system, a turbine/alternator set, a fabric filter system, a service building, and an office building. There will be an induced draught (ID) fan and a flue stack for emissions to atmosphere, approximately 40 metres in height, located outside. The proposed development also provides for two pipe connections between the existing rendering facility and the CHP plant. The new plant facility will be located to the rear (south-west) of the existing industrial plant buildings on site. The proposed process building will be approximately 96 metres in length, 36 metres in width with a ridge height of 18.4 metres. A separate, metal-profiled, clad enclosure (490 square metres) will house an air-cooled condenser immediately adjacent to the main process building. The condenser structure will be 35 metres in length, 14 metres in width and 15.2 metres in height. The

proposed ash landfill will be located in the south-western part of the application site and will be connected to the proposed process buildings by an internal access road measuring approximately 100 metres in length. The landfill will cater for non-hazardous bed ash generated in the combustion process. It will also comprise the following elements: construction of a total of seven engineered dry-storage ash cells with a total cumulative capacity of 219,398 cubic metres. These cells will be constructed and filled one at a time; a landfill runoff water lagoon; a temporary soil deposition area, a separate weighbridge and control office (57 square metres); and a dedicated wheel wash. The proposed development also includes the provision of modifications to the existing surface and foul drainage and water supply system; landscaping (including provision for a landscape restoration plan in respect of the landfill area); the demolition of an industrial building to the rear of existing plant buildings, and all other associated site works, all at College Road, Nobber, County Meath, as amended by the further information received by An Bord Pleanála on the 24<sup>th</sup> day of September, 2010 and on the 24<sup>th</sup> day of May, 2012.

## **DECISION**

**GRANT permission under section 37G of Planning and Development Act, 2000, as amended, for the above proposed development 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 the submissions and observations received by it in accordance with statutory provisions.

## **REASONS AND CONSIDERATIONS**

Having regard to:

- the European Union Regulations on Animal By-Products (No. 1069/2009 and 142/2011),

- the Guidance set out in the *Report of the Interdepartmental/Agency Committee report on Disposal Options for Meat and Bone Meal* (December 2003),
- national policies on the development of sustainable energy sources,
- the Meath County Development Plan 2013–2019,
- the location of the proposed plant at an existing rendering facility which will supply a substantial proportion of the raw material for the proposed facility,
- the requirement for the proposed facility to operate under the environmental licensing regime of the Environmental Protection Agency,
- the pattern of development and land uses in the vicinity, and the general condition of the road network in the area,
- the general suitability of the area selected for the proposed ash landfill area, including in relation to geological conditions,
- the content of the environmental impact statement and further information submissions submitted by the applicant, including environmental mitigation measures contained therein,
- the submissions and observations on file, including those made at the oral hearing, and
- the reports of the Inspector who completed the oral hearing and the report by the consultant appointed by An Bord Pleanála.

It is considered that the disposal of meat and bone meal and certain liquid waste streams in a treatment facility such as that proposed, is acceptable in principle, would provide strategic capacity within Ireland to effectively dispose of a problematic waste stream in a safe manner, and would align in a satisfactory manner with sustainable waste management policies at European, national and regional level. It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health or safety, would be acceptable in terms of traffic safety and convenience of road users, would be compatible with the protection of the groundwater and surface water resources of the area and would not seriously injure the cultural heritage or natural heritage of the area.

In coming to a decision on this file, the Board completed an environmental impact assessment including consideration and assessment of the direct and indirect effects of the proposed development on the environment, including on the factors identified in article 3 of the EIA Directive. The Board concluded that, subject to compliance with the mitigation measures proposed by the applicant and the conditions imposed in the approval, the proposed development would not have unacceptable adverse effects on the environment.

The Board completed a screening exercise, taking into account the information submitted with the environmental impact statement and application, the Inspector's report (which examined natural heritage issues) and the screening exercise carried out in the consultant's report on file, in relation to potential impacts of the proposed development on Natura 2000 sites, having regard to the nature, scale and location of the proposed development and characteristics of the relevant European sites. The Board was satisfied, on the basis of the information available, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European site.

Having regard to the acceptability of the proposed development in principle and following completion of the environmental impact assessment and screening for appropriate assessment, the Board concluded that the proposed development would 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 received by An Bord Pleanála on the 24<sup>th</sup> day of September, 2010 and on the 24<sup>th</sup> day of May, 2012, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The total quantity of material to be treated at the facility shall not exceed the following limits:

Material	Annual Maximum (tonnes)
MBM	52,500
Organic Liquids	52,500
Total	105,000

**Reason:** In the interest of clarity and orderly development.

3. The facility shall not come into operation unless and until the necessary Environmental Protection Agency licence for the facility is in place.

**Reason:** In the interest of orderly development.

4. (a) Cell number 4 of the proposed landfill shall not be developed, in accordance with the submission from the applicant received by An Bord Pleanála on the 24<sup>th</sup> day of September, 2010.
- (b) Only non –hazardous bed ash emanating from the CHP facility shall be disposed of in the landfill.

**Reason:** In the interest of clarity.

5. All materials being transported for treatment in the facility shall be transported in sealed containers or sealed vehicles.

**Reason:** To protect the amenities of the area.

6. The surface water management plan received by An Bord Pleanála on the 24<sup>th</sup> day of September, 2010 shall be updated to account for the observations of the Board's consultant (Section 3 of the report of January, 2013). The revised plan shall address any localised concerns identified and shall be submitted to the planning authority for agreement prior to commencement of development.

**Reason:** To protect the quality surface waters in the area and the amenities of the area.

7. The development shall be carried out in accordance with a comprehensive Construction Management Plan, which shall incorporate the various construction stage mitigation measures included in the environmental impact statement and further information submissions to An Bord Pleanála. A copy of the Construction Management Plan shall be submitted to the planning authority prior to commencement of construction. Particular attention shall be paid to the control of surface water emissions from the construction of the landfill area and associated infrastructure, including by means of suitable settlement and attenuation structures, so as to prevent pollution of local surface waters. The developer shall appoint a suitably qualified person to act as the Environmental Co-ordinator during the construction phase. Monthly reports shall be prepared on environmental monitoring during construction, and these shall be submitted to the planning authority as soon as they are completed.

**Reason:** In the interest of environmental protection.

8. The external lighting scheme for the facility shall be designed and implemented so as to minimise spill of light from the facility, and shall minimise the use of external lighting to that necessary for operational purposes, in particular outside main operational hours.

**Reason:** To protect the visual amenities of the area.

9. All landscaping measures, including all planting set out in the landscaping scheme proposed in the application and environmental impact statement, shall be completed within 12 months of the coming into operation of the facility.

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

10. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,
  - (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. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of localised improvements of the road surface and condition on College Road serving the site, and improvements of the bridge on the Regional Road R162 north of Nobber. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

12. The developer shall make an annual payment into a fund to provide appropriate environmental improvement projects and community facilities in the local community. The contribution to the fund shall be €1 per tonne of waste imported (from outside the overall complex at this location) for treatment at the CHP plant or €50,000 per annum whichever is the greater, and shall be paid each year for the first 10 years of operation. The fund shall be administered by the planning authority who shall establish a Community Liaison Committee to advise on appropriate local community projects to benefit from the fund. In default of agreement, details relating to the fund shall be determined by An Bord Pleanála.

**Reason:** To mitigate the impacts of the CHP plant operation on the local community and having regard to the submissions from the planning authority and the applicant in the course of the application.

In deciding not to accept the Inspector's recommendation to refuse permission the Board's considerations were as follows:

**Recommended Reason number 1:**

The Board did not agree that approval of the subject facility would conflict with the principle of increasing levels of reuse or recovery of materials (as favoured by the waste management hierarchy principles). The Board noted that incineration of Meat and Bone Meal (MBM) was a proven and safe manner of managing this waste stream, and considered that the availability of the proposed purpose built facility would provide strategic capacity to deal with on-going arisings of Category 1 MBM in Ireland. The Board accepted that Category 1 MBM arisings had reduced in recent years, and that large quantities of MBM are no longer in storage in the state. Nevertheless, it was accepted that increased rearing and slaughtering of livestock would be likely in Ireland in the coming years as a result of European Union and Irish agricultural policies. The updated European Regulations on animal by-products (number 1069/2009 and 142/2011) was not considered to create any significant shift in policy that would affect the need for the facility. The Board concluded that for the foreseeable future there will be a continued need for capacity to dispose of MBM and that, notwithstanding that other outlets (such as cement plants and power stations) might also be capable of treating this waste stream, the subject proposal would be acceptable in principle. The fact that some capacity would also be provided to treat Category 3 MBM, and other organic liquids, was not considered a reason to refuse permission. The site location adjacent to a substantial rendering facility was considered advantageous and appropriate. The recovery of energy produced in the facility (within the adjacent rendering plant and by means of electricity generation) was also seen as beneficial.

**Recommended Reason number 2:**

The Board noted the location of the proposed development in relation to Whitewood House, a protected structure, and took into consideration the relevant submissions from the applicant, observers and the planning authority. The Board examined the potential impacts of the proposed development on the character and setting of the house and its parkland setting, including potential impacts on the views along the principal avenue to and from the house. It was acknowledged that the additional stack and associated plume would be visible from certain parts of the house and grounds, and might impinge on certain views from the house and along the avenue towards the entrance. It was not considered that the additional visual intrusion would seriously detract from the character and setting of the protected structure, including the attendant grounds, or would be so detrimental as to merit a refusal of permission. The Board also considered potential impacts on designated view 19 in Appendix 12 of the current Meath County Development Plan (a view of Local Significance from the car park at Whitewood Lough) taking into consideration the submissions from the parties. It was considered that any impingement on this view from the additional stack and plume would



be minor and would not seriously injure the visual amenities of this location or be in material conflict with the development plan.

Recommended Reason No. 3:

The Board considered that the concerns raised by the Inspector in relation to potential environmental impacts had been addressed in a satisfactory manner in the further information process (further details are included in the Board Direction).

## SCHEDULE OF COSTS

In accordance with section 37H of the Planning and Development Act 2000, as amended, the Board requires the following costs to be paid by the applicant-

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To An Bord Pleanála towards the cost of determining the application	112,411
To Meath County Council as a contribution towards reasonable costs incurred in consideration of the application	17,398
To North East against Incineration as a contribution towards reasonable costs incurred in consideration of the application	Nil
To Margaret Dillon as a contribution towards reasonable costs incurred in consideration of the application	Nil
To David Horgan as a contribution towards reasonable costs incurred in consideration of the application	Nil

**Note:** A breakdown of these sums is set out in the attached Appendix.

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

**Dated this                      day of                      2013.**