



An  
Bord  
Pleanála

**Board Direction**  
**PL91.248285**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 14<sup>th</sup> March 2018 where the Board decided to grant permission for the proposed development of the Cement Works at Castlemungret generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions. At a further meeting dated 27<sup>th</sup> March the Board also determined the costs in the case, as set out below.

The Board considered the proposed developments at Castlemungret Cement Works, Castlemungret, Co. Limerick (PL91.248285) and at Platin Cement Works, Platin, Co. Meath (17.PA0050) at the same meetings held on the 14<sup>th</sup> and 27<sup>th</sup> March.

### **Reasons and Considerations**

Having regard to-

- a) The written submissions made in respect of the application and the submissions made at the oral hearing,
- b) The planning history of the site,
- c) The established nature of the existing Cement Works on the application site, the detailed nature, scale and form of the development and its location relative to nearby sensitive receptors,
- d) Mitigation measures which are proposed for the construction and operation phases of the development,

- e) The provisions of the Limerick City Southern Environs Local Area Plan 2011-2017, which has been extended to 2021 under which this site is zoned 'Industry' zoned land,
- f) The European, national and regional policy context for the development notably provided by
  - Waste Framework Directive 2008/98EC;
  - A Resource Opportunity – Waste Management Policy in Ireland, July 2012 (DECLG);
  - National Hazardous Waste Management Plan 2014-2020; and
  - Southern Region Waste Management Plan,
- g) The requirement to obtain an Industrial Emissions Licence for the proposed development from the EPA, which itself will be subject to the Commission's Implementing Decision establishing Best Available Techniques for the Production of Cement (2013/163/EU),
- h) The permitting and licensing of other cement plants within the country to incinerate alternative fuels in kilns,
- i) The mitigation measures set out in the submitted Environmental Impact Statement, as amended by additional information submissions to Limerick City and County Council and/or at the Oral Hearing
- j) The history of environmental compliance associated with the operation of the existing plant, and
- k) The report and recommendations of the Planning Inspector.

### **Appropriate Assessment**

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

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be

affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the Lower River Shannon Special Area of Conservation (Site Code: 002165) or the River Shannon and River Fergus Special Protection Area (Site Code:004077, or any other European site, in view of the sites' conservation Objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

### **Environmental Impact Assessment**

The Board considered the nature, scale and location of the proposed development, the documentation submitted with the application including the environmental impact statement, the submissions made on file, the applicant's response to submissions, the mitigation measures proposed, and the report, assessment and conclusions of the Planning Inspector. It is considered that this information was adequate in identifying and describing the direct and indirect effects of the proposed development. The Board completed an environmental impact assessment in relation to the proposed development, by itself and in cumulation with other development in the vicinity and concluded that, subject to the mitigation measures proposed, and the conditions set out below, the effects of the proposed development on the environment would be acceptable. In doing so the Board adopted the report of the Inspector appointed by the Board.

### **Conclusions on Proper Planning and Sustainable Development:**

It is considered that, subject to compliance with the conditions set out below:

- a. The proposed development is consistent with European, national, regional and local planning policy, notably the National Hazardous Waste Management Plan and the Southern Region Waste Management Plan which supports the principles of proximity and self-sufficiency in the management of waste in the State and the development of additional thermal capacity for the treatment of non-

hazardous municipal waste, industrial process waste and hazardous waste, over the period of the Plans.

- b. The proposed development is situated in an established industrial area, is reasonably removed from nearby sensitive receptors and will be subject to an Industrial Emissions licence which will control emissions to air, fugitive dust, noise and water. The proposed development will not, therefore, have any significant adverse impact on the residential amenities of adjacent properties.
- c. The proposed development comprises structures which are subordinate in scale and form to the existing structures at the Cement Works site. The proposed development will not therefore give rise to significant visual or landscape effects or indirect effects on heritage and/or tourism.

The Board concluded that the proposed development would not seriously injure the amenities of the area or of residential and other property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The proposed development shall be carried out in accordance with plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 2<sup>nd</sup> day of November 2016 and the 13<sup>th</sup> day of February 2017, and the submissions made at the Oral Hearing, 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 development shall be carried out and completed in accordance with the agreed particulars.

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

2. The period during which the development hereby permitted may be carried out shall be 7 years from the date of this order. **Reason:**  
Having regard to the nature of the proposed development, the Board considered it appropriate to specify a period of validity of this permission in excess of five years.
3. The total of Solid Recovered Fuel (sourced from Municipal Solid Waste) to be combusted at the cement works shall not exceed 30,000 tonnes per annum.

**Reason:** In order to comply with the policies of the Southern Region Waste Management Plan 2015-2021, which policies are considered to be reasonable.

4. No alternative fuels/raw materials indicated as being 'Hazardous' in the Environmental Protection Agency publication "Waste Classification – List of Waste & Determining if Waste is Hazardous or Non-hazardous" (valid from 1 June 2015), shall be combusted at the cement works. Permission is hereby granted for co-combustion of only those List of Waste codes, outlined in the additional information submission to Limerick City & County Council on the 2nd day of November 2016, which are determined to be non-hazardous, by reference to the above-mentioned EPA publication.

**Reason:** In the interest of sustainable waste management and in view of the limited experience in handling hazardous waste and limited proposed use at these cement works, in conjunction with the Board's decision to grant permission for the use of 50,000 tonnes/annum of hazardous waste at Platin, Co. Meath. The Board has decided that national capacity for self-sufficiency in terms of hazardous waste would be adequately catered for and the need for use of hazardous waste at this plant at this time was therefore not justified.

5. No unprocessed alternative fuels/raw materials shall be delivered to the cement works, and no further processing of alternative fuels/raw materials shall take place at the cement works.

**Reason:** In the interest of clarity and public health.

6. All environmental mitigation measures outlined in the Environmental Impact Statement, and as amended by additional information submissions to Limerick City and County Council and/or at the Oral Hearing, shall be implemented in full. Compliance with, and effectiveness of mitigation measures, shall be demonstrated in an annual report of compliance to the Planning Authority, which shall be made available for public inspection.

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

7. No substitution of alternative fuels/raw materials shall be carried out unless and until the necessary review of the Industrial Emissions licence for the cement works has been completed or a new licence has been granted.

**Reason:** In the interest of orderly development, the environment and public health.

8. All alternative fuels/raw materials delivered to the cement works shall be delivered in sealed containers/covered vehicles, as appropriate.

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

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interests of sustainable waste management.

10. The applicant shall maintain and make available for inspection a complaints' register for the construction, operational and decommissioning stages of the development detailing the nature of complaint, investigations and remediation undertaken.

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

11. A community liaison committee shall be established to liaise between the operator of the cement works, the planning authority and the local community. The Committee shall comprise 7 members having an independent chairperson, 2 local community representatives, 2 elected members of the planning authority, 1 officials of the planning authority and 1 representative from the operators of the cement works. The community liaison committee shall have responsibility for the administration of the community gain fund account to be set up in accordance with condition number 12 and for decisions on projects to be supported by the fund in addition to acting as a liaison committee with the local community in relation to ongoing monitoring of the operation of the cement works.

**Reason:** To provide for appropriate ongoing review of management operations at the cement works in conjunction with the local community and to provide for the allocation of resources from the community gain fund in accordance with the requirements of the local community.

12. A community gain fund shall be established to support facilities and services which would be of benefit to the community in the general catchment area. This fund shall include an annual contribution per tonne of alternative fuels/raw materials to be used at the cement works. The annual contribution shall be €1 per tonne. Details of the management and operation of the community gain fund, which shall be lodged in a special community fund account, shall be submitted to, and agreed in writing with the planning authority prior to the commencement. In default of an agreement, the details shall be determined by An Bord Pleanála.

**Reason:** It is considered reasonable that the operators of the cement works facility should contribute towards the cost of environmental, recreational or community facilities which will be of benefit to the community in the area.

13. 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.

**Note:** In deciding to grant permission for a period of 7 years instead of the 10 years proposed by the developer, the Board agreed with the Inspector that 10 years was too long but considered that 7 years instead of the 5 years proposed by the Inspector was a more appropriate period for the development to be carried out given the long lead in period and the level of infrastructure to be constructed on site.



## **Costs**

In accordance with the provisions of section 145 of the Planning and Development Act 2000, as amended, the Board also determined the costs to be paid in relation to the case, in accordance with the request for costs on the file, as follows:

- Not to award of costs to the appellant.

## **Reasons and Considerations (Costs)**

In relation to the claim for costs made by the appellant (Limerick against Pollution) having regard to the submissions made on the case by the appellant, the detailed and reasoned reports of the Board's inspector, and the Board's decision in the case, it is considered that the application process has enabled full participation by the appellant in the case both in writing and at the oral hearing and there are no particular circumstances arising that would justify the Board in directing the planning authority to make a contribution towards the costs of the appellant in this case.

**Board Member**

**Date:** 29<sup>nd</sup> March 2018

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Maria FitzGerald