



An
Bord
Pleanála

Board Direction
BD-002723-19
ABP-302447-18

Planning and Development Acts, 2000 to 2018

Planning Authority: Meath City Council

(Associated application reference number: 17.PA0026)

REQUEST received by An Bord Pleanála on the 30th day of August, 2018 from Indaver Ireland under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a strategic infrastructure development described as the Indaver Ireland waste-to-energy facility at Carranstown, Duleek, County Meath.

WHEREAS the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 4th day of February 2013, including condition no.3(1) limiting the tonnage of waste accepted for treatment at the facility to not exceed 220,000 tonnes per annum,

AND WHEREAS the Board made a decision on the 1st day of August 2014 under PM0004 to alter the terms of 17.PA0026 through the amendment of condition no.3(1) to allow for the annual tonnage of waste accepted for treatment at the facility to be increased from 220,000 tonnes to 235,000 tonnes for a temporary period until the 31st day of December 2019,

AND WHEREAS the Board has received a request to alter the terms of the development, the subject of the permission,

AND WHEREAS the requested alteration is described as follows:

The alteration to Indaver waste-to-energy installation to allow acceptance of increased tonnage from 220,000 tonnes per annum to 235,000 tonnes per annum on a permanent basis.

AND WHEREAS the Board has determined that the requested alteration would constitute the making of a material alteration to the terms of the development concerned and requested the requester under section 146B(3)(b)(i) to submit to the Board the information specified in schedule 7A to the Planning and Development Regulations 2001, as amended, in respect of the alteration,

AND WHEREAS the Board is required to make a determination under **section 146B(4)**, the Board is satisfied that the alteration requested, having regard to:

- (i) The extent and character of the alteration requested, which is significantly under the threshold in respect of Class 10 (*waste installations for the incineration or chemical treatment as defined in Annex IIA to Directive 75/442/EEC under heading D9, of non-hazardous waste with a capacity exceeding 100 tonnes per day*) of Part 1 of Schedule 5 of the Planning and Development Regulations 2001 (as amended), and which therefore does not fall within the scope of Class 21 development under the same Part relating to '*any change to or extension of projects listed in this Annex where such a change or extension in itself meets the thresholds, if any, set out in this Annex*';
- (ii) The information submitted by the applicant pursuant to schedule 7A of the Regulations, 2001, as contained in the *Environmental Report*, inclusive of the *Report for the Purposes of Appropriate Assessment Screening* appended thereto;
- (iii) The criteria set out in Schedule 7 to the Planning and Development Regulations 2001, as amended, including:
 - (a) The characteristics of the alteration requested which comprises a relatively small-scale alteration to operations from 1 January 2020 entailing c.7% increase in waste throughput, without physical modifications to the installation; the nature of emissions arising, including emissions to air and occasional indirect discharges of clean water to a drainage ditch within the catchment of the River

Nanny to water, which are governed by the provisions of the EPA IED Licence W0167-03; and the relatively low level of additional associated resource use, generation of waste residue, pollution and nuisances and additional traffic movements generated;

- (b) the location of the alteration requested within a rural landscape which has a significant presence of substantial heavy industrial operations, outside of any residential settlement, and which is rated as being of moderate sensitivity to the proposed alteration project under the Landscape Character Assessment of the Meath Development Plan 2013-2019; at a distance from any site referred to under S.146B(7)(a)(vi) and with indirect source-pathway-receptor connectivity only to Laytown Dunnes / Nanny River Estuary pNHA site code 000554 (c.8.1m downstream) and to European site River Nanny Estuary and Shore SPA (site code 004158) (c.9.1km downstream); and notwithstanding the lack of absorptive capacity of the River Nanny and the Bettystown groundwater which are of *Poor/Moderate* and *Poor* status, respectively, and *At Risk* of not meeting their WFD objectives; and
- (c) the types and characteristics of potential impacts arising from the requested alteration alone, cumulatively or in-combination, which are not considered to be significant, including by reason of the governing of, *inter alia*, emissions to air and water through the terms and conditions of the EPA IED Licence W0167-03;

would not be likely to have significant effects on the environment, including on any European site in view of their conservation objectives,

AND WHEREAS the Board is satisfied, having regard to:

- (i) the nature and scale of the requested alteration taken cumulatively with the existing waste-to-energy installation,
- (ii) the examination of environmental impact, including in relation to Natura 2000 sites, carried out in the course of that application,
- (iii) the waste policy framework context,
- (iv) the submissions and observations received,
- (v) the report and recommendation of the Board's inspector, which is adopted,

that requested alteration would not be materially contrary to the provisions of the government's waste policy under *A Resource Opportunity, Waste Management Policy Ireland* (DECLG, 2012) DECLG, or the Eastern and Midlands Regional Waste Management Plan 2015-2021 in respect of the capacity requirement for thermal recovery facilities to 2030 and would accord with the provisions of the Meath County Development Plan 2013-2019 and with the proper planning and sustainable development of the area.

NOW THEREFORE in accordance with section 146B(3)(b)(ii) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above-mentioned decision so that the permitted development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on the 30th day of August 2018.

Board Member

Date: 02/04/2019

Stephen Bohan