



An
Bord
Pleanála

Board Direction
PL17.PA0050

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14th March 2018 where the Board decided to grant permission for the proposed development at the Platin Cement Works 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 27th March the Board also determined the costs in the case, as set out below.

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

Reasons and Considerations

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

- a) The planning history of the site,
- b) The established nature of the existing Cement Works on the application site (which include use of alternative fuels in the manufacture of cement), the detailed nature, scale and form of the proposed development and its location relative to nearby sensitive receptors,
- c) Mitigation measures which are proposed for the construction and operation phases of the proposed development,
- d) The provisions of the Meath County Development Plan, 2013-2019

- e) The European, national and regional policy context for the proposed 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
 - The Eastern-Midlands Region Waste Management Plan, 2015-2021,
- f) 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),
- g) the permitting and licensing of other cement plants within the country to incinerate alternative fuels in kilns,
- h) The history of environmental compliance associated with the operation of the existing plant, and
- i) The written submissions made in respect of the application and the submissions made at the oral hearing,
- j) The report and recommendations of the Inspector.

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the European and national waste policy framework, would not seriously injure the amenities of the area, would not be prejudicial to public health and would be acceptable in terms of traffic safety. The proposed development would, therefore be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the River Boyne and River Blackwater Special Area of

Conservation (Site Code: 002299); the Boyne Coast and Estuary Special Area of Conservation (Site Code: 001957); the Clogher Head Special Area of Conservation (Site Code: 001459); the Boyne Estuary Special Protection Area (Site Code: 004080); the River Boyne and River Blackwater Special Protection Area (Site Code: 004232); and the River Nanny Estuary and Shore Special Protection Area (Site Code: 004158) are the European sites for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites in view of the Conservation Objectives for the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299); Boyne Coast and Estuary Special Area of Conservation (Site Code: 001957); Clogher Head Special Area of Conservation (Site Code: 001459); Boyne Estuary Special Protection Area (Site Code: 004080); River Boyne and River Blackwater Special Protection Area (Site Code: 004232); and River Nanny Estuary and Shore Special Protection Area (Site Code: 004158). The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular, the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, the mitigation measures which are included as part of the current proposal and the Conservation Objectives for the European Sites. In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' Conservation Objectives. In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European sites in view of the sites' Conservation Objectives.

Environmental Impact Assessment

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

- (a) the nature, scale and extent of the proposed development;
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application;
- (c) the submissions from the Planning Authority, the observers and the prescribed bodies in the course of the application and oral hearing; and
- (d) 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 application.

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

- Emissions to air, arising from the operational phase of the proposed development, will be controlled by the statutory requirement for the applicant to obtain and operate the proposed development in accordance with an Industrial Emissions licence, which will specify emission limits for all relevant parameters. Any such licence which is granted by the EPA will also have regard to the European Commission's decision on Best Available Techniques applicable to the production of cement (2013/163/EU). Monitoring of compliance with emission limit values will fall to the EPA.
- Significant impacts on the public road network can be (a) mitigated by measures to manage construction traffic, set out in section 12.6 of the Environmental Impact Assessment Report, and (b) avoided by condition, controlling haul routes for delivery vehicles (alternative fuel/raw materials).
- Impacts on biodiversity can be (a) mitigated by measures set out in sections 5.5, 6.6 and 7.5 of the Environmental Impact Assessment Report to prevent

the pollution of water bodies, and (b) avoided by the statutory requirement to obtain and operate the proposed development in accordance with an Industrial Emission licence. The effectiveness of mitigation measures can be controlled by condition. Monitoring of compliance with emission limit values will fall to the EPA.

The Board also considered that environmental benefits would arise from increased self-sufficiency and reduced waste transport from the provision of additional capacity for waste at the cement works.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that subject to the implementation of the mitigation measures referred to above, and other measures set out in the Environmental Impact Assessment Report (sections 8.5; 9.5; 10.6; 12.6; 13.5; 14.6) and subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and in combination with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

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 Eastern Midland 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.
- d. Traffic arising from the proposed development will result in a modest increase in traffic on the local road network, relative to existing levels, and, subject to compliance with conditions in respect of the management of construction and operational traffic, would not be unacceptable, therefore, in terms of traffic safety.

The Board concluded that 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, 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 they shall be made available for public inspection at the offices of the Planning Authority), or, in default of agreement, shall be referred to An Bord Pleanála for determination, and the proposed 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 proposed development hereby permitted may be carried out shall be 7 years from the date of this order. Prior to the commencement of development, the developer shall submit to the Planning

Authority for agreement a revised phasing plan for the build out of the proposed development.

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. Alternative fuels/raw materials to be used at the cement works shall not exceed 465,000 tonnes per annum, in total, as follows:

- (a) Residual Solid Recovered Fuel (sourced from Municipal Solid Waste) - 100,000 tonnes/annum (bringing the maximum allowable tonnage of SRF to 220,000 tonnes/annum).
- b) Hazardous waste – 50,000 tonnes/annum.
- (c) Other waste (as set out in Appendix 3.5 of the Environmental Impact Assessment Report) – 75,000 tonnes/annum.
- (d) Alternative raw materials – 120,000 tonnes/annum.

Reason: In order to comply with the policies of the Eastern Midland Region Waste Management Plan 2015 – 2021.

4. Use of alternative fuels and raw materials shall be limited to the waste types listed in Appendix 3.5 of the Environmental Impact Assessment Report and the description of the waste codes by fuel category (as provided in Table H.2 in submission no.18 to the oral hearing).

Reason: In the interest of orderly development and the environment.

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. (i) Prior to the commencement of development, and annually thereafter, the developer shall submit to the Planning Authority for written agreement, a Management Plan for the Delivery of Alternative Fuels and Alternative Raw Materials to the site, to include:

- a. Type and quantity of alternative fuels/raw materials to be used in the forthcoming year by type (Solid Recovered Fuels, hazardous waste, other waste and alternative raw materials) and by List of Waste code source of material,
- b. Anticipated traffic volumes and proposed haul routes for each source location.
- c. Delivery dates,
- d. Entry and exit times,
- e. Vehicles weight,
- f. Vehicle registration, and
- g. After year 1, an annual report on the agreed Management Plan.

(ii) The number of daily trips shall not exceed the maximum daily trips presented in Table 12.8 of the Environmental Impact Assessment Report, Volume 2, Main Report.

(iii) Haul routes shall minimise HGV movements through the villages of Duleek, Donore and Julianstown.

Reason: To protect the public road network, to clarify the extent of the permission in the interest of traffic safety and orderly development and in the interest of the amenities of the area.

7. All environmental mitigation measures outlined in the Environmental Impact Assessment Report (as set out in Sections 5.5; 6.6; 7.5; 8.5; 9.5; 10.6; 12.6; 13.5; 14.6), as amended by the additional information submitted 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. The Planning Authority shall make the annual report available for public inspection.

Reason: In the interest of environmental protection.

8. No substitution of alternative fuels/raw materials, forming part of this proposed development, 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 granted.

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

9. All alternative fuels/raw materials to be 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.

10. 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 interest of sustainable waste management.

11. The developer shall maintain and make available for inspection on site a complaints' register for the construction, operational and decommissioning stages of the proposed development detailing the nature of complaint, investigations and remediation undertaken.

Reason: In the interest of amenity and orderly development.

12. The developer shall complete before and after surveys of the condition of the road network affected by the proposed development (as indicated Figure 5 of submission no. 9 to the oral hearing). A proposal for the before and after surveys in line with a revised phasing plan for the build out of the proposed development required as condition no.2 of this order, and for on-going monitoring, shall be submitted to, and agreed in writing, with the Planning Authority prior to the commencement.

Reason: To protect the public road network and to clarify the extent of the permission in the interest of traffic safety and orderly development.

13. 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 official of the Planning Authority and 1 representative from the operations 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 14 of this order 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.

14. 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 (excluding 120,000 tonnes of Solid Recovered Fuel previously permitted under SA/803066) 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 of development. In default of 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.

15. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public roads which may be damaged by the transport of materials to the site (as indicated Figure 5 of submission no. 9 to the oral hearing), coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion

or maintenance of any part of the development. 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 completion and maintenance of the development until taken in charge.

16. The developer shall pay the sum of €154,000 (one hundred and fifty-four thousand euro) (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), to the Planning Authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of in respect of upgrading of the public road (L5613/R152), facilitating the proposed development. This contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate. The application of indexation required by this condition shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

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.

Note: The Board did not consider it either appropriate or necessary to include a condition curtailing the lifespan of the cement facility having regard to the long lead in required to deliver such facilities and the availability of other policy instruments to control waste flows in the future should the need arise.

Costs

In accordance with the provisions of section 37H(2)(c) 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 summary form on the costs file, as follows:

- Refund to An Bord Pleanála: €6,862
- No claim received from Meath County Council
- Not to award costs to the observer.

Reasons and Considerations (Costs)

In relation to the claim for costs made by the observer (North East Association of Environmental Groups) having regard to the submissions made on the case by the observers, the detailed and reasoned reports of the Board's inspector, and the Board's decision in the case, it is considered that the Strategic Infrastructure Development application process has enabled full participation by the observers in the case both in writing and at the oral hearing and there are no particular circumstances arising that would justify the developer having to make a contribution towards the costs of the observers in this case.

Board Member

Date: 29th March 2018

Maria FitzGerald