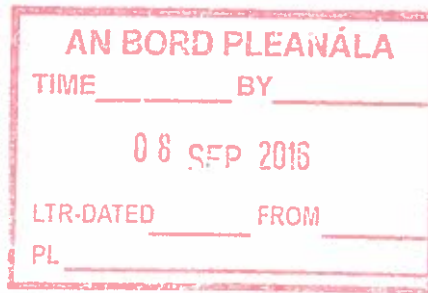




**Brady Shipman
Martin.**

**Built.
Environment.**

Mr Kieran Somers
Executive Officer
An Bord Pleanála
64 Marlborough Street
Dublin 1



ABP Ref.: 17.PC0221

Date: 8th September 2016

Re: Consultation under Section 37B of the Planning and Development Act, as amended, in respect of a proposed use of alternative fuels development by Irish Cement Limited at Platin Cement Works, County Meath.

Dear Mr. Somers,

In relation to the pre-application consultation meeting and our receipt from you of a copy of the written record of the meeting of the 19th July 2016, we have a few of comments on the record, which we would ask be corrected / removed:

1. Second paragraph, third sentence, under 'Presentation by the prospective applicant' (page 3 of 7). Irish Cement would ask that this sentence be removed in full for reasons of commercial sensitivity.
2. Third paragraph, second sentence, under 'Presentation by the prospective applicant' (page 3 of 7) states:

'It said that it effectively has planning permission to produce three million tonnes of cement per year and that the facility is one of the most modern of its type in Europe.'

While we accept that 3 million was stated in the discussion, the actual permitted quantity is *2.8 million tonnes of cement*, which we would like corrected to avoid having an error in the record.

As noted in the **Conclusion** of the record of the meeting the applicant accepted the Board's offer to make a further written submission with regard to why it believes this application does not come within the definition of SID development. This further written submission is made up of the attached legal opinion (4 no. copies attached to this letter) of Senior Counsel, which supports the interpretation that the proposed development is not strategic infrastructure development within the meaning of the Seventh Schedule to the Planning and Development Act 2000 as amended, together with the following additional submission.

Additional Written Submission

Platin Cement Works, today – with or without the proposed development the subject of this pre-application consultation process – is a facility for the sole purpose of the manufacture of cement and cement-related products.

Therefore, all development on site, and all proposed development on site, comprises and/or is for the purpose of the manufacture of cement and cement-related products.

This is important to the consideration of the proposed development and the seventh schedule. We contend that the intent or role of the proposed development is at the heart of the meaning of the seventh schedule, where the third indent of category number 3, under the heading Environmental Infrastructure, states:

'Environmental Infrastructure

...

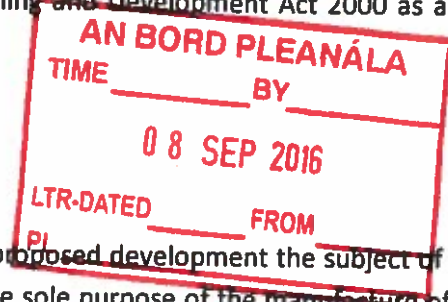
3. – Development comprising or for the purposes of any of the following:

...

– an installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes.' (underline added for emphasis)

It is clear that the use of the word 'for' in the indent above is unambiguous where the purpose and intent of the proposed development is the key consideration. In this way the language of the seventh schedule stipulates that to be considered under the meaning of strategic infrastructure development on the seventh schedule, the purpose of the proposed development must be an installation for the disposal, treatment or recovery of waste.

By contrast, and irrespective of the fuel used in operating the cement plant, we contend that the proposed development cannot be considered an installation for the disposal, treatment or recovery of waste, as without the manufacture of cement the development would have no purpose. For the reasons as set out above, as set out in our original submission, and as set out in detail in the



attached legal opinion, we believe that the proposed development does not fall within the meaning of strategic infrastructure development as set out in the Seventh Schedule of the Planning and Development Act 2000, as amended.

Please do not hesitate to contact me should you require further information or clarification.

Yours sincerely,

Thomas Breen.

Brady Shipman Martin

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(with attachment)

