

Planning and Development Acts, 2000 to 2021

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 Assessment Report and Natura Impact Statement, lodged with An Bord Pleanála on the 25th day of June, 2020 by Indaver Ireland of The Highline, 1st Floor, Baker's Point, Pottery Road, Dún Laoghaire, County Dublin.

Proposed Development: 10-year planning permission comprising further development within the existing Carranstown site on a 9.9-hectare of the following:

- Increase in the amount of hazardous waste accepted at the facility for treatment in the waste to energy plant from the current permitted 10,000 tonnes per annum (tpa) up to a maximum of 25,000 tpa.
- Increase the annual total waste accepted at the site for treatment in the waste to energy facility from the current permitted 235,000 tpa to 250,000 tpa.
- Development of an aqueous waste tank farm (up to 625 square metres) and unloading area (up to 310 square metres) including: one by 20 cubic metres (up to eight metres high above ground) and three by 300 cubic metres storage tanks (up to 25.5 metres high above ground) in a bund (up to 320 square metres), a single-bay tanker loading area, ancillary equipment area complete with paved areas, gantries, piperacks and stairs; and an upgrade of the existing unloading area to a three-bay tanker unloading area complete with gantries, piperacks and stairs.

- Development of a 10-megawatt hydrogen generation unit, single storey, up to 810 square metres and 12.7 metres high above ground, complete with on-site vehicular access road, tanker loading area (for mobile hydrogen transport applications and other potential uses), 100 cubic metre hydrogen storage tank and connection to the natural gas distribution network.
- Development of a bottom ash storage building up to 1,525 square metres and 14.5 metres high above ground for the storage of up to 5,000 tonnes of bottom ash currently produced on site.
- Additional waste acceptance capacity and infrastructure (two by 200 cubic metres and one by 100 cubic metres tanks located inside the existing main process building and a concrete area for tanker unloading of up to 300 square metres located outside) to accept up to 30,000 tpa (bringing the site total to 280,000 tonnes per annum) of third-party boiler ash and flue gas cleaning residues and other similar residues for treatment in the existing ash pre-treatment facility on site.
- Development of a single storey warehouse up to 277 square metres and 10 metres high above ground, a single storey workshop up to 182 square metres and 10 metres high above ground with an office mezzanine level of up to 40 square metres, and a two-storey emergency response team (ERT)/office building up to 127 square metres (per storey) and 10 metres high to support existing maintenance activities on the site.
- Development of a new concrete yard (up to 2,200 square metres) complete with an underground stormwater attenuation tank of up to 146 cubic metres for vehicular access and parking area (up to 530 square metres) for up to 10 trucks, tankers or containers on the site.
- Demolition and re-building of an existing single storey modular office building on site with a slightly increased footprint totalling up to 615 square metres and five metres high above ground.
- Other miscellaneous site upgrades including: provision of a weather canopy up to 210 square metres and 12.5 metres high adjacent to the existing pre-treatment plant; weather canopy to a truck maintenance bay up to 75 square metres and six metres high; alterations to the hardstands and approach roads to the tipping hall (up to 1,100 square metres); provision of a concrete

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hardstand adjacent to the aero condenser structure (up to 250 square metres); site road widening in the vicinity of the proposed tanker unloading area to improve vehicle manoeuvring (up to 165 square metres); extension (increase in length of 25 metres), reconfiguration (increase in height of up to seven metres) and landscaping of two berms on site to improve visual screening characteristics; repurposing of the existing temporary trailer park to a dedicated, permanent contractor's compound (up to 5,350 square metres) complete with fencing (up to 2.5 metres high), vehicle access, personnel site access and welfare facilities (up to 45 square metres and 4.5 metres high) and a new dedicated sewage treatment unit; a permanent personnel access route from the existing main process building to the proposed modular office building, hydrogen generation unit and the contractor's compound via footpaths, security turnstile unit and a concrete staircase (up to 75 square metres); 32 new car parking spaces for staff and contractors in the existing car park area (up to 350 square metres), as amended by the further plans and particulars received by the Board on the 4th day of June, 2021.

All on the existing Carranstown site in the townland of Carranstown, Duleek, County Meath.

Decision

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

Reasons and Considerations

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

European legislation and policy, including of particular relevance:

- Directive 2014/52/EU amending Directive 2011/92/EU (EIA Directive).
- Directive 92/43/EEC (The Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives).
- Directive 2018/851 amending Directive 2008/98/EC (Waste Framework Directive).
- Directive 2010/75/EU (Industrial Emissions Directive).
- Closing the loop – EU Action Plan for the Circular Economy (COM/2015/0614).
- EU Hydrogen Strategy – A hydrogen strategy for a Climate Neutral Europe (COM/2020/301).

National legislation and policy, including of particular relevance:

- National Planning Framework – Ireland 2040, which supports the development of hazardous waste management facilities to avoid the need for treatment elsewhere.
- National Development Plan 2021-2030, which supports the provision of additional capacity in waste to energy facilities including for hazardous waste.

- A Waste Action Plan for a Circular Economy – Ireland’s National Waste Policy 2020-2025, which supports the development of adequate and appropriate treatment capacity at indigenous facilities.
- National Hazardous Waste Management Plan 2014 – 2020 and associated documentation which highlight the need for increased self-sufficiency in the treatment of hazardous wastes.
- Climate Action Plan, 2021, which notes Ireland’s success in diverting waste from landfill.

Regional planning and related policy, including:

- Eastern-Midlands Region Waste Management Plan 2015-2021 and, in particular, policies E15a and E16, which supports the development of additional thermal recovery capacity for non-hazardous and hazardous waste.

The local planning policy including:

- Meath County Development Plan 2021-2027, including INF OBJ 59 to ensure that waste management facilities are appropriately managed and monitored.

The following matters:

- (a) The nature of the proposed development, including the intake of additional hazardous waste.
- (b) The established nature of the existing licenced waste to energy facility, which is authorised to accept hazardous wastes.
- (c) The environmental benefits arising from the proposed development of a bottom ash storage building and the aqueous waste tank farm and their role in facilitating appropriate treatment and recovery of wastes.
- (d) The production of hydrogen, which results in a beneficial use of electricity which would otherwise be lost through curtailment.
- (e) The need for operator flexibility, which it is considered is established.
- (f) The design, layout and landscaping of the proposed development.

- (g) The increased traffic predicted in the construction and operation of the proposed development.
- (h) Existing and emerging policy provisions relating to the Leinster Orbital Route having regard also to the current use and layout of the overall site.
- (i) The stated purpose of the proposed offices which is related to the operation of the facility.
- (j) The range of proposed mitigation measures set out in the submitted documentation lodged, including the further information response received by the Board on the 4th day of June, 2021, the Environmental Impact Assessment Report, and the Natura Impact Statement incorporating Appropriate Assessment screening.
- (k) The submissions made in relation to the application.
- (l) The report and recommendation of the Inspector and the Board's consultant.

Appropriate Assessment: Stage 1:

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 River Boyne and River Blackwater Special Protection Area (Site Code: 004232), the Boyne Estuary Special Protection Area (Site Code: 004080) and the River Nanny Estuary and Shore Special Protection Area (Site Code: 004158) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, the response to the further information request received on the 4th day of June, 2021 and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299), the River Boyne and

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River Blackwater Special Protection Area (Site Code: 004232), the Boyne Estuary Special Protection Area (Site Code: 004080) and the River Nanny Estuary and Shore Special Protection Area (Site Code: 004158) in view of the sites' Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the Conservation Objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the screening and the appropriate assessment carried out in the Inspector's report in respect 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, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' Conservation Objectives.

Environmental Impact Assessment:

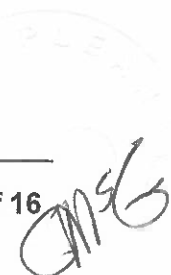
The Board completed an environmental impact assessment of the proposed development taking account of:

- (a) the nature, scale, location and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application, including the further information received by the Board on the 4th day of June, 2021,
- (c) the submissions received from the prescribed bodies and third parties, and
- (d) the Inspector's report and the report of the Board's consultant.

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 would be mitigated, as follows:

- Significant construction phase impacts on the public road network and the environment can be mitigated by measures to minimise air and noise emissions and to manage construction traffic, as set out in the Environmental Impact Assessment Report, and subject to the implementation of a Construction Environmental Management Plan incorporating a Construction Traffic Management Plan.
- Positive environmental impacts on material assets during the operational phase by the increase in national capacity to treat hazardous waste and reduce dependency on export.
- Positive impacts on climate from the use of electricity generated on site for the production of hydrogen, which will assist in the transition to a low carbon circular economy.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, and, subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable.

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Proper planning and sustainable development:

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with European, national, regional and local planning, transportation, waste and related policy, would not have an unacceptable impact on the environment, including water and ecology, would not seriously injure the visual or residential amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. 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, as amended by the further plans and particulars submitted to An Bord Pleanála on the 4th day of June, 2021, 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 the commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matters in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The period during which the proposed development hereby permitted may be carried out shall be ten years from the date of this Order.

Reason: Having regard to the nature and extent of the proposed development, the Board considered it appropriate to specify a period of validity of this permission in excess of five years.

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3. Waste to be accepted at the facility shall not exceed a total of 280,000 tonnes per annum as follows:
- an additional 15,000 tonnes per annum of waste for treatment, which may be hazardous waste, and
 - up to 30,000 tonnes per annum of third-party boiler ash and flue gas clearing residues and other residues for pre-treatment.

Reason: In the interest of clarity and to ensure compliance with policy provisions.

4. The mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report shall be implemented in full.

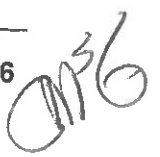
Reason: In the interest of clarity and the proper planning and sustainable development of the area.

5. The mitigation measures contained in the Natura Impact Statement submitted with the application shall be implemented in full.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of European Sites.

6. (a) The construction of the proposed development shall be managed in accordance with a Construction and Environmental Management Plan (CEMP) which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

(b) The CEMP shall:

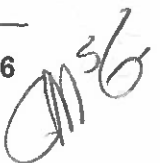


- cover all aspects of the construction phase and incorporate measures to avoid, minimise and mitigate potential effects on the environment,
 - incorporate a Construction Traffic Management Plan,
 - incorporate a Waste Management Plan,
 - incorporate measures to prevent the introduction and spread of non-native invasive species,
 - incorporate measures to deal with and respond to incidents, and
 - be otherwise in accordance with the requirements of the planning authority.
- (c) The implementation of the CEMP shall be in accordance with a programme of monitoring commitments which shall be incorporated in the plan and which shall include surface water monitoring.
- (d) The plan shall be updated at regular intervals.
- (e) A complaints register shall be maintained during the construction stage.

Reason: In the interest of public safety and residential amenity.

7. Save where strictly necessary, and subject to obtaining the prior written agreement of the planning authority, no HGV traffic associated with the construction or operation phase of the proposed development shall pass through Duleek.

Reason: In the interest of clarity.



8. Save where otherwise agreed with the planning authority, the following shall be reviewed for incorporation in the detailed design:

- The developer shall design the tank farm catering for the fire case scenario as part of the design criteria, including the provision of adequately sized emergency relief venting and any other safety measures deemed appropriate to mitigate risk.
- The recommendations of the HAZID&RA Team, which are presented in Appendix 4 of Appendix 17.1 of the Environmental Impact Assessment Report, particularly with respect to the fire water retention study.

Reason: In the interest of the protection of the environment.

9. Surface water management shall be in accordance with the detailed requirements of the planning authority.

Reason: To ensure a proper standard of development and in the interest of water quality and the management of surface water.

10. A comprehensive landscaping plan, prepared by a suitably qualified person, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

11. Details of the materials, colours and textures of all external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

12. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist on 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 operations (including hydrological and geotechnical investigations) in relation 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 materials which the planning 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.

13. Trees and hedgerows shall not be removed during nesting season in accordance with the Wildlife Act 1976, as amended.

Reason: In the interest of biodiversity.



14. The developer shall pay a contribution to the planning authority, either annually or in such manner as may be agreed, towards the cost of the provision of environmental improvement and recreational or community amenities in the locality. The identification of such projects shall be decided by the planning authority having consulted with the community liaison committee as provided for under condition number 6 of the original permission (case reference number PL 17.126307) governing the development of the site. The amount of the contribution, which shall be based on a payment per tonne of waste accepted for treatment at the site on foot of this permission, and the arrangements for payment shall be agreed between the developer and the planning authority or, in default of such agreement, shall be referred to the Board for determination. The amount shall be index linked in the case of phased payment. The developer shall consult with the planning authority in this regard prior to the commencement of development.

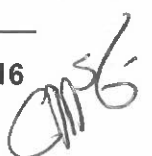
Reason: It is considered reasonable that the developer should contribute towards the cost of environmental, recreational or community amenities which would constitute a substantial gain to the local community.

15. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site and the delivery route upon cessation of the project, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. 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 reinstatement of the site.

16. 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 planning authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. 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.

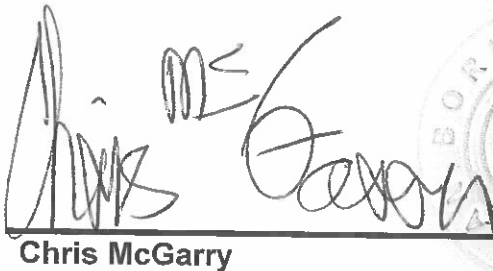
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

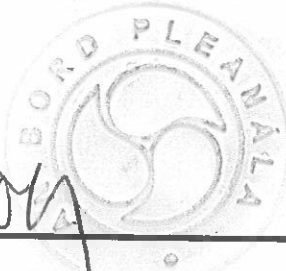
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Schedule of Costs

In accordance with the provisions of section 37H(2)(c) of the Planning and Development Act 2000, as amended, the amount due to be recouped from the applicant is **€8,650**.

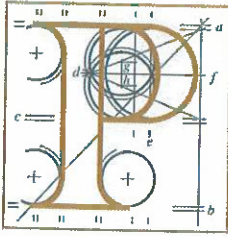
A breakdown of the Board's costs is set out in the attached Appendix 1.


Chris McGarry



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

Dated this 30th day of March 2022



An
Bord
Pleanála

**Board Order –
Appendix 1
ABP-307433-20**

Strategic Infrastructure Development

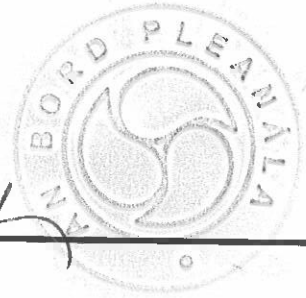
Cost of determining the Application

File Number: ABP-307433-20

Proposed Development: Increase in annual total waste for treatment from 235,000 tonnes to 250,000 tonnes, increase in amount of hazardous waste from 10,000 tonnes to 25,000 tonnes and all ancillary works at Carranstown, Duleek, County Meath.

Costs incurred by An Bord Pleanála in determining the application.

	An Bord Pleanála's Costs	€
(1)	Cost (calculated based on Inspector's time) Inspector 1 (pre-application) - €4,410 Inspector 2 (application) - €87,955 Consultant (application) - €17,435	€109,800
(2)	Total chargeable costs	€109,800
(3)	Application Fee - €100,000 Pre-application Consultation Fee - €1,000	€101,000
(4)	Observer fees paid	€150
(5)	Net amount due to be recouped from the applicant	€8,650



Chris McGarry

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

Dated this *3rd* **day of** *March* **2022**