



An
Bord
Pleanála

Record of 3rd Meeting ABP-304428-19

Case Reference / Description	ABP-304428-19 Integrated waste management facility at Hollywood Great, Nag's Head, Naul, Co. Dublin.		
Case Type	Pre-application consultation		
1st / 2nd / 3rd Meeting	3 rd		
Date	05/12/19	Time	11.30 - 13.00

Attendees
Representing An Bord Pleanála
Anne Marie O'Connor, Assistant Director of Planning
Breda Gannon, Senior Planning Inspector
Ellen Morrin, Senior Administrative Officer
Kieran Somers, Executive Officer
Representing the Prospective Applicant
Cian O'Hora, IMS
Leah Kenny, RPS
Paul Chadwick, RPS
Des Johnson, Planning Consultant

Introduction:

The Board referred to its previous meeting with the prospective applicant of the 14th October, 2019. In relation to the record of this meeting, the Board enquired as to whether the prospective applicant had any comments to make. The prospective applicant replied that it had no comments to make on this.

The prospective applicant undertook to address the main issues which were raised at the previous meeting. It said that it has received preliminary legal opinion which advised that Fingal County Council was the appropriate authority to grant an extension of time and that the said extension remains extant. The prospective applicant also said that the permission granted in June 2011 under case reference number PA0018 also remains extant according to its legal opinion; this latter permission the prospective applicant noted provides for landfilling up to the year 2036. Based on the said legal opinion, the prospective applicant expressed its intention to lodge a new application to the Board pursuant to section 37E of the Planning and Development Act 2000, as amended.

Presentation by the prospective applicant:

The prospective applicant recapped on the nature and extent of the proposed development. As regards site location, it said that the subject site is located in North County Dublin in close proximity to the M1. The subject site is a former quarry which ceased operations in the 2000s and is accessed via the M1 and the local road network. The prospective applicant said that the subject site is essentially rural in nature with some residential properties along the local road network. The site is located in a high amenity landscape and the prospective applicant noted that previous permissions have included conditions for the eventual reinstatement of the site.

The current site layout was set out by the prospective applicant. It noted that inert waste (soil and stone) has been accepted for landfilling to date and that some cells have been filled and capped and will be seeded and returned to agricultural use.

A planning application was made to Fingal County Council for a continuation of the in-filling of the former quarry for a further 15-year time period. At the present time,

this is the subject of a third-party appeal to the Board under case reference number ABP-305832-19.

It is stated that the extant EPA licence has not been exhausted as this provides for the intake of certain contaminated waste materials. The first EPA licence for the subject site was granted by the Agency in 2003 and quarrying activities ceased circa 2007/2008. A 2007 planning permission increased the per annum tonnage from 340,000 tonnes to 500,000 tonnes and the 2011 permission (PA0018) allowed for a diversification of waste types to be accepted at the facility. The prospective applicant also noted that, under the current proposal, a new waste licence will be required from the Agency.

With regard to the instant proposal, the prospective applicant said that the planning application will be for a 25-year permission to develop fully-lined and engineered landfill cells for a mixture of hazardous, non-hazardous and inert wastes at a rate of 500,000 tonnes per annum. The proposed development will also include the construction of a new facility entrance, an administration office building, a storage building for the temporary storage of IBA waste and an ESB substation. The prospective applicant provided an estimated volume of the three waste streams and referred in particular to the lower volume of hazardous waste now being proposed. Referring to the EPA's previous refusal for a waste licence in 2016 on the basis of effects on groundwater, the prospective applicant said that asbestos represented a stable non-reactive hazardous waste which poses no risk to groundwater. It noted for the record that it would be taking in all such material in the State (20,000 tonnes per annum) and that this requirement has been identified in the National Hazardous Waste Management Plan 2014-2020.

The prospective applicant set out the nature of the site post-construction and pre-operations. It said that the proposed storage building for the maturation of waste will be eventually dismantled and taken off the site once in-filling is completed. With regard to the proposed leachate tanks, the prospective applicant said that no on-site treatment of leachate will take place. The prospective applicant also provided a

layout of the site post-restoration. It said that the eventual plan would be to restore the entire site to a greenfield status.

Discussion:

The following matters were discussed:

- **Preliminary View:** The Board's representatives said that its preliminary view is that the proposed development would be SID. It also expressed its opinion that a new application appears to be a sensible approach.
- **Policy & Need:** The Board said that the policy context and need for the project should be clearly set out. In a general sense, the Board reiterated the need for as much clarity as possible on matters such as the planning history of the site and previous waste licences. The Board's representatives also advised of the need to be clear with regard to the matter of asbestos and where this requirement is listed in the National Hazardous Waste Management Plan 2014-2020.
- **Planning history:** Noting the complex history which pertains to the subject site, the Board's representatives emphasised the importance of setting out the historical chronology for various planning applications and waste licences as clearly as possible in any planning application.
- **Duration of permission:** In relation to any forthcoming planning application, the Board advised the prospective applicant that it would be important to distinguish between the duration of the planning permission being sought (i.e. 5 or 10 years) and the lifetime of operations (i.e. 25 years). The prospective applicant noted this latter point and said that this would be made clear in the subsequent planning application.
- **Environmental Impact Assessment/ Appropriate Assessment:** An EIAR and NIS will be prepared and submitted with the application. The Board advised that the EIAR for the planning application and that for the waste licence application should be the same.
- **Hydrogeology:** Having regard to the history on the site, the potential impact on hydrogeology and protection of ground water resources will be a significant issue in the consideration of an application for development. All issues raised

in the EPA's reasons for refusing the previous waste licence application must be fully addressed. The prospective applicant concurred with the need to fully address this issue and pointed to the nature of the proposed hazardous waste and the results of extensive site and hydro-geological investigations carried out in preparation for the application. It noted in this regard that Volume IV of the EIAR to accompany the planning application will be dedicated to hydrogeological assessment.

- **Biodiversity:** With respect to biodiversity, the prospective applicant said that the subject site has a relatively low ecological sensitivity. It noted that a Peregrine Falcon Management Plan is currently in place although the species is not a Qualifying Interest under the Rogerstown Estuary SPA. Notwithstanding this fact, the prospective applicant confirmed that an NIS will be submitted with the planning application. The prospective applicant confirmed that the NPWS is aware of the presence of the Peregrine Falcon and that it made an observation on this with regard to the current planning application which is on appeal to the Board. The Board underlined the importance of addressing fully the impacts on the Peregrine Falcon, supported by surveys and scientific information. Any potential relationship with the conservation objectives of a European site should also be explored in detail in order to support the omission of the species from the NIS to be prepared.
- **Traffic and transportation:** The prospective applicant noted that this planning matter has been a particular concern for Fingal County Council. It said that it has calculated that the proposed development would add 152 additional HGV movements per day. There are approximately 10 – 20 residential dwellings located on the proposed haul route, many of which are agricultural dwellings. The prospective applicant also advised that Fingal County Council had requested a road safety audit to be carried out under a condition attached to the permission pertaining to register reference number F19A/0077.
- **Cultural heritage:** The prospective applicant said that this will be addressed in the EIAR. It noted that the surrounding area is one rich in cultural heritage, but this does not apply to the subject site.

- **Landscape and visual impact:** The prospective applicant said that it has assessed viewpoints and prepared photo montages of what the quarry looks like at present and how it will appear once reinstated. Noting this, the Board's representatives suggested that it might also be useful to reflect the intermittent period when the quarry is being in-filled. The Board's representatives also suggested that cross sections would be useful.
- **Consultations:** The prospective applicant provided the Board with an update on consultations which are on-going. It said its intention would be to revert back to relevant prescribed bodies once the Board has indicated its opinion on the appropriate mechanism for planning consent.

Conclusion:

The Board's representatives said that a further meeting would not be required and it confirmed to the prospective applicant that a formal SID determination is normally reached within four weeks of closure of the process. The closure of a pre-app consultation must be made in writing. The prospective applicant noted this and said that it would hold a further meeting with Fingal County Council prior to requesting closure to the process.

As regards the possibility of an oral hearing, the Board said that there is a presumption towards the holding of an oral hearing on this type of case, but it advised the prospective applicant that it should not absolutely rely on this. The holding of an oral hearing is ultimately at the discretion of the Board and can be predicated on the complexity of issues involved as well as the level of public participation.

The record of the meeting will issue in due course and this will include a copy of the relevant procedures for making a SID application to the Board.

Anne Marie O'Connor
Assistant Director of Planning