



An
Bord
Pleanála

Record of 1st Meeting ABP-304735-19

Case Reference / Description	ABP-304735-19 Proposed inert landfill and construction and demolition waste recovery facility at Ballinclare, Kilbride, Co. Wicklow.		
Case Type	Pre-application consultation		
1st / 2nd / 3rd Meeting	1 st		
Date	13/11/19	Time	11.30- 12.30

Attendees
Representing An Bord Pleanála
Anne Marie O'Connor, Assistant Director of Planning (Chair)
Breda Gannon, Senior Planning Inspector
Josephine Hayes, Senior Executive Officer
Kieran Somers, Executive Officer
Representing the Prospective Applicant
Fergus Gallagher, Kilsaran Concrete
Derek Luby, SLR Consulting

Introduction:

The Board referred to the letter received from the prospective applicant requesting pre-application consultations and advised the prospective applicant that the instant meeting essentially constituted an information-gathering exercise for the Board; it also invited the prospective applicant to outline the nature of the proposed development and to highlight any matters it wished to receive advice on from the Board.

The Board mentioned general procedures in relation to the pre-application consultation process as follows:

- The Board will keep a record of this meeting and any other meetings, if held. Such records will form part of the file which will be made available publicly at the conclusion of the process. The record of the meeting will not be amended by the Board once finalised, but the prospective applicant may submit comments on the record which will form part of the case file.
- The Board will serve notice at the conclusion of the process as to the strategic infrastructure status of the proposed development. It may form a preliminary view at an early stage in the process on the matter.
- A further meeting or meetings may be held in respect of the proposed development.
- The Board may hold consultations in respect of the proposed development with other bodies.
- The holding of consultations does not prejudice the Board in any way and cannot be relied upon in the formal planning process or any legal proceedings.

Presentation by the prospective applicant:

The prospective applicant began by introducing itself and providing a background regarding its business which is mainly in the production of materials for the construction industry in Ireland and the UK. The prospective applicant noted that it has recently commenced partial backfilling and restoration of a small number of pits/quarries using imported inert soil waste.

With regard to the instant proposal, the prospective applicant said that Ballinclare Quarry was acquired by it in 2014. The said quarry was operated up until June 2016

when small quantities of Naturally Occurring Asbestos (NOA) were identified in the bedrock. Quarrying operations effectively concluded as a result of this as the site was not viable for extractive purposes. A review was carried out following this to examine the feasibility of a range of potential backfilling and restoration options; arising from this, the prospective applicant elected to backfill and restore the quarry void with imported inert waste (principally soil) and to operate an inert waste landfill. It was also decided to establish and operate a construction and demolition waste recovery facility.

In response to the Board's query as to the necessity for the clay liner at the base and sides of the proposed landfill, the prospective applicant said that it was cognisant of increased regulation and the requirements of the EPA. The prospective applicant said that it was essentially future-proofing the project having regard to future restrictions which will likely be required by the Agency. It confirmed that the bulk of inert material to be backfilled will be made up of soil and stone with some small levels of naturally-occurring contaminants. It also clarified for the record that all such inert material to be backfilled will come from the construction sector and that the facility will be licenced and will not be an Article 27 facility (namely, that the material to be accepted at the proposed development will be waste and not deemed to be a by-product).

The prospective applicant set out the location for the proposed development; the existing Ballinclare Quarry is located 2.5 kilometres north-west of Kilbride and 2.5 kilometres south-west of Glenealy. The surrounding land use was also referred to by the prospective applicant; this includes residential dwellings, Kilmacurragh Gardens, Gleanealy Woods pNHA and Deputy's Pass SAC.

The existing site layout was set out by the prospective applicant; the proposed landfill footprint was highlighted with an existing floor level of circa 37mOD. Facilities and infrastructure, such as a weighbridge and site office, are already in place on the site and will not require planning consent. Access to the site is via the Local Road L113 and there is no proposed change to such access arrangements. The prospective applicant said that it expects a high percentage of delivery traffic to emanate from the Dublin area. In response to the Board's query on the matter, the prospective applicant said that the quarry to the south of the subject site is no longer in operation. In response to the Board's question on the matter of asbestos, the prospective applicant said this would not cause any problems going forward with the

proposed development as asbestos only has environmental implications when it becomes airborne; it added that it had consulted with the Health and Safety Authority on this matter at the time of discovery in 2016.

The prospective applicant referred to the fact that quarrying activity on the subject site pre-dated the first Planning and Development Act in 1964. The quarry was subsequently registered with Wicklow County Council under section 261 of the Planning and Development Act 2000, as amended, in 2005. Planning permission for 20 years quarrying operations was granted in February 2008; this included continued working of the existing quarry. A further grant of planning permission was received in February 2016 for a further 25-year duration; this included a deepening of the quarry and an increase in output, as well as other constituent elements. In response to the Board's question, the prospective applicant said that this local authority decision was not the subject of an appeal to the Board.

The proposed development provides for landfilling and restoration of the quarry void using inert soil waste and the operation of the construction and demolition waste recovery facility. The key features of the establishment phase include continued use of established site infrastructure and services and the de-commissioning of any fixed plant and infrastructure remaining on site. The key features of the operational phase include landfilling of imported soil, stone and rock waste from the construction sector and the importation of up to 800,000 tonnes of waste per annum. The total volume of intake will be approximately 3.4 million cubic metres (6.2 million tonnes) resulting in an operational life for the facility of between 8.2 years to 17.6 years. The proposed construction and demolition waste facility recovery activities will continue for the duration of landfilling operations and will be reviewed thereafter. The prospective applicant also confirmed that the proposed facility would operate under a waste licence from the EPA.

The phased landfilling for the proposed development was set out by the prospective applicant (four phases moving from the west of the subject site to the east) and it also provided details regarding the proposed landfill design. The prospective applicant noted that the landfill is located over a poor aquifer but is generally suitable for landfill purposes. A wetland area of approximately 3.8 hectares will be provided to facilitate passive treatment of leachate and to remove potentially soluble contaminants/particulate matter. There will be an off-site discharge to the nearby Potters River. A surface water management system for the proposed development

was referred to by the prospective applicant. With regard to the discharge to Potters River, the prospective applicant confirmed to the Board that this would be covered under the EPA licence; at the present time a licence from the local authority pertains. The prospective applicant said that very little groundwater flow occurs on the subject site and that the natural discharge off site prior to quarrying activities was to Potters River. This river, in turn, flows into Brittas Bay.

SID Classification:

The prospective applicant referred to the Seventh Schedule of the Planning and Development Act 2000, as amended, and identified the development class under which the proposed development would likely fall (namely, an installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes). Referring to the criteria set out under section 37A(2) of the Act, the prospective applicant reiterated its opinion that the proposed development would not constitute SID as it would not be of strategic economic or social importance to the State or region, would not be necessary to achieve any strategic spatial planning or economic objectives and would not have a significant effect on the functional area of more than one local authority.

Discussion:

The following matters were discussed:

- The Board's representatives enquired as to whether the prospective applicant had engaged with representatives of the Eastern Midlands Waste Region in relation to the proposed development. The prospective applicant replied that it had not but said that it had engaged with the local authority.
- With respect to the proposed construction and demolition waste recovery facility, the Board asked what volumes might be accepted on an annual basis. The prospective applicant replied that this would likely be in the order of up to 50,000 tonnes per annum. Noting this, the Board referenced a recent review conducted by the Eastern Midlands Waste Region which found that demand in this particular sector is likely to rise subject to prevailing market forces. The prospective applicant noted this stating that the proposed facility was necessary but not strategic in nature.

Conclusion:

The Board's representatives stated their preliminary view that the proposed development would likely not constitute strategic infrastructure under the criteria of Section 37A(2).

The record of the instant meeting will issue in the meantime and the Board will revert to the prospective applicant once it has confirmed such a preliminary view.

In the event that the Board is of the preliminary opinion that the proposed development is not SID, then it will be open to the prospective applicant to request formal closure to the process. In response to the prospective applicant's query, the Board advised that it would take approximately four weeks from the time such a request is received to formal SID determination.

Anne Marie O'Connor
Assistant Director of Planning