



An  
Bord  
Pleanála

## Record of 1<sup>st</sup> Meeting ABP-318997-24

|  |   |                   |            |
|--|---|-------------------|------------|
| <b>Case Reference / Description</b>  | Proposed Resource Recovery and Recycling Facility incorporating an Inert Engineered Landfill Facility for Quarry Backfilling and Restoration in Ballinclare Quarry, Co. Wicklow |                   |            |
| <b>Case Type</b>   | Pre-application consultation  |                   |            |
| <b>1<sup>st</sup> / 2<sup>nd</sup> / 3<sup>rd</sup> / 4<sup>th</sup> Meeting</b> | 1 <sup>st</sup>   |                   |            |
| <b>Date</b>  | 11/04/24  | <b>Start Time</b> | 11:00 a.m. |
| <b>Location</b>  | Virtually   | <b>End Time</b>   | 12:25 p.m. |

|  |                      |            |
|--|----------------------|------------|
| <b>Representing An Bord Pleanála</b>   |                      |            |
| <b>Staff Members</b>   |                      |            |
| Paul Caprani, Assistant Director of Planning (Chair)                         |                      |            |
| Tomás Bradley, Senior Planning Inspector                                     |                      |            |
| Eimear Reilly, Executive Officer   | e.reilly@pleanala.ie | 01-8737184 |
| <b>Representing the Prospective Applicant</b>                                |                      |            |
| Fergus Gallagher, Planning and Environmental Manager, Kilsaran               |                      |            |
| Liam Murphy, Senior Planning Project Manager, Kilsaran                       |                      |            |
| Eftim Ivanoff, Managing Director, Materials Recovery and Recycling, Kilsaran |                      |            |
| Derry McKeown, Co-CEO, Kilsaran  |                      |            |
| Derek Luby, Technical Director, SLR Consulting Ireland                       |                      |            |

## **Introduction**

The Board referred to the letter received from the prospective applicant on the 6<sup>th</sup> February 2024, requesting pre-application consultations under section 37B of the Planning and Development Act, 2000, as amended 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 that it wished to receive advice on from the Board. The Board's representatives mentioned the following general procedures in relation to the pre-application consultation process:

- 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.
- Further information may be requested by the Board and public consultations may also be directed by the Board.
- 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 in any legal proceedings.

### **Presentation made by the prospective applicant:**

The prospective applicant, Kilsaran Concrete Unlimited Company, began its presentation by providing an overview of the company, stating its principal business to be the production of materials for the construction industry in Ireland and the UK. It stated that it is currently backfilling and restoring a small number of pits and quarries using imported inert soil waste under EPA Waste Licence, and that it has established a number of construction and demolition waste recycling facilities, principally to manage concrete wastes, operating under Local Authority waste facility permits.

It gave an overview of the background to the proposed development, stating that it acquired Ballinclare Quarry in 2014 which operated until 2016 when small quantities of Naturally Occurring Asbestos were identified on site in the quarried bedrock. It stated that SLR Consulting, the agent for the prospective applicant, were then appointed to advise on opportunities for further development at the site. Following receipt of an SID determination from the Board in 2020 (ABP-304735-19), the prospective applicant submitted a section 37 application for an inert waste landfill, a soil washing plant, and a construction and demolition waste recovery facility at the site (ABP-309991-21). It stated that this application was refused by the Board in 2023 due to deficiencies in baseline ecological surveys. It noted that all other aspects of the scheme, including need, compliance with policy, and traffic impact were deemed satisfactory by the Board.

The prospective applicant provided a site location map noting that the proposed site is located 2.5km northwest of Kilbride and 2.5km southwest of Glenealy. Providing a drawing to indicate surrounding land use, it also noted the residential developments and commercial properties surrounding the site, and a disused quarry to the south of the site. It also noted the sites proximity to the Glenealy Woods pHNA and to Deputy's Pass SAC.

The prospective applicant gave an overview of the related planning history, highlighting the planning permission that was granted by Wicklow County Council in 2008 for 20 years quarry operation, and further planning permission granted by the local authority in 2016 to deepen the quarry to provide for an annual output of 800,000 tonnes of waste.

For context, the prospective applicant outlined recent regulatory changes regarding waste management, highlighting the draft national by-product criteria published by EPA in 2023 (expected to be finalised and adopted in June 2024) in respect of soil and stone from greenfield sites. It noted the scope for changes in the proposed development, stating that these draft criteria provide for designation of greenfield soil and stone as (non-waste) by-product by a contractor or developer provided it can demonstrate that defined criteria are satisfied. It stated that the effect of this criteria would see a reduction in the volume of soil and stone generated/managed as waste in Ireland, and would promote the development of the circular economy.

It also acknowledged that the EPA has published national End of Waste criteria in respect of recycled aggregates from construction and demolition waste and that this provides greater certainty to the industry regarding the reuse of material.

In respect of technological innovation, the prospective applicant noted that technology has been developed to allow for sand and gravel aggregate to be won from naturally occurring marginal or clay bound soils or from mixed brownfield (i.e., previously developed) sites, and that this allows for soil washing at the site to win natural aggregates from excess, naturally occurring soils. Following this, it also maintained that Ireland would need to double its output of 30million tonnes of aggregate per annum to meet the requirements of the Government's Project Ireland 2040 plan.

It also outlined that it has researched and tested that, using modern soil washing/processing, technologies can yield between 60% and 75% (by weight) of clean, high-quality aggregate from excess soil and stone generated by construction

and development activity. It highlighted that this process requires 90-95% recycled water. It explained that the proposed development would provide for the non-aggregate material to be compacted into a filter cake material that will be provided to the inert landfill, and that all materials used for backfilling and restoration of the western quarry void will be classified as non-waste/by-product. It indicated that a maximum by-product intake to the facility is projected to be 200,000 t/annum.

The prospective applicant presented an existing site layout drawing and aerial photo, noting its intention to develop a C&D recycling facility to the left of the quarry access road where the existing concrete block yard is currently located, and the soil washing plant at the former concrete yard in the south-eastern area of the site. It also stated that a water treatment system is currently in place at the site in accordance with a local authority discharge licence issued in November 2019, and that it expects the Quarry to be dewatered by Summer of 2024.

Providing an overview of the proposed development, the prospective applicant explained that while keen to install the soil washing plant to win aggregate from greenfield soil and stone managed as by-product material, it remains committed to establishing a licensed, integrated construction materials management facility at the site. It explained that the proposed development would have the capacity to accept and manage inert and non-hazardous soil and stone wastes from previously developed brownfield sites, and that these wastes would be re-purposed as resource materials where possible. The soil washing plant would also process inert soil and stone waste separately to by-product material and aggregates recovered from soil waste would be supplied to market provided they comply with the EPA's End of Waste criteria.

It provided a washing plant diagram and emphasised the minimum water requirement for the process as the bulk of the water is to be managed internally within the system and is continually recycled, with the filter cake material to be used to backfill the western quarry void.

In addition to the soil washing activities, the proposed development was said to also comprise of an inert engineered, clay-lined, landfill with a reduced intake capacity with a maximum permitted intake of 350,000 t/annum comprising of filter cake and inert soil and stone waste which cannot be upcycled, and a C&D facility with a maximum capacity of 50,000 t/annum. It would also comprise of a Constructed Integrated Wetland or an alternative water treatment infrastructure capable of treating any potentially contaminated run-off arising from the landfill and/or C&D facility. It noted that it is currently looking into any potential water treatment infrastructure that would allow for the existing ponds and various ecosystems at the site to remain. It explained that the above would allow for a maximum annual intake of 400,000 tonnes of waste and 200,000 tonnes of non-waste by-product. The cumulative maximum intake of 600,000 t/annum is a reduction of 200,000 on the waste intake proposed in the previously refused SID application.

With reference to the nature of the development, the prospective applicant stated its intention to intake 6,500,000 tonnes of by-product and waste over the 20-year lifespan of the proposed development. It also noted that, as it proposes to exceed 100,000 tonnes per annum, the development would likely constitute strategic infrastructure development and would also require an EIAR.

The prospective applicant explained that, given restrictions on traffic movements, it will be necessary to provide for backloading whereby HGV's and trucks will carry loads to and from the site in order to maximise efficiency and demonstrate more sustainable transport practices.

The by-product and waste material are proposed to be lifted in two stages, as outlined on the drawing provided, and a number of cross sections through the quarry were presented. Differing from the previous application, the quarry face is proposed to be retained in order to provide for continued nesting on the quarry face by peregrines falcons.

The proposed final restoration scheme was said to provide for establishment of a native woodland across entire area of backfilled quarry and the water treatment system would be left to evolve as a wetland habitat to promote an increase in local biodiversity.

The prospective applicant provided an overview of the material changes in the proposed development from the previous application. As well as the reduction in annual intake, the proposed changes were outlined as follows:

- The new weighbridge on the inbound lane is to be moved further north (into the site) and queueing lanes provided within the site to facilitate queueing of inbound traffic at peak times.
- An additional wheel wash facility is to be provided at the egress from the backfill/landfill areas within the quarry void to immediately remove soil and mud carried on wheels or truck underbodies.
- More extensive pre-planning ecology surveys will be undertaken, and a biodiversity management plan will be prepared as part of any new planning application.
- Review of design for upgrading works along local access road (L1157), specifically removal of passing bays at or close to farm accesses.
- More comprehensive groundwater well survey.
- Establishment of an appropriately funded community benefit scheme to be administered by Wicklow County Council.

The prospective applicant stated its opinion that the proposed development would likely constitute strategic infrastructure development, stating that it could satisfy at least one, if not two, of the additional criteria required to qualify as Strategic Infrastructure Development under Section 37A(2) of the Planning and Development Act 2000, as amended.



In concluding its presentation, the prospective applicant provided a list of questions that it had for the Board's representatives and stated its intention to address these as part of a discussion.

**Discussion:**

- The Board's representatives expressed the opinion that the proposed development would likely constitute strategic infrastructure development given the previous SID determination and the proposal will likely exceed a waste output of 100,000 tonnes per annum, but stated that the determination is ultimately for the Board.
- The Board's representatives sought clarity on differentiation between waste and non-waste with reference to the proposed developments annual tonnage waste figures. In response, the prospective applicant clarified that it has calculated its projected waste and non-waste/by-product figures in accordance with the EPA's draft national by-product criteria in respect of soil and stone from greenfield sites. It explained that this the criteria contained in the draft allowed for a lot of material from new development sites to be managed as non-waste material and explained that this non-waste material is categorised as 'by-product' under Article 27 of the EC Waste Directive Regulations 2011. It clarified that the proposed development would account for 400,000 tonnes of waste per annum.
- The Board's representatives asked if, of the 600,000 tonnes of waste and by-product, a certain tonnage that would be exported from the site for reuse. The prospective applicant replied that although it cannot provide an exact figure, it maintains that, due to soil washing, approximately 60-75% per weight of the washed aggregate is expected to be exported off-site and clarified that waste will not be exported off-site.
- In response to a general discussion regarding the waste and by-product figures, the Board's representatives advised the prospective applicant to explicitly state within planning documentation the difference between the waste and by-product, along with figures/percentages for exportation off site/landfill on-site. The Board emphasised the importance of this, stating that it may negate any need for the Board to request further information regarding the



classifications and figures, as well as minimising any confusion for any prescribed bodies and potential third-party observers.

- The Board's representatives asked the prospective applicant to provide an overview of the ecological survey effort which has taken place since the refusal in 2023, and, in particular, sought clarity on whether it has consulted with the NPWS regarding the submission made by the prescribed body on the previous application. The prospective applicant acknowledged shortcomings in the previous applications surveys and stated that many of the baseline surveys for the proposed development are currently commencing. It clarified that it has made contact with NPWS to seek advice and information in relation to same for any future planning application. . In response to this, the Board's representatives advised the prospective applicant to continue to liaise with NPWS and emphasised the importance of this. The Board's representatives advised the prospective applicant to consult with NPWS and seek clarity on any issues that they could have with the proposed development prior to submission of a planning application. The prospective applicant noted its intention to heed this advice.
- The Board's representatives noted the prospective applicant's intention not to include the access road in the red line boundary for the planning application and, while noting the prospective applicants right to do so, advised that the access road be assessed within any EIAR and NIS, if required, for its cumulative/in-combination effects/impacts that may arise from any upgrading works to the road. The Board's representatives emphasise the importance of this, particularly if the application is in any way predicated on the upgrade of road. The prospective applicant replied that Wicklow County Council intend to complete upgrade works to the access road and stated its intention to assess the cumulative/in-combination effects/impacts of this within the relevant planning documentation.
- Responding to a query regarding the timeline for receiving a SID determination in respect of the proposed development, the Board's representatives advised that the onus is on the applicant to request closure of the process or to request a further meeting if it considers it necessary. The Board's representatives

stated that once a closure request is received, the pre-application file will be forwarded to the Board for SID determination as soon as is practicable.

- Responding to a query regarding possible timeline for submission of an application, the prospective applicant stated its intention to submit a planning application towards the end of August 2024, provided a SID determination has been received from the Board.
- The Board's representatives advised that issues regarding the assessment of flexibility in relation to waste/non-waste tonnage intake has been grounds for Judicial Review in relation to similar applications and advised the prospective applicant to assess the implications for worst case scenarios within the EIAR. A general discussion took place in relation to this, in which the applicant stated the need for flexibility regarding the annual tonnage of waste and by-product. The Board's representatives noted this but advised that planning documentation should be clear in respect of this requirement and explicitly set out the need for same. Similarly, it should clearly assess the possible implications of this in any EIAR/NIS also.
- The prospective applicant asked if, in the absence of a waste licence from EPA, any early commencement of soil washing activities could take place under the existing discharge licence. The Board's representatives replied that it is not within the remit of the Board to advise on the commencement of works, and advised the prospective applicant to consult with Wicklow County Council and/or the EPA in relation to this.
- The Board's representatives noted the public and community engagement held by the prospective applicant thus far and advised it to engage further, particularly with local community, to ensure that the public are well informed about the details of the proposed development.
- When asked, the Board's representatives advised that a list of the Prescribed Bodies that the prospective applicant are to notify of any application for the proposed development will be issued to the prospective applicant along with a formal SID determination, and that this list will likely consist of the prescribed bodies that were notified of the previous planning application.
- In relation to consultation reports, the prospective applicant asked if the personal details of individuals should be omitted. The Board's representatives

advised that the prospective applicant not to identify individuals, and instead, to refer to them as the local community/residents. The Board's representatives also advised that prescribed bodies should be identified. In relation to this, it was also advised that, if an application is submitted to the Board following receipt of an SID determination, the prospective applicant will likely be given the opportunity to respond to any submissions received in respect of the application.

- In relation to the possible enactment of the new Planning and Development Bill, the prospective applicant asked if the timelines for the planning application could be impacted if the application was submitted before the enactment. The Board's representatives noted the potential for the Board's procedures and decision timelines in relation to SID applications to be impacted by the new Bill, but stated that the Board has no indication of a definitive date for the enactment of the Bill.

**Conclusion:**

The Board's representatives advised that the record of the instant meeting will issue shortly, and that the onus is on the prospective applicant to request closure of the pre-application process or to request a further meeting.



**Paul Caprani**

**Assistant Director of Planning**