

Record Of Meeting



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| Case Reference/Description | 09.PC0204 – Changes to the volume and nature of Waste to be accepted at the Drehid Waste Management Facility, County Kildare | | |
| Case Type: | Section 37B of the Planning and Development Act 2000, as amended | | |
| Meeting: | 1 st Meeting | | |
| Date: | 1 st September 2015 | Start Time: | 11.00 a.m. |
| Location: | Conference Room, An Bord Pleanála | End Time: | 12.30 p.m. |
| Chairperson: | Philip Green, Assistant Director of Planning | | |

Attendees:

Representing An Bord Pleanála

Philip Green, Assistant Director of Planning

Derek Daly, Senior Planning Inspector

Marcella Doyle, Senior Executive Officer

Sinéad McInerney, Executive Officer

Representing Prospective Applicant

John Connolly, Infrastructure Development Manager, Bord na Móna

Ciara Kellett, Planning Consultant, AOS Planning



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Introduction

The prospective applicant was welcomed and the teams were introduced.

The Board's representatives acknowledged receipt of the prospective applicant's request by letter dated 5th August 2015 to enter into pre-application consultations in relation to the proposed development.

As set out in the Board's letter of 21st August 2015, this meeting is considered by the Board to be a preliminary meeting, the purpose of which is to obtain information in relation to the proposal in order to determine if it constitutes strategic infrastructure development (SID). It is also open to the prospective applicant to raise any matter that it may wish to seek advice on relating to the proposed development. Further information in relation to the proposed development may be required and a further meeting or meetings may be held to give advice on procedural matters involved in making an application and to advise on matters relating to proper planning and sustainable development or the environment, which may have a bearing on the Board's decision.

The Board's representatives stated that it will keep a record of this meeting, a copy of which will be forwarded to the prospective applicant. If the prospective applicant has any comments it wishes to make on same, such comments can be made in writing and an opportunity will also be afforded at any subsequent meeting to comment on the record. While the record will not be amended, any such comments will be retained on file. The records and the pre-application consultation file will only become available to the public following formal closure of the pre-application consultation process. The Board may consult with other persons or bodies in respect of the proposed development, e.g. Kildare County Council, Eastern Midlands Region Waste Management Office, and the Board may also require the prospective applicant to give notice to the public or to carry out consultations with other persons or bodies prior to lodgement of any application.

When the pre-application consultation has concluded the Board will issue notice to the prospective applicant on whether the proposed development constitutes SID, having regard to the provisions of section 37A of the Planning and Development Act, 2000, as amended. The prospective applicant was advised that the holding of consultations does not prejudice the Board in any way and cannot be relied upon in the formal planning process or in legal proceedings.



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The Board's representatives referred to a recent pre-application consultation request relating to changes to the volume of waste to be accepted at Drehid Waste Facility (Case Reference 09.PC0190) and noted that the Board's decision that the proposed development was not SID related to the increase in the capacity of the composting plant only.

The prospective applicant gave a presentation in relation to the proposed development (Appendix 1) and a discussion took place.

Proposed Development

The prospective applicant set out the background of the Drehid Waste Management Facility. The facility, permitted to accept municipal solid waste for a period of 20 years, was granted permission on appeal to the Board in 2005, and comprised an engineered landfill for 120,000 tonnes per annum (TPA) and a composting plant for 25,000 TPA (Appeal Reference PL.09.212059). In 2008, an application was submitted under the Planning and Development (Strategic Infrastructure) Act 2006 to increase the volume of waste to be accepted at the landfill to 360,000 TPA for a period of 7 years (Application Reference 09.PA0004). In its decision, the Board granted permission for the increased volume of waste to be accepted for a period of 5 years. In 2013, following a request under section 146B of the Act, the Board altered the terms of the development permitted under Reference 09.PA0004 to allow for the increased volume of waste of 360,000 TPA to be accepted at the landfill for a further 2 year period – up to December 2015 (Reference 09.PM0003).

The proposed development, subject of this pre-application consultation request, involves changes to the volume and nature of waste to be accepted at the facility. The prospective applicant proposes to develop additional capacity for non-hazardous and hazardous waste streams to landfill for a period of 25 years, the pre-treatment or processing of certain waste streams prior to landfill and the increase in the volume of waste to be accepted at the composting facility with the removal of the restriction on its operating life.

Non-Hazardous Waste

The facility is currently permitted to accept 360,000 TPA of non-hazardous municipal solid waste until December 2015 and 120,000 TPA thereafter until the end of life of the facility in 2028. In addition the prospective applicant proposes to provide capacity for a period of 25 years for sustainable landfill of 250,000 TPA of non-



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hazardous waste to include incinerator bottom ash, stabilised waste from biological treatment of the biodegradable fraction of municipal waste, and the fine fraction of construction and demolition (C&D) waste. It is also proposed that up to 15,000 TPA of metals will be recovered from incinerator bottom ash on-site prior to landfill. In order to accommodate the increased volume of waste it confirmed that additional landfill capacity is required, the footprint of which will be determined at preliminary design stage.

With regard to the composting facility, it is proposed to increase the volume of waste to be accepted from 25,000 TPA to 45,000 TPA and to remove the restriction on the operating life of this facility. It is also proposed to extend the existing composting facility to accept an additional 45,000 TPA. Approximately double the current permitted footprint of the facility may be required, details of which will be determined at preliminary design stage.

Incinerator Bottom Ash

The Poolbeg Incinerator, when full commercial operations are commenced in 2017, will produce approximately 120,000 TPA of non-hazardous bottom ash and this facility will not have the capacity to recover some 10% by weight of metals from this waste stream. In addition, the Carranstown Facility currently produces approximately 50,000 TPA where metals are removed on-site and the remaining 40,000 TPA of bottom ash is either disposed of, or used as engineering material, in landfills in the region, some of which are now closed. The Regional Waste Management Plans support the development of an additional 300,000 TPA waste-to-energy capacity in the State and it is considered that, after the removal of metals, the net total bottom ash requiring management will be 220,000 TPA. In the medium term this is likely to be landfilled, principally due to the relatively plentiful supply of aggregates in the market.

The Board's representatives queried at what stage incinerator bottom ash is regarded as non-hazardous – is it after the removal of metals or in its original state. The prospective applicant stated that, in its experience, bottom ash would generally be deemed non-hazardous in both cases, however the Environmental Protection Agency (EPA) would make this determination on a case-by-case basis.

In relation to the application for the Poolbeg Incinerator, the Board's representatives noted that it was intended that the bottom ash was proposed for use in recovery and as a resource material and not as waste material. The prospective applicant noted

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current economics and it is of the view that it is unlikely for the bottom ash to be recovered without some State intervention, e.g. an aggregate tax, minimum level of material to be used in construction to be recyclable.

Construction and Demolition Fines

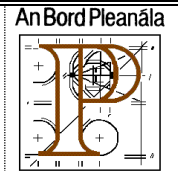
Construction and demolition (C&D) fines are generally recovered for use in landfill engineering. A recent report by SLR Consulting (Appendix 2) stated that in 2013 approximately 250,000 TPA of C&D fines were produced in the Greater Dublin Area and used as landfill engineering material. It is considered that as the construction industry recovers, this figure is likely to increase. The prospective applicant noted that the Greater Dublin Area is the traditional source of approximately two thirds of waste accepted at Drehid.

The EPA National Waste Report 2012 confirms that in 2012 approximately 500,000 tonnes of C&D waste was recovered in the Eastern Midlands Region in landfills that accepted municipal waste.

However, reducing levels of landfill activity have resulted in a corresponding reduction in the requirement for deployment and recovery of material in landfill engineering applications. In Waste Policy Circular WP 06.15, May 2015 (Appendix 3), the Department of Environment Community and Local Government (DECLG) expressed concern in relation to current and future outlets for this material by non-licensed, poorly regulated, waste collectors. With an expected increase in construction activity there was concern that this would continue and/or increase and with a levy of €75 per tonne required to dispose of material to landfill and with reducing levels of landfill activity, there was concern that there would be an increase in illegal dumping, undermining the competitive position of compliant waste management operators. The fines material is similar to soil but due to the gypsum content it contains high levels of sulphate ions and should therefore be contained at a location where leachate is collected and treated in order to avoid groundwater contamination. The DECLG has therefore introduced a new exemption from payment of the levy to encourage safe disposal of material in lined engineered landfill.

The Board's representatives queried if C&D fines are generally considered non-hazardous waste. The prospective applicant stated that generally C&D Fines would be classed as non-hazardous waste, and although they may contain certain levels of gypsum, it is generally not more than 5%. It referred to EPA Guidance which states

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that the level of stability of C&D fines should be the same level of stability as that for biodegradable material and noted that the DECLG has also adopted this approach in relation to thresholds whereby waste is levy exempt.

Composting

With regard to the proposed increase in volume of waste to be accepted at the composting facility, the prospective applicant noted that the on-going requirement to divert bio-waste from landfill is provided for under EU and National policy and supported by the Eastern Midlands Regional Waste Management Plan.

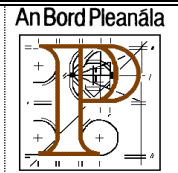
Hazardous Waste

Ireland does not currently have a hazardous waste facility. The prospective applicant noted that the EPA's National Hazardous Waste Management Plan 2014-2020 recommends that Ireland should strive for greater self-sufficiency in hazardous waste management. Strategic needs for action are identified if hazardous waste is to be treated in Ireland and export is to be reduced, including long-term disposal of hazardous waste streams which are not suitable for thermal treatment or recovery. The plan also refers to consideration being given to co-locating hazardous waste treatment at existing facilities or brownfield sites for the purposes of sustainability and land-use planning. The EPA had previously recommended that two hazardous waste management facilities be developed, one in Dublin and one elsewhere, however this has been revised and it now recommends that one facility be developed.

The proposed development is to provide capacity for pre-treatment (if required) and sustainable landfill of approximately 85,000 TPA of hazardous waste to include incinerator fly ash and other residues and other hazardous wastes that are currently being exported overseas. Additional landfill capacity will be required, the extent of which will be determined at preliminary design stage.

A discussion took place with regard to why no hazardous waste management facility has been developed within the State to date. The prospective applicant commented on the significant difference relating to the obligation on an operator with respect to hazardous and non-hazardous facilities. The operator currently has an obligation to the site for 30 years following the closure of a non-hazardous waste facility whereas with regard to a hazardous waste facility, that obligation never ends. Ireland exports 10,000 to 15,000 TPA of hazardous waste and future projections indicate that the

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level of hazardous waste generated will be approximately 50,000 TPA. It stated that in the medium term there is no potential to use it as aggregate and if a hazardous waste facility is not developed, it will continue to be exported.

Incinerator Fly Ash and Other Residues

Hazardous residues produced from incineration include fly ash and solid wastes from flue gas treatment. The incinerator at Carranstown produces approximately 10,000 TPA of hazardous residues and it is expected that the Poolbeg Incinerator will produce 27,000 TPA. If the additional 300,000 TPA waste-to-energy capacity is developed in the State, it is expected that approximately 13,000 TPA of hazardous residues will be produced. There is therefore potential for approximately 50,000 TPA of hazardous residues to be produced.

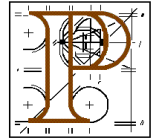
Other Hazardous Wastes

The National Hazardous Waste Management Plan 2014-2020 refers to other hazardous wastes that require landfill disposal including asbestos, some C&D wastes, contaminated soils, industrial wastes, sludges and filter cakes, and metals and heavy-metal-containing wastes. Current capacity required is approximately 10,000 to 15,000 TPA and this requirement is expected to at least double up to 2030. It noted that this is in addition to the hazardous residues produced through waste-to-energy facilities.

Operation of the Proposed Development on the Drehid Site

The Board's representatives queried how the facility would operate if permitted. The prospective applicant explained that there would be two (possibly three) distinct operations in place, albeit within close proximity to each other and located within the same landholding. It is intended that the workings of the hazardous and non-hazardous facilities would be physically separate and mutually exclusive with respect to engineering and standards. Some shared facilities may be used, e.g. access and weighbridges. The prospective applicant referred to the EPA Plan which encourages development of hazardous waste facilities on existing landfill sites or on brownfield sites. The Board's representatives stressed that how hazardous and non-hazardous waste facilities could co-exist on the same site would have to be addressed in detail in any application with particular regard to monitoring, leachate, groundwater protection etc. Screening for appropriate assessment would also be required.

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The Board's representatives noted that introducing hazardous waste disposal to the Drehid Waste Management Facility significantly changes the dynamics of the site. The prospective applicant stated that Drehid is one of the largest waste management sites and it considers that the site is well managed; in this regard it does not feature on the EPA complaints list.

Whether the Proposed Development is Strategic Infrastructure

Having regard to the Seventh Schedule of the Act, the proposed development falls within two class of development set out under Environmental Infrastructure, as follows:

“—A waste disposal installation for —

- (c) *the landfill, of hazardous waste to which Council Directive 91/689/EEC2 applies (other than an industrial waste disposal installation integrated into a larger industrial facility)”*

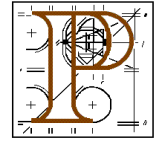
and

“—An installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes”.

The prospective applicant is of the view that the proposed development meets the criteria set out under section 37A(2) of the Act and is strategic infrastructure development. The prospective applicant addressed each of the criteria in turn:

- Section 37A(2)(a):- The proposed development would be of strategic economic importance to the State and region as it will address the current deficit in hazardous waste facilities and will provide the first hazardous waste landfill as required in the National Hazardous Waste Management Plan 2014-2020.
- Section 37A(2)(b):- The proposed development would offer an alternative to the export of hazardous and non-hazardous waste and provide effective waste management structures and facilities as required under the National Spatial Strategy. It is also proposed to increase the volume of waste to be accepted at the composting facility in addition to the treatment and landfill of hazardous waste in Ireland, which provides a high standard option available

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within the Greater Dublin Area, as required in the Regional Planning Guidelines for the Greater Dublin Area.

- Section 37A(2)(c):- The proposed development will provide biological treatment facilities as required by the Eastern Midlands Region Waste Management Plan which covers the planning authority areas of Louth, Offaly, Meath, Wicklow, Westmeath, South Dublin, Dublin City, Fingal, Dún Laoghaire Rathdown, Kildare, Laois and Longford. The proposed development will address the need to provide a hazardous waste facility within the State and affect more than one planning authority. The provision of non-hazardous landfill for the disposal of incinerator bottom ash and C&D waste can serve the region and therefore have a significant effect on more than one planning authority.

The prospective applicant is seeking advice from the Board on the appropriate procedures in making an application and the timeframes / sequencing involved, the considerations related to proper planning and sustainable development or the environment which may have a bearing on the Board's decision in relation to an application and any other matters as considered appropriate.

It stated that it is still at early stages and has not yet commenced the design or assessment stages. It is initially seeking the view of the Board on whether the proposed development is SID and will proceed to progress the project further. The Board's representatives noted that in order for the Board to give comprehensive advice with regard to issues relating to proper planning and sustainable development and the environment that may be taken into consideration in any application, the proposed development would need to be at a more advanced stage.

Consultations

The prospective applicant confirmed that it has not yet engaged in formal consultations with the planning authority, or any other statutory bodies or stakeholders, but will do so as the project progresses.

The Board's representatives said that the Board will arrange to meet with the EPA (potentially) and the Eastern Midlands Region Waste Management Office and it may also meet with Kildare County Council during the pre-application consultation process.



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Scoping

The Board's representatives advised the prospective applicant that it is open to it to seek the opinion of the Board on the information to be contained in the EIS, however this request could only be submitted when the pre-application consultation process has closed. The prospective applicant indicated that, at this time, it is unlikely to make a formal scoping request to the Board.

Conclusion

The record of this meeting will issue to the prospective applicant, following which the Board may meet with the EPA and the Eastern Midlands Regional Waste Management Office. The Board's representatives will seek the preliminary view of the Strategic Infrastructure Division of the Board on whether the proposed development is SID and a further meeting with the prospective applicant will be arranged.

Philip Green
Assistant Director of Planning
25th September 2015