



An
Bord
Pleanála

Record of Meeting

Case Reference	06F.PC0218		
Description	A materials transfer and processing facility of up to 170,000 tonnes per annum capacity, at Millennium Business Park, Cappagh Road, Dublin 11.		
Case Type	Section 37B of the Planning and Development Act 2000, as amended		
Meeting No.	2	Start Time	11.00 a.m.
Date	21 st July 2016	End Time	12.10 p.m.
Location	Meeting Room 3, Offices of An Bord Pleanála		
Chairperson	Philip Green	Executive Officer	Sinéad McInerney

Attendees:
Representing An Bord Pleanála
Philip Green, Assistant Director of Planning
Paul Caprani, Senior Planning Inspector
Marcella Doyle, Senior Executive Officer
Sinéad McInerney, Executive Officer
Representing the Prospective Applicant
Gary Brady, Managing Director, Thorntons Recycling
David Duff, Environmental Manager, Thorntons Recycling
Derek Milton, Fehily Timoney & Company
Simon Grennan, Fenily Timoney & Company

Introduction

The prospective applicant was welcomed and the teams were introduced.

The representatives of An Bord Pleanála acknowledged receipt of the prospective applicant's letter dated 3rd June 2016 in response to matters raised at the 1st pre-application consultation meeting.

The prospective applicant confirmed that it has no comments in relation to the record of the 1st pre-application consultation meeting held on 19th May 2016.

Current Status of Proposed Development

The prospective applicant gave a presentation in relation to the current status of the project (Appendix 1).

The proposed agenda was set out and the proposed site location of the facility was presented. In response to issues raised at the 1st pre-application consultation meeting, the prospective applicant confirmed that the settlement lagoons on adjoining lands relate to activity at the Huntstown Quarry and are used in the management of rainfall and groundwater in quarry voids. It is the prospective applicant's understanding that water is pumped to the settlement lagoons and then discharged off-site. It was also confirmed that the building to the south west of the site is the offices of Coca Cola HBC Ireland. The prospective applicant also referred to a video available on-line which shows a process similar to the proposed works, which is in operation at another facility.

Following consultations with the Environmental Protection Agency (EPA), the prospective applicant stated that the proposed development which had been presented at the earlier pre-application consultation meeting has been revised. The revised development proposal is as follows:

- To accept and process 120,000 tonnes per annum (TPA) of residual municipal solid waste (rMSW) for the production of solid recovered fuel (SRF) and for transfer. It had previously proposed to accept 100,000 TPA of rMSW for production of SRF and for transfer.
- To accept, for bulking, 30,000 TPA of waste wood/green waste.
The volume of waste proposed to be accepted has decreased from 50,000 TPA to 30,000 TPA and it is now proposed for bulking, not for processing (shredding). It is also proposed to accept green waste in addition to waste wood. With regard to the bulking of waste, the prospective applicant explained that waste is accumulated and consolidated into loads and then transferred in larger loads to another facility for processing.
- To accept up to 20,000 TPA source aggregated “brown bin” material for bulking, prior to consignment off-site to an appropriate treatment facility.
- Erect a processing building of c. 6,500 m² with ancillaries – drainage, parking, revised entrances, abatement, welfare. A 10,000 m² building has previously been proposed.
- Relocate a 38 kV ESB cable.

The proposed site layout was presented.

With regard to the development on the site which was previously granted planning permission under case reference PL.06F.230770, the prospective applicant commented that this was a different waste treatment to what is currently being proposed. The previous development was a material recovery facility (MRF) to accept 100,000 TPA of waste which included treatment of construction and demolition waste and mixed dry recyclables. The current proposal incorporates a different waste treatment to address the current demand for SRF in the cement market. It noted that other SRF which cannot be used in cement production is to be bulked and transferred off-site for disposal e.g. to Poolbeg Waste to Energy Facility. The representatives of An Bord Pleanála advised the prospective applicant to set out

the justification of the project in the application in the context of current policy and market demands.

The prospective applicant referred to feedback received from consultees. The feedback is summarised below:

- EPA: Feedback regarding outdoor processing of waste wood, and covered storage for SRF bales. The prospective applicant stated that the proposal has been revised, as outlined above, having particular regard to the EPA comments.
- Dublin Bus: It is considered that there will be limited impacts on Dublin Bus services, however it did raise general concerns in relation to traffic volumes and subsequent impacts on reliability of bus services and also access/egress of heavy vehicles to and from the site.
- DAA: Feedback relating to potential bird hazard due to presence of attractants. It also raised the issue of obstacle limitation with any structure >112m OD presenting a potential obstacle. The prospective applicant stated that the stack on-site will be considerably less than this.
- Transport Infrastructure Ireland: No specific comments. General reference to consultation with local authority, regard to Design Manual for Roads and Bridges (DMRB) and NRA Guidelines, haul route identification, cumulative impact, and visual impact from roads.
- Fingal County Council:
 - The prospective applicant met with the planning authority on 22nd June 2016 and following issues were discussed:
 - The planning authority has advised that it is intended to rezone the site as “GE” General Employment, as referred to in the draft Fingal County Development Plan 2017-2023. The existing zoning is “HI” Heavy Industry within which the proposed development would be considered acceptable. The proposed development would not contravene the zoning of the current development plan and it is the prospective

applicant's intention to submit an application to be determined during the lifetime of the current plan. The Board's representatives advised the prospective applicant that the Board would make its decision having regard to the provisions of the county development plan in place at that time. It noted however the Board's decision may materially contravene the provisions of a county development plan.

- With regard to the location of proposed development in proximity to the Ballycoolin Area which Fingal County Council consider to be a "prestigious development area", the planning authority advised that landscaping and a high quality finish is required. The prospective applicant confirmed that the road realignment has been completed.
- The planning authority advised that cumulative impacts are to be considered.
- With regard to traffic issues, there is no significant issues expected having regard to the quality of the existing road network. Parking requirement is to be based on employee demand, which is expected to be approx. 10 people.
- A meeting took place with Local Authority Water Services on 6th July 2016. This was an introductory meeting and discussions are on-going, in particular with regard to surface water attenuation. The representatives of An Bord Pleanála advised that detailed discussions should take place in regard to any specific on-site requirements in respect of water/wastewater treatment on-site prior to discharging to the public sewer network, and to the capacity of the public network to receive and treat flows from the site.
- A telephone discussion also took place with the Environment Section in relation to potential odour generation arising from the SRF production process, brown bin management, and the nature of waste wood.

The prospective applicant said that it would have a further meeting with Fingal County Council before requesting to close the pre-application consultation.

The prospective applicant stated that the issues raised above will be assessed as part of the environmental impact statement (EIS).

The prospective applicant stated that it advertised in the Finglas and Blanchardstown Gazette in relation to holding a public information event in the Carlton Hotel, Dublin 15, on 8th July 2015. It confirmed that there were no attendees on the day.

Other issues of note are as follows:

- The presence of bat roosts have been identified in the ecological baseline surveys and the prospective applicant is applying to the Development Applications Unit of the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs for a derogation licence.
- There is evidence of Japanese Knotweed on the adjacent site and this will be addressed through a management plan.
- The proposed traffic haul routes were presented. The prospective applicant confirmed that all haul routes have been assigned through the business park.
- An ESB pylon within the site must be relocated. The pylon must remain along the route of the electricity line and the prospective applicant has identified a suitable area on an adjacent site onto which it can relocate the pylon. It is currently engaged in discussions with the landowner with regard to purchasing this land. A wayleave agreement will be required with ESB and/or the adjacent landowner. The representatives of An Bord Pleanála advised that the applicant must demonstrate sufficient legal interest in the land when making an application and if discussions in relation to acquiring the adjacent parcel of land are still on-going when the application is being lodged, it advised that a letter of consent is required from the landowner stating that they are the owner of the lands in question, they are aware of the application and the wayleave and they have no objection to the making of the application. The prospective applicant stated that the proposed relocation and the wayleave will be indicated on the application drawings. The representatives of An Bord Pleanála advised it to

indicate the full requirement of the wayleave and to assess the worst case scenario in the EIS.

Other Matters

The representatives of An Bord Pleanála advised the prospective applicant to ensure a complete and robust Stage 1 Appropriate Assessment and to provide detail with regard to screening out Stage 2, if appropriate.

Cumulative impacts e.g. odour, noise, and impacts on haul route, require a robust assessment in the EIS.

Indirect impacts are also to be addressed in the EIS. The representatives of An Bord Pleanála advised that in any grant of permission, where a licence is also required from the EPA, the Board cannot include environmental conditions, however permission may be refused on environmental grounds.

Procedures

The representatives of An Bord Pleanála provided the prospective applicant with a copy of the procedures involved in making an application under section 37E of the Act (see procedures outlined at the end of this record). A copy of the application form, sample public notice and sample letter to issue to prescribed bodies are attached at Appendix 2.

With regard to the information required in the public notices of the application, the prospective applicant's attention was drawn to the Guidance Note which accompanies the Sample Public Notice. The representatives of An Bord Pleanála advised that the public notice must state that the proposed development requires an Industrial Emissions licence from the EPA. Attention was also drawn to the requirements of the Chemicals Act (Control of Major Accident Hazards Involving

Dangerous Substances) Regulations 2015 with regard to potential proximity to Seveso Sites.

In order for the Board to keep a record of the application in spatial data format, the prospective applicant is also requested to submit the site boundary for use in Geographical Information Software (see guidance note attached at Appendix 3).

The prospective applicant was advised that the drawing scales are as required in the Planning and Development Regulations 2001, as amended.

The representatives of An Bord Pleanála advised that it is at the absolute discretion of the Board to hold an oral hearing in respect of an application.

If the Board decides that the proposed development is strategic infrastructure development, a list of prescribed bodies to be notified of the application will issue to the prospective applicant with the notice advising it of the Board's decision.

The prospective applicant stated that it is unlikely that it will seek a formal scoping opinion from An Bord Pleanála under section 37D of the Act.

Conclusion

Following receipt of the record of this meeting, the prospective applicant will revert to the Board to request closure of the pre-application consultation.

Philip Green

Assistant Director of Planning

2nd August 2016

Section 37A Application Procedures

- An application can only be lodged after formal notice has been received by the prospective applicant under section 37A(4)(a) of the Planning and Development Act, 2000 as amended.
- The application must be made by way of full completion of an application form to An Bord Pleanála.
- The sequencing of the application process and the content of the public notice is as set out at section 37E of the Planning and Development Act, 2000, as amended.
- The Board requires as a minimum that the public notice of the application would be in two newspapers circulating in the area to which the proposed development relates, one of which should be a national newspaper (A sample public notice is attached). A site notice in accordance with the protocols set out in the Planning and Development Regulations, 2001-2011 must also be erected. The date of the erection of the site notice is to be inserted; otherwise it should contain the same information as the newspaper notices and should remain in place for the duration of the period during which the public can make submissions to the Board.
- The documentation relating to the application is to be available for public inspection at the offices of the relevant planning authority and the offices of An Bord Pleanála. In this regard the requirements in terms of the number of copies of the documentation to be lodged with the relevant planning authority and the Board is as follows:
 - Planning Authority – 5 hard copies and 2 electronic copies.
 - An Bord Pleanála – 3 hard copies and 7 electronic copies.

The Board also requires the prospective applicant to provide a stand alone website containing all of the application documentation. The address of this website is to be included in the public notice.

- The public notice of the application is to indicate that the application documentation will be available for public inspection after the elapsment of at least 5 working days from the date of the publication of the notice so as to ensure that the documentation is in place for such inspection.
- The time period for the making of submissions by the public is to be at least seven weeks from the date the documents become available for inspection (not from the date of publication of the public notices). The Board requires that the public notice must indicate the deadline time and date for the making of submissions to the Board. It was agreed that the prospective applicant would advise the Board's administrative personnel in advance of the details of its proposed public notice and that any further definitive advice on same including confirmation of dates/times could be communicated at that stage.
- The service of notice of the application on any prescribed bodies must include a clear statement that the person served can make submissions to the Board by the same deadline as specified in the public notice (Sample letter to prescribed bodies is attached).
- The service letter on the planning authority with the necessary copies of the documents should be addressed to the Chief Executive and should also alert the authority to the Board's requirement that the application documentation be made available for public inspection/purchase by the planning authority in accordance with the terms of the public notice (copies of any newspaper/site notices should be provided to the planning authority). It is the Board's intention

that all of the application documentation will remain available for public inspection during the currency of the application.

- The depositing of the application documentation and the making of the application to the Board should take place immediately after the publication of the notice and the completion of the service requirements. It should not await the elapsment of the period for the public to make submissions. The application documentation should include a copy of all letters serving notice of the application on prescribed bodies and the local authority, copies of the actual newspaper notices as published and the site notice.
- The fee for lodging an application is €100,000. The fee for making a submission in respect of an application is €50 (except for certain prescribed bodies which are exempt from this fee). There is an existing provision enabling the Board to recover its costs for processing any application from the applicant. In addition it was pointed out that the legislation also enables the Board direct payment of costs or a contribution towards same to the planning authority and third parties.

The sequencing of the making of the application was summarised as follows:

1. Publish newspaper notices.
2. Serve copy of relevant documents on bodies/persons required to be notified of the application. Deposit required number of copies with relevant planning authority.
3. Deposit required number of copies of application documentation with An Bord Pleanála and make an application to it.

Guidelines for Electronic Copies of Applications (Standalone Website & CD Copies)

1. Each document/drawing should be clearly labelled:
 - EIS and NIS chapters saved individually should be named with the number and title of the chapter e.g. Chapter 2: Ecology, Chapter 3: Human Beings etc., and not just the chapter number.
 - Document names cannot begin or end with a dot, cannot contain consecutive dots and cannot contain any of the following characters: ~ " # % & * : < > ? / \ { | }.
 - Drawings should be saved with the drawing title and/or number, not just the drawing number.
 - Large documents to have 'contents' page e.g. EIS and to be paginated appropriately to allow ease of access to its various sections.
2. Documents/drawings should not be compressed e.g. not Winzipped, and should open directly.
3. Each document/drawing when opened should be clearly legible and any scaling of the drawing clearly and accurately indicated.
4. Each document/drawing when opened should be oriented in the appropriate way (portrait/landscape). It should also be possible to rotate the document/drawing.
5. The documents/drawings should be presented in the same sequence as they appear in the hard copy of the application, in order to make the electronic copy as accessible as possible.

6. All photographs/photomontages shall be in colour, not blurred and clearly legible.
7. All drawings/maps which rely on any colour interpretation e.g. red/blue edging, zoning etc. must be provided in colour.

June 2015.