



An
Bord
Pleanála

Recording of Meeting 17.PC0221 1st meeting

Case Reference / Description	17.PC0221 Proposed development to allow further replacement of fossil fuels with alternative fuels and use of alternative raw materials at existing cement works at Platin, Duleek, Co. Meath.		
Case Type	Pre-application consultation		
1st / 2nd / 3rd Meeting	1 st		
Date	19/07/16	Start Time	11a.m.
Location	Conference Room	End Time	1.10p.m.
Chairperson	Philip Green	Executive Officer	Kieran Somers

Attendees		
Representing An Bord Pleanála		
Staff Member	Email Address	Phone
Philip Green, Assistant Director of Planning		
Patricia Calleary, Senior Planning Inspector		
Diarmuid Collins, Senior Administrative Officer		
Kieran Somers, Executive Officer	k.somers@pleanala.ie	01-8737107

Representing the Prospective Applicant		
Seamus Breen, Head of Sustainability and Quality, Irish Cement Limited		
Brian Gilmore, Marketing and Communications Manager, Irish Cement Limited		
Thomas Burns, Planning Consultant, Brady Shipman Martin		
Deborah Spence, Arthur Cox Solicitors		

The meeting commenced at 11a.m.

Introduction:

The Board referred to the letter received from the prospective applicant dated the 14th June, 2016 formally requesting pre-application consultations with the Board.

The Board 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 Board will serve formal notice at the conclusion of the process as to whether or not the proposed development is SID. It may form a preliminary view at an early stage in the process as to whether the proposed development would likely constitute strategic infrastructure.
- 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 any legal proceedings.

Presentation by the prospective applicant:

The prospective applicant for its part emphasised that it is anxious to receive a SID determination from the Board as soon as possible so as to progress with the formal planning application. It acknowledged that a planning application had been lodged with Meath County Council for the proposed development but that this was now in abeyance following the Council's decision that it may constitute SID and to seek an opinion from the Board. It said that it hoped, by way of this meeting, to demonstrate to the Board that the proposed development is not of a type that would warrant consideration under the relevant class of the Seventh Schedule of the Planning and Development Act 2000, as amended.

The prospective applicant provided some background in relation to the cement industry in Ireland as a whole, and also as regards its own history in this context. The prospective applicant has operated two cement factories since 1938. In recent years, with the economic downturn, export markets had become more important to its operations.

The prospective applicant outlined the constituent elements of the production process involved at the Platin facility. It said that it effectively has planning permission to produce three million tonnes of cement per year and that the facility is one of the most modern of its type in Europe. The prospective applicant also referred to the various EPA consents obtained for the facility. It said that the cement produced here is to the European specifications.

The prospective applicant said that fossil fuels were traditionally employed as the energy source to produce the heat required in the production process. More recently petroleum coke has been used, and a natural progression is being followed with respect to fossil fuel replacement. As of 2016, 50% of fossil fuels have been replaced by alternative fuels and the applicant has a medium-term goal to achieve over 85% fossil fuel replacement. Currently the facility only employs SRF (solid recovered fuel – a combination of shredded paper, plastic and textiles) to replace fossil fuels at the facility. The prospective applicant pointed out that, by way of a 2009 planning permission obtained from Meath County Council, it gained consent to use up to 120,000 tonnes of three alternative fuels per annum, namely SRF, chipped tyres and meat and bone meal. As the latter two categories of alternative fuels were not so readily available by the time planning permission and EPA licensing was obtained, the prospective applicant applied for a further permission which allowed for the 120,000 tonne figure to comprise entirely of SRF.

The prospective applicant stated that the SRF is produced to a specification by the waste industry from non-recyclable materials and is transported to the facility in a ready-to-use format. It said that quality control is of vital importance and so samples of each load received are taken and composite analysis is carried out. This is done to ensure that the fuels used meet the desired specification and contribute to the production process. The prospective applicant confirmed that it is paid to accept the material in question by the supplier. In terms of storage of the material received, the prospective applicant operates a 'just-in-time' delivery process whereby storage time is minimised.

As regards alternative fuel use at similar facilities in a European context, the prospective applicant referred to other countries. Currently Germany has an average of 62% of cement plants which have achieved over 85% of fossil fuel replacement. The prospective applicant commented that the replacement of fossil fuels will go a considerable way towards improving the competitiveness of the industry as a whole. It also emphasised that fuel usage is linked directly to the production of cement and that the employment of co-processing involves no waste residues such as ash.

Responding to the Board's query, the prospective applicant said that SRF material supplied to the facility comes directly from licensed operators who process and treat this non-recyclable material prior to its arrival on site. It added that the SRF arrives on site as a fuel and is not subject to any further processing other than final screening for metals.

In respect of the development works now being proposed, the prospective applicant began by providing the Board with a layout of the existing facilities on site. It said that the cement works area accounts for approximately 40 hectares of the overall site. The three kilns which are located in the centre of the site are where the heating and melting processes take place. Kiln 1 has been de-commissioned; Kiln 2 is presently inactive; and Kiln 3 is in full use. The prospective applicant said that alternative fuel material currently used on site is not separated or processed in any way. As a point of information for the Board it said that magnets are used to extract any residual materials which may be lingering in the SRF, but that this process is merely for quality control. Responding to the Board's query, the prospective applicant clarified that approximately 100 to 150 tonnes of material is extracted from the overall 120,000 tonnes per annum as part of this process.

The prospective applicant remarked that most comparable facilities in Europe would now be multi-fuel sites. The purpose of the proposed development was to provide a range of buildings, structures and associated plant to allow flexibility for further replacement of fossil fuels with alternative fuels and for the use of alternative raw materials in the cement manufacturing process. With respect to the 600,000 tonnes per annum figure, the prospective applicant said this is based on a long-term perspective and in the event that the facility is operating at full capacity some time in the future. It added that such full operating capacity may in fact never be reached. The prospective applicant is seeking a 10-year permission as it has various short-term, medium-term and long-term proposals as part of the overall project. It outlined the constituent elements of each of these phases to the Board.

The proposed alternative fuels to be employed would consist of fine solids, coarse solids, free-flowing solids and pumpable fluids. The proposed development would also involve the use of alternative raw materials. Responding to the Board's query, the prospective applicant said that some of the material would be hazardous by nature, for example meat and bone meal and solvents. It said that SRF is non-hazardous. It confirmed that a small quantity of SRF used on site is sourced from Northern Ireland, and that there are no current plans to import such fuel from other jurisdictions. Of the 600,000 tonnes figure, the percentage of hazardous waste might be approximately 20%. As regards alternative raw materials, the prospective applicant referred to examples such as contaminated soil and alum filter. These would be stored in a purpose-built structure and can be used to replace a proportion of the traditional raw materials employed in the manufacture of cement.

The prospective applicant reiterated its opinion that the proposed development was not a waste disposal facility, nor was it an installation for the disposal, treatment or recovery of waste and would not therefore fall under Section 3 (Environmental Infrastructure) of the Seventh Schedule of the Planning and Development Act 2000, as amended. It emphasised that the proposed development is to facilitate multi-fuel use and allow flexibility into the future, and that the current core operation on site (namely, the manufacture of cement) is not in any way altered by the fuels used in its production.

Board comments/queries:

The Board enquired as to whether there would be any processing on site of fuels once received. The prospective applicant restated that these would be ready for use and to specification and that no further processing would take place. It added that the only time various materials would mix would be during the final combustion phase; otherwise the various fuel streams are kept separate.

The prospective applicant confirmed to the Board that handling tanks on site, and as part of the proposed development, are for the transfer of the materials to the kiln. The prospective applicant also stated that there are no plans to shred materials on site.

The prospective applicant clarified to the Board that a small degree of fossil fuel usage will still be required in the kiln process including for start-ups; otherwise it would expect that, operating at full capacity, the facility could realise an 85% figure as regards alternative fuel consumption. The prospective applicant commented that the cement industry is very energy efficient generally.

In response to the Board's query, the prospective applicant said that the overall process is quite straightforward as proposed buildings and structures are required only to contain and transfer the fuel by means of conveyors or pumps. It stressed that the tonnage of cement being produced at the facility will not be increased as a result of the proposed development.

The prospective applicant also said that alternative raw materials proposed to be employed would be handled as a regular raw material.

At the request of the Board, the prospective applicant provided an overview of the scale of buildings, tanks, silos and smaller structures proposed as part of the development. The prospective applicant said that buildings being proposed are generally in the order of 14 to 16 metres in height; silos proposed are generally in the order of 26 metres. The prospective applicant remarked that generally the subject site's appearance is that of a large industrial site.

With respect to companies who will supply alternative fuels, the prospective applicant said that some of these are existing suppliers. It added that it has received queries from other companies and suppliers with regard to the proposed development.

The Board's representatives stated that there are definitions for 'waste', 'disposal' and 'recovery' within the Waste Management Act, but not for 'installation'; the prospective applicant agreed with this. It was noted that there also did not appear to be the definition of an installation contained within the Planning Acts.

In relation to the definition in the relevant class of the Seventh Schedule, the prospective applicant opined that the word 'installation' means facility and would refer to a waste facility as the category generally deals with thresholds for Environmental Infrastructure. The prospective applicant observed its understanding that the wording of the legislation here was not intended to capture facilities such as cement manufacturing. It stressed that the fuel to be used would be recovered materials from waste. A discussion on this point ensued between the prospective applicant and the Board's representatives. The Board's representatives stated that the meaning of 'installation' may also be read as the facility now proposed notwithstanding that the proposed development was ancillary to the main process of cement production. The prospective applicant for its part restated that the proposed development is not for the treatment, recovery, or disposal of waste. It also said that the context of the planning use of the site overall has to be considered in any SID determination. The Board's representatives said that, in the final analysis, having regard to the information presented by the prospective applicants and inspectors recommendation it will be a matter for interpretation by the SID division of the Board.

The Board's representatives proposed to the prospective applicant that, in an ordinary interpretation of the wording of the Act and having regard to the development proposed that this was an installation (albeit producing cement) and that the words 'disposal', 'recovery' 'waste' and an 'annual intake greater than 100,000 tonnes' might lead to a conclusion that the proposed development albeit incidental to the production of cement did come within the ambit of the Seventh Schedule. The prospective applicant responded that the central point was that the operation was still a cement manufacturing plant albeit now with the use of alternative fuels proposed and it should be regarded in this context. The prospective applicant added that the issue here is one for Irish Law and not European Law.

Conclusion:

The Board offered the prospective applicant the opportunity to make a further written submission with regard to the SID status of the proposed development and their interpretation of the relevant classes of the Seventh Schedule. The prospective applicant indicated that it will avail of this opportunity. It would also issue an without-prejudice basis opinion should the Board consider it to be SID having regard to the three criteria set out in section 37A(2) of the Planning and Development Act 2000, as amended.

The written record of the instant meeting will issue to the prospective applicant as soon as possible. It will then be a matter for the prospective applicant to make a further written submission to the Board as noted above; it may also incorporate any comments it wishes to make on this record. Upon receipt of the further submission from the prospective applicant, the Senior Planning Inspector dealing with the case will draft a report and recommendation to the Board seeking the Board's initial view on the SID status of the proposed development. A further meeting with the prospective applicant may be required based on the Board's conclusions. The Board's representatives indicated to the prospective applicant that, in the event of the Board considering that the proposed development was SID, it may also consider whether it was necessary to meet with prescribed bodies such as the relevant local authority and also the Eastern-Midlands Region Waste Management Office. In addition there may be further matters to be addressed with the prospective applicant relating to issues that may have a bearing on the Board's decision in relation to the application.

The meeting concluded at 1.10p.m.

Philip Green

Assistant Director of Planning