



An
Bord
Pleanála

Record of Meeting 17.PC0221 3rd 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	3 rd		
Date	21/12/16	Start Time	10 a.m.
Location	Conference Room	End Time	11.30 a.m.
Chairperson	Brendan Wyse	Executive Officer	Kieran Somers

Attendees		
Representing An Bord Pleanála		
Staff Member	Email Address	Phone
Brendan Wyse, 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 10 a.m.

Introduction:

There have been two meetings held previously between the prospective applicant and the Board during which the Board has conveyed its preliminary opinion that the proposed development would constitute strategic infrastructure. The Board also referred to a further information submission it has received from the prospective applicant, as well as the prospective applicant’s letter dated the 16th December, 2016.

Record of Second Meeting:

In relation to the letter of the 16th December, 2016, the prospective applicant referred to the record of the second meeting (held on the 15th November, 2016) and, in particular, to the fourth bullet point on page 3 of that record. The prospective applicant said that this statement was incorrect and conveyed the impression that the cement plant as a whole would constitute SID as opposed to the instant proposed development. The prospective applicant emphasised the point that the existing cement plant would not come under any category contained in the Seventh Schedule of the Planning and Development Act 2000, as amended. The prospective applicant said that, as a result of this text contained in the record, its concern would be that every subsequent planning application made by it might be perceived to be SID. The Board responded to this by stating that the record of the meeting is its record of the meeting, not an agreed minute. It advised the prospective applicant that it is only looking at the instant proposed development and that discussions relate to this proposal and not to the existing use of the cement plant. Responding to this,

the prospective applicant said that the instant proposal is not for waste incineration and that it is important the facility not be perceived as a waste facility.

The Board's representatives reviewed the red line boundary of the site with the prospective applicant with particular regard to the locations where fuel will be taken in as part of the proposed development. Other elements of the proposed development were also summarised. The prospective applicant reiterated that no waste processing will occur on site.

With respect to the record of the meeting of 15th November, 2016, the prospective applicant asked that the Board amend this record by deleting the aforementioned fourth bullet point on page 3. The Board replied that its practice generally is not to amend records of meetings. With respect to this matter, the Board advised the prospective applicant that its letter of 16th December, 2016 will be on file for the public record and also that the record of this instant meeting will document the prospective applicant's opinion outlined above. The record of all meetings held will also form part of the entire pre-application file. The Board said it was not its intention to convey any impression that the existing use of the cement plant as a cement plant was SID and that the bullet point must be read in the context of the proposed development under discussion and not any other future development proposal. Included on the file will be the interim report of the inspector and also the final report of the inspector.

Preliminary Opinion that the proposed development constituted SID:

The Board's representatives asked the prospective applicant if it wished to make any further comments regarding the Board's preliminary opinion that the proposed development would constitute SID. The prospective applicant said it had no further comments to make in this regard.

Application to Meath County Council:

The Board asked the prospective applicant to update it on the planning application for the instant proposal which is still before Meath County Council. The prospective applicant said that the application in question is still current and has not been withdrawn. The prospective applicant said that the planning application had been at an advanced stage in terms of consultations and EIA. It added that consultations with relevant stakeholders are on-going.

The Board enquired as to whether any key issues had arisen by way of studies, EIA and consultations. The prospective applicant replied that these have been documented in its further information submission to the Board.

Main Issues likely to arise in the context of a Planning Application:

The Board summarised some of the main issues which might be considered by it in the event of a formal planning application. These were as follows:

Volume proposed: The prospective applicant replied to this by saying that the permission being sought is to allow the intake of alternative fuels. It informed the Board that several meetings have taken place between it and the eastern-midlands waste regional office. It advised that their position is that the proposed development would not be at odds with their plans for the region. The prospective applicant added that there is an overall demand for further use of alternative fuels and that the

proposed development fits well with the East Midlands Region waste management plan.

Phasing of intake of fuel: The Board asked if the application could give an indication of the phasing for the proposed intake of fuel volumes. The prospective applicant replied that it is quite difficult to be exact in this respect as figures would likely fluctuate owing to market conditions and that flexibility would be required. It added that production demands will drive such use and that an exact scenario for the future is difficult to predict.

Traffic: The prospective applicant said that the main traffic volumes generated by the facility generally are cement products being transported to its customers. It said it does not envisage a noticeable rise in traffic volumes as a result of the proposed development as it was very much a fuel swap.

With respect to any planning application, the Board recommended that it should include:

- A clear description of the nature of the development proposed including reference to waste as appropriate. The prospective applicant said that the application would deal with the categorisation of various types of alternative fuels.
- A breakdown of hazardous and non-hazardous waste streams. The prospective applicant said that it would be able to provide a number of scenarios in this respect.
- Traffic impacts
- Impacts on air quality
- Impacts on water

As regards prescribed bodies, the Board asked the prospective applicant if it might provide it with a list of those it has consulted with to date and others with whom they propose to consult. The prospective applicant agreed to provide this.

Procedures:

The Board provided the prospective applicant with the general procedures for making a planning application. It also pointed out that there are guidelines for applicants contained on the Board's website. The procedures given were as follows:

- 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 placed in two newspapers circulating in the area to which the proposed development relates, one of which should be a national newspaper. A site notice in accordance with the protocols set out in the Planning and Development Regulations, 2001-2015 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 Board may give advice as regards the positioning of site notices. The Board can also provide advice on procedural matters relating to the public notices, such as the relevant last date for submissions/observations, but does not advise on the actual content of the notice. This is a matter entirely for the prospective applicant itself.
- 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 stand-alone website is to remain live for the duration of the planning application and should not be amended in any way unless there is prior agreement with the Board in this regard.
- 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 notices.

- 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.

The Board pointed out that there would be a different reporting inspector with regard to the substantive planning application.

The Board also pointed out that the holding of an oral hearing is entirely at its discretion. With respect to strategic infrastructure cases it said that factors determining the holding of same might include the number and content of submissions received, as well as public interest generally.

Conclusion:

It was agreed that there will be at least one further meeting in this pre-application case. This may take place circa February 2017. The Board in the meantime may seek to have meetings with other bodies, including the relevant local authority and the East Midlands Waste Regional Management Office.

The meeting concluded at 11.30 a.m.

Brendan Wyse**Assistant Director of Planning**