



An
Bord
Pleanála

Recording of Meeting 17.PC0223 2nd meeting

Case Reference / Description	17.PC0223 Increased acceptance of non-hazardous waste for recovery and disposal, Co. Meath.		
Case Type	Pre-application consultation		
1st / 2nd / 3rd Meeting	2 nd		
Date	25/10/16	Start Time	11a.m.
Location	Conference Room	End Time	12.10p.m.
Chairperson	Philip Green	Executive Officer	Kieran Somers

Attendees		
Representing An Bord Pleanála		
Staff Member	Email Address	Phone
Philip Green, Assistant Director of Planning		
Pauline Fitzpatrick, Senior Planning Inspector		
Marcella Doyle, Senior Executive Officer		
Kieran Somers, Executive Officer	k.somers@pleanala.ie	01-8737107

Representing the Prospective Applicant		
Derek Milton, Fehily Timoney and Company		
Dee Stevenson, Knockharley Landfill Ltd		
John O'Malley, Kiaran O'Malley and Co Ltd		

The meeting commenced at 11a.m.

The Board referred to the previous meeting which took place on the 4th August, 2016 and asked the prospective applicant if it wished to make any comments on the record of this meeting. The prospective applicant replied that it had no comments to make.

The Board noted that this may be the final meeting in this particular pre-application consultation case. Notwithstanding this, it recommended that the prospective applicant keep the process open until it deems it necessary to close the consultations.

Presentation by the prospective applicant:

The prospective applicant began by providing an update on the project. It noted that since the time of the previous meeting with the Board, there have been some minor revisions to the proposed development. In particular, the prospective applicant drew the Board's attention to the inclusion of a facility processing building for Incinerator Bottom Ash (IBA) processing or temporary baled Municipal Solid Waste (MSW) storage. The prospective applicant said that the dimensions of the building will be 40 metres by 40 metres comparable to a typical industrial type building. The prospective applicant also noted some revisions to the proposed development layout as previously presented to the Board. These include the omission of the proposed stream diversion and the consolidation of the proposed bottom ash area.

With respect to consultations since the time of the previous meeting, the prospective applicant provided the Board with the following updates:

EPA: The prospective applicant said that a formal meeting took place with the Agency on the 29th August, 2016. Matters discussed included the potential for increased odour generation and the requirement to demonstrate appropriate means of mitigation. The prospective applicant said that the Agency enquired as to the means of classification of activities being proposed and the extent of Appropriate Assessment to be carried out (Stage 1 or Stage 2). It also wished to have more

details regarding proposals related to future winning of IBA material and the requirement for indoor containment of IBA processing were it to occur. Specific licensing procedural issues were also discussed at this meeting.

Meath County Council: The prospective applicant said that a formal meeting took place with representatives from the local authority on the 7th September, 2016. Matters discussed included the nature and scale of the proposed development compared to previous developments on site and the potential for IBA or bale storage element within the proposed facility building. The prospective applicant said that the local authority's main concerns related to visual impact and odour effects on the environment. It suggested to the prospective applicant that it include elevated areas in its visual assessment and clear odour management proposals. The local authority also queried the extent of Appropriate Assessment to be carried out and emphasised the importance of public consultations.

Eastern Midlands Waste Regional Office: The prospective applicant said that a formal meeting with the EMWRO took place on the 12th September, 2016. Matters discussed included the nature and scale of the proposed development compared to previous developments on site and the breakdown of proposed input tonnages. The EMWRO also enquired as to the potential for the IBA or bale storage element within the proposed facility building. Other matters discussed included the extent of Appropriate Assessment to be carried out and any potential environmental impacts arising from the proposed development.

As regard consultations with the general public, the prospective applicant said that it has scheduled an event to take place on Monday 14th November, 2016. It intends to present information relating to the proposed development at this event and invite feedback from members of the public attending.

The prospective applicant asked the Board's advice regarding the scale of drawings to accompany the planning application. It said that it would wish to provide the best visual representation of the proposed development and remarked that drawings of a typical scale of 1:200 or 1:500 might not be adequate in this regard. The Board agreed that it would be looking for a scale of drawing which would give a proper representation of the extent of the proposed development, including technical and structural detail such as sections through the proposed landfill. It invited the prospective applicant to forward examples of drawings for its advice prior to the lodgement of any planning application. Following this, it is the intention of the prospective applicant to formally close the pre-application consultation process and request a formal SID determination from the Board.

Board comments/queries:

The Board enquired as to any policy context discussion regarding the proposed development which may have taken place between the prospective applicant and the EMWRO. The prospective applicant replied that such a discussion took place at a relatively high level. It said the view of the EMWRO is that the proposed development would be supported in a policy context. Noting this, the Board recommended that the proposed development be firmly put into a policy context in any subsequent planning application.

The Board posed the scenario of two similar facilities being potentially applied for and operational at the same time and queried how such a scenario might be considered. The prospective applicant said that it would seek to establish a price per tonne of IBA as well as securing the amount of annual storage. The producers of IBA looks for security of disposal with five year contracts, minimum, the norm. It noted that commercial and market conditions would be a matter for the EMWRO. Responding to the Board, it said it is not foreseen that material will come from the North.

The Board enquired as to the extent of Appropriate Assessment and asked if a Stage 2 (submission of a Natura Impact Statement with the planning application) is likely. The prospective applicant noted that the River Nanny Estuary and Shore SPA is approximately 25 kilometres from the proposed development. It intends to apply a precautionary approach as regards AA and that the production of an NIS is quite likely. Noting this, the Board also advised the prospective applicant to consider any indirect effects arising from the proposed development. As regards AA generally, the Board noted that it is the competent authority and that it can screen in European Sites as well as screen them out.

The potential re-use and storage of IBA material was raised by the Board. It enquired as to whether any chemical alteration or other reaction occurs when this material is in storage that might hinder its re-use. The prospective applicant replied by saying that a stabilisation/solidification process does take place in respect of the material in such storage. It added that the material in question would be stored/stockpiled in such a way as to facilitate easy access and/or reclamation. Noting this, the Board said it would be important for any planning application to formally state that the proposed method of disposal would not be prejudicial to the potential re-use of this material. The prospective applicant said that it is satisfied that the material in question would not be sufficiently altered in storage and that there would be no risks of cross-contamination in respect of other waste types. It added that its intention is to clearly outline how the IBA material will be stored and, potentially, reclaimed for use. It also confirmed that the environmental considerations of such a re-use will be included in the EIS to accompany the planning application.

Procedures:

Procedures in relation to the making of a formal planning application to it were given by the Board as follows:

- An application can only be lodged after formal notice has been received by the prospective applicant from the Board.
- The application must be made by way of full completion of an application form to the Board.

- 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.
- 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 prospective applicant was also informed that the Board is in the process of updating its ICT system. In this regard, the prospective applicant was requested to submit the site location map in shape file format.

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 prospective applicant indicated its current intention to submit a formal planning application to the Board prior to the end of 2016.

Responding to the prospective applicant's query on the matter, the Board said that, typically, a two to four-week time period should be expected between the formal closure of the pre-application consultation process and the Board issuing its formal SID determination. This time period allows for the completion of the Inspector's report also.

With respect to public notices for the proposed development, the Board said that reference should be made for any application to the EPA for an Industrial Emissions Licence. This would also be the case if the site is a Seveso Site.

As regards the time period for members of the public to make written submissions/observations to the Board, the Board reminded the prospective applicant that the Christmas time period which is excluded under the legislation may have to be factored in in such calculations.

The Board said advice regarding GIS and shape files can be provided by it.

Conclusion:

Responding to the Board's query, the prospective applicant confirmed that it will be submitting a Traffic Impact Assessment (TIA) as part of the planning application. This, it said, will be informed by operational experience at the existing facility. In relation to the acceptance of IBA material at the proposed development, the prospective applicant said this would be in accordance with the existing facility's operating hours. Noting this, the Board said that any increase in traffic volumes related to the proposed development would need to be clearly set out and explained.

The Board enquired as to whether the prospective applicant has received any comments from the National Parks and Wildlife Service (NPWS) in relation to AA screening. The prospective applicant replied that it has written to the NPWS, but has to check if any response was received. The Board recommended that the prospective applicant liaise closely with the NPWS in this regard.

The Board said that a list of prescribed bodies to be formally notified of the application will be provided by it in its formal SID determination letter.

The Board also noted that it has discretion to hold an oral hearing in such cases; however, it reminded the prospective applicant not to rely on the holding of an oral hearing, particularly to expand on its case or for the submissions of any further information.

It was agreed that the prospective applicant will revert to the Board in respect of the matter of scale of drawings and comments, if any, that it wishes to make on the record of this meeting. Following this, it will be a matter for the prospective applicant to indicate if it requires a further meeting or a formal closure to the pre-application consultation process.

The meeting concluded at 12.10p.m.

Philip Green

Assistant Director of Planning