



An
Bord
Pleanála

Inspector's Report ABP-301963-18

Proposed Development	Overburden management facility.
Location	Platin, Co. Meath.
Planning Authority	Meath County Council.
Prospective Applicant	Irish Cement Ltd.
Type of Application	Pre-application consultation.
Issue	Whether or not the development is strategic infrastructure.
Consultees	None.
Date of Site Inspection	6 th November 2018.
Inspector	Deirdre MacGabhann

Contents

1.0 Introduction.....	3
2.0 Site Description.....	3
3.0 The Proposed Development.....	4
4.0 Planning History.....	4
5.0 Policy Context.....	5
5.1. National Planning Framework 2040	5
5.2. Regional Planning Guidelines	5
5.3. Development Plan.....	5
5.4. Natural Heritage Designations	5
6.0 Strategic infrastructure – Legal Provisions	6
7.0 Consultations.....	6
8.0 Prospective Applicant’s Cases.....	9
9.0 Assessment.....	10
9.2. Seventh Schedule.....	10
9.3. Section 37A(2)	11
10.0 Conclusion and Recommendation	12
11.0 Reasons and Considerations	12

1.0 Introduction

- 1.1. This report relates to pre-application discussions held with Irish Cement Limited regarding whether or not their proposed overburden management facility at Platin Cement Works, Platin, Co. Meath, constitutes strategic infrastructure, as defined by the Planning and Development Act, 2000 (as amended).
- 1.2. This report describes the location and nature of the proposed development, the applicant's submission, the consultations held and the legal provisions which are relevant to the proposed development.
- 1.3. It recommends that the proposed development does not constitute strategic infrastructure and it sets out reasons and considerations to support this conclusion.

2.0 Site Description

- 2.1. Platin Cement Works is located c.0.75km to the south west of Junction 8 (Drogheda South) of the M1 Dublin Belfast Motorway. The Cement Works comprise the cement production facility (c.40ha) and the adjoining limestone quarry (c.120ha), which provides the primary raw material for the production of cement.
- 2.2. Overburden from the existing limestone quarry is used (a) to create landscape berms around the perimeter of the site, and (b) in the manufacture of cement (it is used to replace a portion of shale and blended with other materials to provide 'raw meal' for the production of cement). The un-used portion is placed in an 'Overburden Management Facility' (OBMF). This lies to the north of the quarry and is separated from it by a minor public road. This facility comprises the long-term storage area for overburden, which will ultimately be used for the restoration of the quarry.
- 2.3. The subject site, for the proposed new OBMF, lies to the west of the existing overburden storage area but separated from it by a small valley which runs in a north west/south east orientation. It generally comprises agricultural fields, separated by hedgerows.

3.0 The Proposed Development

- 3.1. The existing OBMF at the quarry is nearing capacity and the proposed development comprises a new overburden storage facility to facilitate the continued operation of the permitted quarry and associated cement works. It comprises a site of c.14ha, to the immediate west of the existing storage facility and will have a total storage capacity of 1.9m cubic metres (c.4m tonnes). Overburden will be stored on the site to a height of c.85m AOD (similar finished level to the existing facility), and will be laid in raised steps of c.5m with slopes finished to a gradient of 1 in 3 (or less). A toe drain will be constructed around the foot of the facility to collect surface water runoff. The drain will discharge the existing quarry/OBMF drainage network, via a proposed attenuation wetland (to be constructed to the south east of the proposed OBMF). All drainage from the existing overburden area drains into the quarry, from where surface water is pumped into the River Nanny. This discharge, the operation of the cement works, the adjoining quarry and OBMF, are subject to an Industrial Emissions Licence from the EPA (No. P0030-05). No material will be imported to the site.

4.0 Planning History

- 4.1. The quarry at Platin has a planning history which extends back to the 1960s when permission was first granted for the cement works and adjoining quarry. This is set out in the prospective applicant's submissions to the Board (Slides 1 to 6 of presentation on the 17th October 2018 and History of Quarry submitted by the prospective applicant on the 19th October 2018). Of note, the existing OBMF was permitted in 1969 (PA ref. 69/106) and extended to the current area, c.22ha, in 1994 (PA ref. 94/925). Subsequently, the quarry has been extended in area and by depth, but there has been no accompanying extension of the OBMF.
- 4.2. In 2018 the Board granted a 10-year permission for the further replacement of fossil fuels at the Cement Works with alternative fuels and to allow for the introduction of raw materials in the manufacture of cement (PL17.PA0050).

5.0 Policy Context

5.1. National Planning Framework 2040

- 5.1.1. This National Planning Framework seeks to guide development in the country to 2040. Strategic objectives include supporting the sustainable growth of Dublin and its metropolitan area and building stronger regions over the Plan period. The Plan recognises that extractive industries are important for the supply of aggregate and construction materials and minerals to a variety of sectors. National Policy Objective 23 seeks to facilitate the development of the rural economy through supporting sustainable and economically efficient development of rural industries, including the extractive industries, while maintaining and protecting the natural environment built heritage.

5.2. Regional Planning Guidelines

- 5.2.1. The Regional Planning Guidelines for the Greater Dublin Area 2010 to 2022 recognise that the extractive industries are essential to the economy, but also have the potential for conflict with wider environmental considerations (section 5.4.3). (The Draft Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031, Public Consultation document contains a similar policy approach).

5.3. Development Plan

- 5.3.1. Strategic goals of the Meath County Development Plan 2013 to 2019 seek to facilitate supplies of aggregates in the County to meet future growth needs, in the County and in the wider area, whilst addressing key environmental traffic and social impacts and rehabilitation.

5.4. Natural Heritage Designations

- 5.4.1. The subject site lies c.2.6km to the south of the River Boyne and River Blackwater SAC and SPA (site codes 002299 and 004232 respectively) and c. 5km to the north west of the River Nanny and Shore SPA (site code 004158) in Laytown.

6.0 Strategic infrastructure – Legal Provisions

6.1. Section 37A of the Planning and Development Act 2000 (as amended) requires applications for permission for any development set out in Schedule 7 of the Act to be made to the Board, on condition that the development would fall within one or more of three categories:

- The development would be of strategic economic or social importance to the State or the region in which it would be situated,
- The development would contribute substantially to the fulfilment of any of the objectives of the National Spatial Strategy (now superseded by the National Planning Framework), or any regional or economic strategy in place, or
- The development would have a significant effect on the area of more than one planning authority.

6.2. Listed in Section 3, Schedule Seven of the Act is the following development:

‘Development comprising or for the purposes of any of the following:

- *An installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes’.*

7.0 Consultations

7.1. The Board’s representatives held one meeting with the prospective applicants (minutes attached). Of note, the following matters were clarified by the applicant at this meeting and in subsequent correspondence (19th October 2018 and 9th November 2018):

Existing IE Licence

- The existing and proposed OMBF lie within the existing licenced area under IE No. P0030-05 (see Figure A.1, letter to Board of 19th October 2018).

Existing conditions which govern the operation of the OBMF include:

- Under Condition no. 8 Materials Handling, sub-section 8.21 *‘Only extractive waste shall be deposited at the overburden mound. No other waste disposal activities shall take place at the installation’.*

- Under Schedule A1: Limitations *The following waste related processes are authorised:*
 - *Surplus overburden comprising natural materials of soil and stone arising from on-site quarrying activities (classified as extractive waste) may be deposited at the overburden mound.'*
- Any activities/operations at a potential future OBMF will be consistent with those already licenced by the EPA at the existing OBMF.

Use of Overburden in Manufacturing Process

- The manufacture of cement is a highly controlled and monitored process where the physical and chemical composition of raw materials is of critical importance to the consistency and quality of the cement product. The primary raw material is limestone, which accounts for c.80% of the total input. The remaining c.20% comprises a variety of raw materials, of which shales account for c.15%. Depending on the nature and composition of the overburden from the quarry, it may be used as a substitute typically for up to 60% of the overall shale component (or up to c.10% of the overall raw material input). The rate of substitution varies from time to time depending on the chemistry of the primary raw materials. In recent years it is estimated that between 45% and 75% of the available overburden is fed into the cement manufacture process at the cement works. Where suitable, the overburden to be used in the cement manufacture process is transferred directly to the cement works and the Overburden Management Facility (OBMF) does not act as an interim or transfer facility for this material.
- Any overburden that is either not suitable or is in excess of the requirements for use as a raw material is directly transported to storage in the existing OBMF. The OBMF holds this material on a long-term basis pending closure of the quarry and/or of the Cement Works, after which the stored material may be used, either in part or entirety, for in the restoration of the quarry and/or of the decommissioned works site.
- Therefore, the OBMF plays no role in the cement manufacture process and is solely used as a long-term storage facility for a range of soils, clays, sands, and other soil / stone materials.

Strategic Importance of Cement Works

- There are 4 cement plants in the Republic of Ireland: Irish Cement plants at Platin and Limerick, Lagan Cement at Kinnegad and Quinn Cement at Ballyconnell, County Cavan. Platin Cement Works and Lagan Cement Works are both in County Meath within the Greater Dublin Region.
- The combined permitted and licenced capacity for cement production from the four cement plants is 6.1 million tonnes per year. Platin Cement Works accounts for 2.8 million tonnes of this potential capacity. However, actual cement production is demand driven and cement output in the state, and at Platin, is running significantly below maximum potential output.
- Demand for cement in the state in 2017 was 1.7 million tonnes or c.28% of national capacity. This demand is forecast to increase to c.2.2 million tonnes, which is still only c.36% of national capacity. It is also noted that some of the annual demand is satisfied through imports of cement into the state and therefore, not all annual capacity is fulfilled from indigenous cement plants.
- Cement manufacture is not identified as a strategic industry or specifically referenced in either the National Planning Framework or the Regional Planning Guidelines for the Greater Dublin Area. Likewise, cement manufacture is not specifically identified or referenced in the recently published Draft Regional Spatial and Economic Strategy for the Eastern and Midland Region.
- Given the competitive nature of cement manufacture in Ireland and the low rate of production relative to demand and available capacity (both in the region and nationally), cement manufacturing in any one individual cement works cannot be viewed as being of strategic importance to either the region or the state.

Waste Classification of Overburden

- While classified as waste by the EPA, the overburden material transported to and stored in the OBMF is effectively soils and similar materials derived from the operation of the quarry. No material other than quarry-derived overburden is stored in the facility and there is no import of material or waste from outside

of the ICL site. Therefore, the facility does not impose on any existing off-site material / waste handling facilities.

8.0 Prospective Applicant's Cases

8.1. The prospective applicant refers to the class 3 of the Seventh Schedule of the Planning and Development Act 2000 (as amended) and considers:

- Whilst the overburden material is inert and natural in nature, the material is classified by the EPA as a 'waste' in the IE licence for the facility.
- It is anticipated that depending on the depth of overburden encountered, the annual quantity to be stored in the proposed OBMF could exceed 100,000 tonnes in any given year.
- Consequently, the proposed OBMF could be considered to fall within the class and threshold of development as outlined in Class 3, Environmental Infrastructure, of the Seventh Schedule.

8.2. Notwithstanding the above, it is argued that the proposed development does not fulfil the criteria set out under Section 37A(2) of the Act, and consequently does not comprise strategic infrastructure:

- Context – The OBMF has no function other than the storage of locally derived (i.e. from the operation of the adjoining quarry) inert materials, which may be re-used in part or in whole in the adjoining quarry landscaping/restoration after its eventual closure.
- Strategic importance – The material or OBMF has no strategic economic or social role/importance. The development is not of a type mentioned specifically, or generally, in the NPF or other national or regional economic or social programme.
- Objectives of national/regional strategy – The material/facility does not fulfil any objectives of the NSS, NPF or any regional spatial or economic strategy.
- Significant effects – The OBMF will be located close to the existing OBMF and existing quarry. Neither the existing or proposed development has any effect outside of its immediate local context. Potential effects, if they arise (see attached appendix of environmental considerations), will be very localised

and limited in spatial range and significance. The development will not, therefore, effect the area of more than one planning authority,

9.0 Assessment

9.1. In accordance with the requirements of the Planning and Development Act 2000 (as amended), I consider whether or not the proposed development is (a) of a category that falls within the Seventh Schedule of the Act, and (b) meets one or more of the criteria set out in Section 37A(2) of the Act.

9.2. Seventh Schedule

9.2.1. As stated above, class 3 of the Seventh Schedule of the Planning and Development Act 2000 (as amended) lists '*installations for the disposal, treatment or recovery of waste with an annual intake greater than 100,000*'.

9.2.2. The term installation is not defined in the Planning and Development Act or in the Regulations. However, it is commonly defined as an '*industrial establishment*'¹ and reasonably applies to the nature of the proposed development.

9.2.3. As stated by the applicant, 'overburden' is considered to be a 'waste' by the EPA in their document 'Waste Classification – List of Waste' (2015), '*01 01 waste from mineral excavation*'. (The categories of waste listed apply across the EU, under the Waste Framework Directive).

9.2.4. The terms disposal, treatment and recovery are defined in the Waste Management Act 1996 (as amended) as follows:

"disposal" —

(a) means any operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy, and

(b) without prejudice to the generality of paragraph (a), includes the disposal operations listed in the Third Schedule',

The Third Schedule of the Act lists the following disposal operations:

- D1 – Deposit into or onto land.

¹ <https://en.oxforddictionaries.com/definition/installation>

- D12 – Permanent storage.
- D15 – Storage pending any of the operations numbered D1 to D14.

“treatment” means recovery or disposal operations, including preparation prior to recovery or disposal;

9.2.5. I would infer from the above, that the proposed development comprises an installation for the disposal of waste (storage pending permanent deposit onto land). Furthermore, with the intended annual capacity of the proposed development (>100,000 tonnes/pa), I consider that it is of a type which falls within class 3 of the Seventh Schedule.

9.3. **Section 37A(2)**

Strategic Importance

- 9.3.1. The proposed development provides the overburden storage area for the existing permitted quarry at Irish Cement’s Plant at Platin. The overburden storage area itself has no direct importance to the State or to the region in which it is proposed. Some of the overburden that is removed from the quarry site is used in the production of cement. However, this material is not relevant to the proposed development, as it is handled and stored separately from the existing and proposed OBMF (see photographs). Once deposited, no overburden is moved from the OBMF for use in the manufacturing process.
- 9.3.2. Indirectly, the proposed development will facilitate the extraction of material from the limestone quarry, and in the long term, its restoration. Further, the quarry at Platin provides limestone, the primary material, for the manufacture of cement at the adjoining cement works.
- 9.3.3. Cement is an important material for the construction industry and its ready manufacture and supply contributes to the development of the regional and national economy. However, the cement works are one of four in the country and there is currently no shortage of supply in the region or in the country and no regional or national dependence on the Platin facility. I would not consider, therefore, that the proposed development either directly or indirectly is of strategic economic or social importance to the State or to the greater Dublin area.

Fulfilment of National/Regional Objectives

- 9.3.4. Policies in the National Planning Framework recognise the importance of the extractive industries in the country to the construction industry and other sectors and support the sustainable development of the industry in the State. However, there are no objectives which the proposed development would specifically or substantially contribute to. A similar policy context exists at a regional and local level (see section 5.0 above) and again, there are no specific objectives which the development would contribute substantially to. I do not consider, therefore, that the development would contribute to the fulfilment of any of the objectives of national or regional economic or social strategy.

Significant effects

- 9.3.5. Appendix I of the prospective applicant's submission to the Board of the 28th June 2018 sets out an overview of the likely environmental effects of the proposed OBMF. It is evident from this analysis and from my inspection of the site and existing OBMF that impacts are likely to be very local, confined to site itself and its immediate environment for example, with the loss of existing habitats on site, alterations to the landscape in the vicinity of the site, and noise and dust arising from the movement of overburden on site. Effects are highly unlikely to extend beyond the area of one planning authority and will be governed by an IE licence (for example, via a review of the existing licence).

10.0 Conclusion and Recommendation

- 10.1. Arising from my assessment above, and for the reasons and considerations set out below, I consider that the proposed development does not comprise strategic infrastructure.

11.0 Reasons and Considerations

Having regard to:

- i. The nature and scale of the proposed development, which provides for the temporary storage of waste, with a capacity for an annual intake of greater than 100,000 tonnes,

- ii. The location and purpose of the proposed development, which is ancillary to the adjoining and permitted limestone quarry,
- iii. The competitive and open nature of the cement industry, and
- iv. The limited geographical extent of likely environmental effects,

It is considered that:

- (a) the proposed development falls within the category of '*an installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes*' and therefore constitutes development that falls within the definition of Environmental Infrastructure in the Seventh of the Planning & Development Act 2000, as amended,
- (b) but would not be of strategic importance to the State and the region within which it would be situated, or contribute substantially to the fulfilment of objectives of the National Planning Framework or Regional Planning Guidelines for the Greater Dublin Area 2010-2022, and would not have a significant effect on the area of more than one Planning Authority.

It is considered, therefore, that the proposed development would not fall within Sections 37A (2) of the Planning and Development Act 2000, as amended.

An application for permission for the proposed development should therefore be made directly to the local planning authority under section 34 of the Planning and Development Act 2000, as amended.

Deirdre MacGabhann
Senior Planning Inspector

27th November 2018