



An
Bord
Pleanála

Inspector's Report ABP-302447-18

Development	Alteration request to extend current permission for waste-to-energy facility in perpetuity (application reference number 17.PA0026)
Location	Carranstown, Duleek, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	
Requester(s)	Indaver Ireland
Type of Application	SID Alteration Request.
Date of Site Inspection	29/01/19
Inspector	John Desmond

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1.0 Introduction

- 1.1. This report and assessment should be read in conjunction with the Inspector's report of 19/11/18 which contains an overview of the location and description of the site, the legislative context for the decision, the planning history, and addressed the issue of the materiality of the proposed alteration.
- 1.2. Indaver Ireland, the requester, obtained permission from the Board (ref.PA0026) in 2013 for amendments to its existing waste-to-energy (WTE) facility at Carranstown, Duleek, County Meath, which has been operational since 2011, to allow for a permanent increase in waste acceptance by 20,000 tonnes to 220,000 tonnes per annum. Subsequent amendments were permitted by the Board for a temporary increase in waste acceptance by 15,000t to 235,000tpa until 31 December 2019 (ref.PM0004) and for a permanent solidification installation to treat ash / flue residue (referred to as a pre-treatment) prior to transportation off site for disposal (PM0007). The requester proposes to alter the terms of consent ref.PA0026 to allow for the acceptance of waste at the facility to be permitted at 235,000tpa on a permanent basis.
- 1.3. Consequent to the Board's decision that the proposed alteration constitutes a material alteration to PM0026, the Board directed the requester to submit the information specified under Schedule 7A of the Regulations, 2001, as amended, supplemented by the information referred to under 146B(3A) and (3B) of Act, to undertake the public consultation procedures prescribed under 146(8), and advised the requester to consider including a stage 1 Appropriate Assessment Screening Report.

2.0 Requester's submission

- 2.1. The applicant submitted an *Environmental Report*, a *Report for the Purposes of Appropriate Assessment Screening* and copies of the public notices and letters of notification to appropriate persons / bodies on 18th and 19th of December 2018.

3.0 Environmental Report

3.1.1. The Environmental Report follows a grouped format. The report explicitly addresses the information required under Schedule 7A (*Information to be provided by the Applicant or Developer for the Purposes of Screening Sub-threshold Development for Environmental Impact Assessment*) of the Regulations, relating to the description of the proposed development, of those aspects of the environment likely to be affected and of the likely significant affects, and is compiled, as required, taking account of the criteria set out in Schedule 7 (i.e., the criteria for determining whether development should be subject of EIA). The following points of the report are relevant to the Board's considerations:

3.1.2. Characteristics of the proposed development -

- The proposed alteration comprises an amendment of a condition (no.3(1) of PM0004), which time limited to 31 December 2019 the permitted increase in the waste accepted to the facility to 235,000 tonnes per annum (inclusive of 10,000 tonnes hazardous waste per annum), to allow for the increased tonnage to apply in perpetuity.
- No modifications to the current site layout or the technology used are required.
- No construction works or changes to site operations are necessary the proposed alteration.
- The site has operated efficiently with this waste intake to date in compliance with the EPA IE licence.
- No cumulation with other existing development or any future development as no changes are proposed to site operations.
- No consumption of natural resources will arise as no construction is required. Operating at the increased waste intake has not required any significant increase in mains water supply – only a small quantity of mains water is used as a potable water supply, with process water taken from ground water well supply on site. No significant increase in waste removal or discharge of foul effluent has arisen with increased waste intake - ash and flue-gas residue are taken off site for recovery and the volume is in line with the tonnage of waste intake; process water is evaporated

through its operational use and other water used (e.g. for cleaning) is reused as process water.

- No change in the environment or in nuisance to neighbours as no change is proposed to current operations, or from construction as none is necessary.

Note – The report does not describe the risks of major accidents and/or disasters associated with the project concerned or directly address risks to human health.

3.1.3. **Location of the proposed development -**

- The general land use of the area is agricultural, with small pockets of scattered residential housing located primarily along the existing road network, but with significant areas of industrial and extractive uses (cement works and stone quarry) immediately to the north and west of the site.

- Under the MDP 2013-2019 the land is zoned E2 *General Enterprise and Employment* 'to provide for the creation of enterprise and facilitate opportunities for employment through industrial, manufacturing, distribution, warehousing and other general employment / enterprise uses in a good quality physical environment.'

Under Duleek LDP, for this land use zoned it is the objective CER POL 1 'to promote enterprise creation opportunities and encourage job/employment creation initiatives in line with the sustainable growth of Duleek and on appropriately zoned and serviced land.' The existing development is consistent with the objective of the said plans and the proposed development will not result in any change of land use and will continue to be consistent with same.

- The proposed development does not require additional natural resources above current usage and does not have any significant impact on resources. The plant generates a sufficient quantity of electricity to meet the electrical demands of the facility with excess power exported.

- Regarding absorption capacity, the only emissions are to air (none to ground and only clean stormwater discharges to surface water) and significant modelling and subsequent monitoring (since 2011) has confirmed the effect of air emissions on the receiving environment.

3.1.4. **Types and characteristics of potential impacts -**

- No impacts from construction as no construction is required.
- Emissions and environmental impact from the 235,000 tonnes operations would continue as current, which operations were shown by the EIA previously submitted to have long term imperceptible impact on the environment with mitigation in place and the model assessments have been confirmed by subsequent modelling, with operations in compliance with EPA IE licence.
- The nature of the impact on the environment is long-term imperceptible, as the plant will continue to operate within the requirements of its IE licence.
- There is no potential for transboundary impacts.
- The impact of operating the plant at 235,000 tonnes is well understood, with results of monitoring over many years demonstrating that emissions are less than the IE licence limits.
- The impact is long-term negligible, as monitoring has shown emissions from operating at this level of tonnage less than the IE license limits. The facility is highly regulated, and the probability of a greater impact is very low.
- The lifetime of the plant is not defined. Upon closure the emissions will cease, with no long-term impact arising from impacts associated with the proposed development.
- As the proposal will not significantly increase air quality of climate impacts in the area, the potential cumulative impact of the proposed development ambient air quality and climate or other environmental factors with the adjacent development (Platin Cement Ltd) is deemed negligible.
- No reduction of impact is required as operation of the plant, which uses the most up to date technology and environmental management procedures, in accordance with the IE licence has shown the plant is compliant and will have a long-term imperceptible impact on the receiving environment.

3.1.5. **Summary of specific assessments of potential impacts on receiving environment -**

- Air and climate

- The licensed emissions (flow rate of 183,700 Nm³/hr under W0167-03) from the facility will not change as part of the alteration; the licensed emission limits are equivalent to the emission limits in Council Directive 2010/75 (The Industrial Emissions Directive).
- No potential for dust impacts on air quality as no development or construction works required.
- Greenhouse gas emissions resulting from the proposed alteration will be insignificant in terms of national CO₂ emissions and Ireland's agreed limit under the Kyoto Protocol and the EU Effort Sharing Agreement (20/20/20 targets) and the impact of the proposed alteration on climate is therefore deemed to be negligible.
- Biodiversity
 - The site is not within a European site; all habitats on site are of low ecological value, with no rare or protected habitats recorded within the study area; there are bats on site, facilitated by bat boxes erected in 2008, as well as Irish hare, and it is unlikely that they would be significantly affected by the proposed development.
 - No construction impacts as no construction works or additional land changes are proposed.
 - No significant impacts on surrounding habitats are anticipated from operations as there will be no changes to operations. An adverse impact on surface waters is highly unlikely as there is no direct source pathway to a surface waterbody, without attenuation and monitoring, and only occasional discharge to a semi-dry ditch. Given the distance to the River Nanny Estuary and Shore SPA, there would be no significant impact on any European site within the potential zone of impact of the proposed project.
 - No significant impact on biodiversity is anticipated.
- Cultural heritage, architecture and archaeology
 - As no construction works are required and the operation of the facility will remain consistent with the activity and buildings in place, there will be no potential impacts on archaeological or cultural heritage.

- Land and Material Assets
 - There is no potential for impacts on land, material assets or generation of waste from construction as no construction is required.
 - The operations will remain consistent with the type of activity and buildings already in place on the site, with no change to the operational phase and therefore no impacts on material assets in the receiving environment, including no significant change in water abstraction, foul water discharge, ash residue production or discernible increase in traffic conditions (such as would give rise to adverse traffic impacts or warrant an EIA on traffic grounds).
- Landscape and visual
 - As no construction is required and no change or additions to site buildings or to the landscape, there will be no landscape or visual impacts.
- Major accidents
 - The Chemicals Act (Control of Major Accident Hazards involving Dangerous Substances) Regulations, 2015, do not apply to this site.
- Noise and vibration
 - Noise contribution from the existing site, within a mixed agricultural, industrial and residential area is relatively low, with key activities associated with existing operations involving site traffic, external plant items to the north of the main building and the mains stack.
 - Annual monitoring at four points on the site boundary as part of the facilities IE License (W0167-03) confirm that the operation of the Indaver facility does not contribute any significant noise levels to the surrounding environment, which is subject to noise emission limits of 55dB_{L_{Ar}(30mins)} daytime, 50dB_{L_{Ar}(30mins)} evening time and 45dB_{L_{Ar}(30mins)} night time.
 - No construction activities are required, and the operations will continue as current and therefore there is no potential impacts from noise from construction and operational noise impact will continue as long-term imperceptible and would not warrant preparation of an EIA on noise impact grounds.

- Population and human health
 - Sensitive receptors within the study area include residential homes, commercial premises (including Irish Cement Ltd), farmland, a football club, pitch and putt course, golf course and four primary schools.
 - No potential for construction impacts. Operations will be carried out in compliance with the EPA IE Licence, with waste accepted, stored or processed on site in accordance with emission and operational limits, with no change in stack emissions.
 - The air and climate assessment show no impact above acceptable levels outside the facility.
 - Operating at 235,000 tonnes p.a. provide continuity of business for staff at Indaver and resultant local economic benefit, in addition to local benefit from Meath Contribution Community fund which is provided at a rate of €1.27/tn to local causes (c.€300,000 p.a.), and corresponding increase in energy production.
 - The proposed will not give rise to any adverse human health impacts that would warrant preparation of an EIS on human health grounds.

- Soils & geology & hydrogeology
 - Soil tested during previous investigations has confirmed there has been no exceedences to suggest that soil contamination has occurred on site, and the Annual Environmental Reports for IE Licence compliance shows there has been no exceedences during biannual monitoring to suggest that groundwater contamination has occurred since the plant commenced operation in 2011 and existing groundwater quality is moderate to good.
 - The nearest public supply is outside the cone of influence of GW abstraction on site, which has a yield >600m³/d but current abstraction of c.165m³/d. The site is underlain by Bettystown GW body, a regionally important (diffuse) karstic aquifer utilised for local water supply, of poor status due to over abstraction relating to dewatering at Platin. The nearest wetland in the local area include Duleek Commons c.2.06km west, the Boyne Valley (site code MH011) c.3.41km NW and Laytown to Gormanstown (site code MH008)

c.6km east, and the River Nanny SPA. As there is no discharge to ground at the site and dewatering is limited to a ground water supply abstraction, there is no risk of impact on same.

- There is no potential for construction impacts on soil or geology as no construction is required and the operations will remain consistent with the type of activity and buildings currently in place.
- Hydrology
 - The site is within the River Nanny catchment, the watercourse being c.2km to the south. The system is a closed system and there are no proposed changes to the system which is integral to the Project design. The attenuation pond occasionally discharges to a drainage ditch c.130m from Cruiserath stream connected to the River Nanny c.2.2km downstream. River Nanny is classified as Poor to Moderate status and At Risk of not achieving Good status.
 - The AER shows that monitoring the stormwater outfall for the IE Licence is in compliance and the site-wide mitigation measures and spill control programme implemented as part of the EMP and IE Licence requirements will continue. Storage and transport routes have a closed drainage system discharging to surface water through a class 1 interceptor system to an attenuation pond to the NW of the site, with undeveloped site areas drained naturally through field boundary ditches for ultimate drainage to the River Nanny.
 - The site is within flood zone C, i.e. outside the 1 in 1000-year flood level.
 - No potential impacts from construction as none is required. There will be no changes to the operations as part of the alterations and therefore there is no potential for impacts on the receiving hydrological environment or potential for flood impacts.
- Traffic and transportation
 - The main access routes to the site are from the R152 (site entrance), the N2 (to west) and the M1 (to east), with waste received Monday-Friday 07.00-18.30 and Saturday 08.00-14.30.

- The site generated c.14000 HGV (trucks) accessing the site in 2017, and on an average weekday 53 per HGVs, with the busiest period in the first half hour of opening with trucked required to queue at the weighbridges before the plant is operational, which corresponds with the high number of trucks reported at 08.00.
 - Based on 15,000 additional waste tonnage, an additional 1000 truckloads per annum will be generated beyond 2019, or approximately 8no. additional truck movements per day.
 - The existing truck movements plus the previously permitted solidification plant result in a combined 15,907 truck movements per annum or 118 truck movements per day.
 - The increase is less than 1% of the AADT for the R152, with no discernible impact on traffic conditions. The IHT Guidelines for TIA recommend traffic capacity analysis where increase in traffic is >5% and therefore no further analysis is necessary.
 - The proposed alteration will not give rise to any adverse impacts and would not warrant preparation of an EIAR on traffic grounds.
- Cumulative effects
 - The operation of the Indaver plant at 235,000 tonnes per annum intake has been shown to operate in compliance with its IE licence with only long-term imperceptible effects on receptors. Therefore, no cumulative assessment is required, notwithstanding the adjacent Platin Cement Ltd industrial facility, as the proposed alteration will not significantly increase air quality and climate impacts and the potential cumulative impact of the proposed alteration is deemed to be negligible.
- Conclusion
 - EIA report is not required in support of the section 146B application.

4.0 Appropriate Assessment Screening Report

- 4.1.1. The project is not directly connected with, or necessary to the conservation management of any European site. The project is not located within or directly adjacent a European site.
- 4.1.2. The report considers all five European sites within 15km of the proposed project. Of those, on the basis that the site has no hydrological connection thereto, it rules out potential for significant effects on the River Boyne and River Backwater SAC (site code 002299; 3.3km), Boyne Estuary SPA (site code 004080; 6.4km), River Boyne and River Blackwater SPA (site code 004232; 3.4km). Although it does not explicitly rule out potential for significant effects on Boyne Coast and Estuary SAC (site code 001957; 7.5km) on the same basis, it does not consider further the potential for significant effects on that European site.
- 4.1.3. The screening report considers the potential for significant effects on the River Nanny and Shore SPA site code 004158 (8.4km) cannot be ruled out as the site is within the catchment of the River Nanny, with occasional discharges of surface water to a drainage ditch discharging to the Cruiserath River c.130m downstream, which in turn discharges to the River Nanny 2.2km downstream, which enters the River Nanny Estuary and Shore SPA c.9.1km downstream.
- 4.1.4. The only potential significant threat to the European site considered in the screening report is from discharges to the hydrological system forming part of the River Nanny catchment.
- 4.1.5. The existing surface water design is a closed system which passes through a class 1 interceptor before being collected in an attenuation pond (of 2,846m³ provided but only 1,0846m³ required including for climate change) occasionally discharging to a semi-dry ditch which leads to the Cruiserath River c.130m to the west, discharging to the River Nanny c.2.2km downstream and entering the River Nanny Estuary and Shore SPA c.9.1km downstream.
- 4.1.6. In addition, stormwater is only released to the main drainage system network after local assessment confirms there is no contamination through two continuous monitoring points (for TOC, pH and conductivity), the first prior to the pond and the second at the outfall. Stormwater must be below the set trigger level before it can

enter the pond and before it can exit the outfall. The discharges are checked daily by production staff. If it is outside the limits agreed with the EPA it is diverted to an underground storage (firewater) tank and collected for disposal at an authorised facility. Should the tank be full, the overflow is diverted to the attenuation pond and if the second monitoring point detects suspect water the discharge pumps shutdown and water that cannot be discharged is disposed of to a licenced contractor.

- 4.1.7. Site stormwater drainage is designed in accordance with SuDS principles to allow maintenance of original discharge characteristics to the ditches serving the site and to prevent downstream flooding through flash flooding.
- 4.1.8. The screening report also considered the potential indirect effects on European sites through potential impacts on the ecological network supporting Natura 2000 sites, comprising proposed and designated Natural Heritage Areas which support species using European sites through their function as ‘stepping stones’ between European sites for mobile fauna. Of the 5no. sites considered, only Laytown Dunnes / Nanny Estuary pNHA (site code 000554) was screened in on the basis of biological connectivity with the project site. The pNHA forms an integral part of the River Nanny Estuary and Shore SPA. The Screening Report rules out potential for direct and indirect effects on the pNHA, including effects through surface or ground water contamination or disturbance of protected species.
- 4.1.9. The report concludes that *‘Given the project design, including attenuation and monitoring with only occasional discharge to a semi-dry ditch and the distance of removal from the project site to the River Nanny Estuary and Shore SPA, it can be stated with confidence that there would be no significant impact on this European site or on any other European site, within the potential zone of impact of the Project.’*
- It has been objectively concluded by Moor Group Environmental Services that:*
- 1. The Project is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment.*
 - 2. The Project, alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives.*
 - 3. It is possible to rule out likely significant impacts on any European sites considered in the assessment.*

4. *It is possible to conclude that there would be no significant effects, no potentially significant effects and no uncertain effects if the Project were to proceed.*

It is the view of Moore Group Environmental Services that it is not necessary to undertake any further stage of the Appropriate Assessment process.

5.0 Prescribed Bodies

TII (07/01/19) – The subject proposal does not appear to include any alterations to the extent of the site that would further impact on the feasibility routing options for the Leinster Orbital Route. Regarding the traffic analysis submitted, TII has no specific comment to make in terms of impacts relating to capacity and efficient operation of the national road network in the area.

HSA (24/12/18) – On the basis of the information supplied the HAS does not advise against the granting of permission in the context of Major Accident Hazards.

6.0 Assessment

- 6.1.1. In response to the Board's request, the applicant submitted an *Environmental Report* and a *Screening for Appropriate Assessment* report. I consider the submitted information to be acceptable and compliant with the requirements under Section 146B.
- 6.1.2. Following receipt of the information requested under subsection 146B(3)(b)(i) but prior to making a determination (under s.146B(3)(b)(ii)) on whether to make the alteration, make an alternative alteration, or to refuse to make the alteration, the Board is required to determine (under s.146B(4)) whether or not the requested alteration would be likely to have significant effects on the environment having regard to the criteria set out under 146B(7)(a)(i)-(vi), inclusive.

6.2. Determination under S.146B(4)

- 6.2.1. **S.146B(7)(a)(i)** *the criteria for the purposes of determining which classes of development are likely to have significant effects on the environment set out in any regulations made under section 176 –*
- 6.2.2. The relevant classes of development are set out under Schedule 5 (development for the purposes of Part 10) of the Regulations, 2001, as amended. The existing facility constitutes a waste disposal installation for the incineration or chemical treatment of waste, including hazardous waste (i.e. waste to which Directive 91/689/EEC4 applies), a Class 9 development (Part 1 of the schedule) which is without threshold. However, as the proposed *alteration* does not include any increase in the level of hazardous waste accepted to the facility (limited to 10,000tpa by condition 3(3)) of PA0026), I consider it to fall outside of Class 9 development.
- 6.2.3. The proposed alteration relates to use as a waste disposal installation for the incineration or chemical treatment of non-hazardous waste, a Class 10 development (under Part 1 of the schedule), which is subject to a threshold of *capacity exceeding 100tpd*. No physical alterations are proposed such as would increase the actual capacity of the existing installation for incineration of waste. The proposed alteration would increase the operating capacity of the installation for acceptance of non-

hazardous waste by c.47tpd¹ (15,000tpa) in perpetuity from 1 January 2020. The proposed alteration is therefore subthreshold Class 10 development. As the proposed alteration is subthreshold Class 10 development it cannot fall within the scope of Class 21 development, under the same Part, which relates to '*any change to or extension of projects listed in this Annex where such a change or extension in itself meets the thresholds, if any, set out in this Annex*'. No other class of development under either part of Schedule 5 is relevant.

- 6.2.4. Given the number of applications for consent and alterations to consent relating to the subject installation, the Board must consider possible project splitting within the context of EIA and the overall development on the site. Planning consent PA0026, amending original permission PL17.219721 through increased waste capacity, was subject to EIA. Two subsequent consents amending PA0026, PM0004 and PM0007, were not subject to EIA. The development under PM0004 is the same development as that proposed under the current application, except being subject to a time limit of 31 December 2019, and the requested alteration is effectively for the continuation in perpetuity of those temporary operations from 1 January 2020. PM0004 can therefore be disregarded for the purposes of project splitting.
- 6.2.5. Under PM0007 the Board permitted (April 2016) the development of a solidification plant (ACP residue treatment plant²) to treat flue gas residue and boiler ash on site. This waste is hazardous waste under the European Waste Catalogue. The said facility constitutes a waste disposal installation for chemical treatment³ of hazardous waste (c.10,000tpa⁴ or c.31tpd)⁵, a Class 9 development, notwithstanding the process described in the ER entails mixing water with the ash / residue generated only by the WTE installation⁶. No EIS was submitted with application PM0007. The greater the quantity of waste accepted to the WTE installation, the greater

¹ Based on the incineration facility operating on 7-day basis for 42wpa, although waste is received 5 and ½ working days per week.

² Referred to as pre-treatment by the applicant.

³ Physico-chemical treatment under heading D9 of Annex IIA of the Waste Directive <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31996D0350&from=EN> (accessed 31/01/19).

⁴ ER s.2.3.

⁵ The solidification installation would appear to have inbuilt spare capacity to process an additional 30,000tpa (c.93tpd) ash / residue hazardous waste from offsite according to the EIS ch.2 s.2.2.1 to ref.300299 (**WITHDRAWN**).

⁶ According to Indaver's website, the solidification process is a physico-chemic process, however the process it refers to includes the addition of liquid and / or solid additives not proposed under PM0007 - <https://www.indaver.com/be-en/installations-processes/secure-disposal/physico-chemical-treatment/> (accessed 28/01/19).

quantity of bottom ash and flue residue regardless of the level of hazardous waste accepted to the facility remaining constant. Based on the details of the EIS submitted to application ref.300299 (WITHDRAWN), the solidification plant capacity takes account of the higher waste acceptance of 235,000tpa to the WTE installation.

- 6.2.6. As the permitted solidification installation is a separate Class of development, Class 9, from the Class 10 development under consideration, and as that permitted Class 9 development related only to the treatment of by-products generated by the primary Class 9 development onsite through the primary use, the current proposed alteration and the previous alterations under PM0007 and under PM0004 do not constitute project splitting for the purposes of EIA, with reference to Class 21 development, and therefore the proposed subthreshold development, considered together with the said previous permitted development, would not automatically trigger EIA.
- 6.2.7. **S.146B(7)(a)(ii)** *the criteria set out in Schedule 7 to the Planning and Development Regulations 2001, including: 1. Characteristics of the project (a)-(h); 2. Location of the proposed development (a)-(c) and; 3. Types and Characteristics of potential impacts.*
- 6.2.8. **Characteristics of the project** - 1(a) The proposed alteration comprises the operation of the installation with an increased waste acceptance limit of 15,000tpa (to 235,000tpa) from 1 January 2020. This is in effect an increased intensity of use of less than 7% to that permitted under PA0026. The installation currently operates with a temporary increased waste acceptance limit of 235,000tpa to expire 31 December 2019. No modifications to the current site layout, or to the technology used are proposed and no changes to the site operations are necessary for the proposed development. No significant impacts are anticipated from the size and design of the proposed alteration.
- 6.2.9. 1(b) The ER considered there to be no cumulation with other existing development or future development, however there is potential for cumulative impacts with the existing waste incineration installation and the associated existing solidification installation on site, in addition to the significant industrial operations in the vicinity (Platin / Irish Cement Ltd to the north). There are no cumulative construction impacts as no physical works are required. The primary potential for cumulative impacts at operational stage relate to emissions to air and water and traffic

generation, with potential for consequential impacts on population and human health and on biodiversity. The existing installation operates under EPA IED licence W0167-03, authorizing the acceptance of 235,000tpa to the installation and which sets limits for emissions from the stack under Schedule B. Subject to compliance with Schedule B and notwithstanding the potential for impacts would change from short/medium term to long term, it can reasonably be assumed that there would be no significant impacts on air (or on population and human health, or on biodiversity) from the proposed alteration taken cumulatively with the existing development on 1 January 2020, or with Irish Cement Ltd (Platin Works) cement production plant to the north which is subject to EPA IED P0030-05 and the associated quarry.

6.2.10. Schedule B of the EPA IED licence prohibits process emissions to water or to sewer. Instead, process water is evaporated through its operational use and other waters (for cleaning, etc.) are reused as process water. There is potential for emissions of potentially contaminated storm water runoff from the site to the surface water system. These emissions are indirect, via a Class 1 interceptor and a monitored attenuation pond, which prevents discharge of contaminated water and provides for diversion of contaminated runoff to storage tanks for suitable disposal in accordance with the provisions of Schedule C of the EPA IED licence. Subject to compliance with Schedules B and C, it can be assumed that there would be no significant impacts on water (or on population and human health, or on biodiversity) from the proposed alteration taken cumulatively with the existing development on 1 January 2020, or with Irish Cement Ltd (Platin Works) facility to the north which is subject to EPA IED P0030-05 and the associated quarry.

6.2.11. There is potential for cumulative traffic impacts (on material assets comprising road infrastructure, and consequential impacts on population and human health from noise and vibration nuisance and air pollution) from the proposed alteration taken with the existing installation on 1 January 2020 and with the Irish Cement Ltd facility and associated quarry which are also accessed via the R152. The ER calculates that the proposed alteration would result in an additional 1000 truckloads per annum of 8no. additional truck movements (based on the figures this would be 4no. two-way movements), or a total of 118 truck movements from the overall installation inclusive of the solidification plant. This is not significant within the context of 14,000 AADT (<1%) on the R152. The TIA does not include total traffic movements, including staff

and visitor traffic to the facility, and therefore potentially underestimates the cumulative impact. Although the impact on the staffing and/or visitor traffic to the site is unlikely to be significant. In its observations on file, TII raises no objection to the proposed development on traffic grounds relating to impact on existing or proposed road traffic infrastructure or otherwise. The additional traffic impact would not be significant and would not therefore have significant cumulative impacts or significant consequential impacts on other factors of the environment.

- 6.2.12. 1(c) No demolition works proposed. 1(d) The ER submits that the proposed alteration does not require additional natural resources (including soil, land, water and biodiversity) above current usage. This ignores that the proposed development entails an increase in the level of usage currently authorized for 1st January 2020. It is possible that the higher waste acceptance would require additional use of water resource to drive the steam powered electricity generating turbines, but neither the current ER nor the submissions to PM0004 refer to same. Given the increase in capacity of <7%, it is reasonable to assume a significant increase in water usage would be unlikely.
- 6.2.13. 1(e) The ER does not address the production of waste arising from the proposed alteration. A c.7% increase in waste incineration can be assumed to result in a proportionate level of bottom ash and, presumably, lead to some increase in boiler ash and flue gas residue (a hazardous waste). The operational solidification plant (consent PM0007) processes the ash and flue gas residues produced by the incineration installation, thereby minimizing the risk associated with this hazardous waste, including any increase in same resulting from the proposed development.
- 6.2.14. 1(f) The ER indicates that there will be no change from the current situation in terms of pollution and nuisances. Again, this ignores that the proposed development entails an increase in the level of usage currently authorized for 1st January 2020. Given that emissions to air and water are subject of an EPA IED license, the facility includes significant measures to reduce pollution and nuisances, and the proposed alteration has attracted no third-party objections, it can reasonably be assumed that the proposed alteration, which has been effectively trialled over the last few years (under consent PM0004), would not result in significant pollution or nuisance effects.

6.2.15. 1(g) The ER does not address the potential risk of major accidents, and/or disasters relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge, however it does state that the Chemicals Act (Control of Major Accident Hazards involving Dangerous Substances) Regulations, 2015 (COMAH, formerly SEVESO), do not apply to this site. In its observations, the HSA raises no objections to the proposed development in the context of Major Accident Hazards. It would seem unlikely that the additional 15,000tpa would have a significant potential to increase risk of major accidents associated with the installation operating at 200,000tpa. Any potential risk is further reduced through condition no.9 of the EPA IED licence addresses accident prevent and emergency response. This site is not located within an area at risk of flooding taking account of climate change.

6.2.16. 1(h) The ER does not address the issue of potential risks to human health (for example, due to water contamination or air pollution) arising from the project. As noted above, the issue of air and water emissions and accident prevention and emergency response are subject of conditions of the EPA IED licence for the operation of the installation inclusive of the increase of the increase of 15,000tpa waste acceptance. In addition, I note that the HSA has raised no objections. The increase has been in operation for a number of years (consent received in August 2014) and the neither the EPA, nor the HSE have issued observations on the proposed alteration and there have been no third-party observations. It can therefore reasonably be assumed that there are no significant human health issues arising.

6.2.17. **2. Location of the proposed development** in terms the environmental sensitivity of geographical areas likely to be affected by the proposed development. (a) The existing land-use on site is industrial, with a predominance of agricultural use surrounding the site, but with significant extractive and industrial installations (Irish Cement Ltd cement works and associated quarry) and residential use (the site is c.1.5km from the edge of zoned Duleek village, but there are dwellings, etc., neighbouring the site) within the close vicinity also. The residential uses in the vicinity are sensitive, however the use of the site is approved and has been operating for largescale waste incineration since 2011 and the surrounding

residential uses will have become somewhat desensitised to the WTE installation. The MDP Landscape Character Assessment identifies the landscape within which the site is sited as a Lowland Landscape (LCA 6) of High Value (the middle value within a 5-point scale ranging from Low Value to Exceptional Value) and of moderate sensitivity (3-point scale from low to high). I do not consider the location to be particularly sensitive to the alteration proposed.

- 6.2.18. (b) Regarding the issue of *relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground*, the ER (s.4.4) considers the facility not to have a significant impact on scarce resources. The proposed alteration does not entail use of resources through construction as it only comprises operational changes (intensification). As noted above, emissions to air and water are addressed in the EPA IED license and I do not anticipate the additional use of groundwater resource to be significant.
- 6.2.19. (c) S.4.5 of the ER addresses *the absorption capacity of the natural environment* with reference the areas specified (i)-(viii) in the schedule, however I consider the ER to be incorrect regarding its consideration of the following specified areas: (i) The site has source-pathway-connectivity with the River Nanny (Cruiserath River) through indirect stormwater discharges from the attenuation pond to a field boundary ditch connected to the Cruiserath River; (iv) The site has source-pathway-connectivity via the same indirect route to an area classified as protected under legislation, namely the River Nanny Estuary and Shore (site code 004158); and (vi) The site is connected to the River Nanny which has failed to meet the water quality standards under the EU WFD (rate *Poor* to *Moderate*) and is *At Risk* of deteriorating or being at less than Good status into the future. Furthermore, the site is atop a karstic ground waterbody (Bettystown), which is one of very few groundwater bodies in the state rated as of *Poor* groundwater quality status (2010-2015) and is *At Risk* of deteriorating or being less than *Good* status into the future. It is evident that the Nanny River catchment and the groundwater beneath the site have limited, if any absorption capacity.
- 6.2.20. **3. Types and characteristics of potential significant impacts**, in relation to characteristics of the project and its location, on the factors of the environment

(under s.171A (b)(i)(I)-(V) of the Act), taking account of (a) magnitude and spatial extent, (b) nature of impact, (c) transboundary impacts, (d) intensity and complexity, (e) probability, and (f) onset, duration, frequency and reversibility, (g) cumulative impact, (h) possibility of effectively reducing impacts. This is addressed under s.5.0 of the ER.

6.2.21. (a) The ER does not consider the potential magnitude and spatial extent of the impact to any degree. I do not consider the applicant's assessment of significance of potential impacts against the baseline of current operations (the temporary permitted capacity of 235,000tpa to cease from 31 December 2012) rather than against the permitted capacity of 220,000tpa to which operations would revert to on 1 January 2020 in the absence of a grant of permission by the Board, to be an appropriate or correct approach. However, the increase in operational capacity of 15,000tpa is an increase of less than 7% and therefore, having regard to the character and design of the development and the mitigation measures in place, the magnitude of potential impacts would be unlikely to be of significance. There is nothing to suggest that the spatial extent of impacts would increase over the current situation in terms of the geographical area and population affected.

6.2.22. (b) The installation has operated and can be expected to continue to operate within the requirements of the IE licence. The ER asserts that monitoring has shown emissions to have been less than the IED limits whilst the installation has been operating at 235,000tpa on a temporary permitted basis. There has been no submission from the EPA and no submissions or objections from third parties that would indicate that the installation has been having a significant adverse effect on the factors of the environment. There is nothing to suggest that the nature of potential impacts will be any different from the current situation. (c) There is no potential for significant transboundary impacts (the increase in processed ash / flue residue (a hazardous waste) disposed of in Northern Ireland is unlikely to be significant). (d) The potential impacts, subject to the continued implementation of mitigation measures forming part of the installation operations, do not appear to be intensive or complex. (e) The ER submits that the impacts of operating the plant at 235,000tpa is well understood, with emissions lower than the IED limits, within a highly regulated facility, and that the probability of impacts on any of the factors of the environment being above long-term imperceptible being very low.

- 6.2.23. (f) The potential impacts would occur from 1st January 2020 and would be continuous (air and water) except during annual shutdown periods of the incinerator. Traffic impacts would be daily and peaked, as would any associated impacts, except during annual shutdown. The ER submits that there will be no long-term impacts as emissions will cease on closure of the installation, which is reasonable.
- 6.2.24. (g) The ER submits that the potential for cumulative impacts on ambient air and climate with Platin Cement Ltd as the 235,000tpa intake will not significantly increase air quality or climate impacts on the area and traffic impact is negligible.
- 6.2.25. (h) The ER considers no reduction of impact to be required as the IE licence has shown the installation is compliant and will have long term negligible impacts on the environment.
- 6.2.26. Accordingly, I am satisfied that the types and characteristics of potential impacts arising from the requested alteration alone, cumulatively or in-combination, are not likely to be significant, including by reason of the governing of, *inter alia*, emissions to air and water through the terms and conditions of the EPA IED Licence W0167-03.
- 6.2.27. **Potential impact on specified sites** - Having regard to the provisions of S.146B(7)(a)(vi), the site is not located on or within close vicinity to an area the subject of a notice under section 16(2)(b) of the Wildlife (Amendment) Act 2000 (No. 38 of 2000), a designated NHA, land established or recognised as a nature reserve, land designated as a refuge for flora or fauna, a place of ecological interest the preservation, conservation or protection of which is an object of the development plan or LAP (adopted or draft) or a proposed NHA, and therefore no consequential significant direct impacts on those sites are likely to arise. The site is not connected to any of the aforementioned sites other than to (c.8.1km upstream of) Laytown Dunnes / Nanny Estuary pNHA and the River Nanny and Shore SPA site code 004158 via the River Nanny catchment, therefore there is no potential for indirect impacts or effects other than on those two sites. As noted above, the River Nanny and the underlying groundwater body of Bettystown have limited absorptive capacity and are At Risk of deteriorating or being less than Good status into the future.
- 6.2.28. However as only occasional, indirect, clean water discharges are proposed to

surface water system within the River Nanny catchment via a drainage ditch connected to the Cruiserath stream, it is considered that there is no potential for consequential significant indirect impacts on environmentally sensitive sites the Laytown Dunnes / Nanny Estuary pNHA, or the River Nanny and Shore SPA site code 004158 in view of its conservation objectives, or on any European site as determined in the Appropriate Assessment Screening assessment, below, as part of this S.146B(4) determination.

- 6.2.29. **Appropriate Assessment** - The applicant submitted a stage 1 AA screening report in response to the Board's request for submission of information, which is appended to the Environmental Report. I have summarized the main points of the screening assessment under section 4.0, above.
- 6.2.30. The proposed development is not directly connected with, or necessary to the conservation management of any European site. The project is not located within a European site and there is no potential for direct effects on any European site from the implementation of the proposed alteration of the existing project.
- 6.2.31. There is a source-pathway-receptor from the site, via the Cruiserath River forming part of the River Nanny catchment, to the River Nanny and Shore SPA site code 004158 (8.4km). I am satisfied that potential for significant effects on the River Boyne and River Backwater SAC (site code 002299; 3.3km) and River Boyne and River Blackwater SPA (site code 004232; 3.4km) can be ruled out due to absence of a hydrological source-pathway receptor between the proposed project and those hydrological based European sites. Although there is technically a source-pathway receptor route between the proposed project and the Boyne Estuary SPA (site code 004080; 6.4km) and the Boyne Coast and Estuary SAC (site code 001957; 7.5km), this is indirect, circuitous and would be via coastal waters that would reasonably be expected to dilute any effluent to a negligible level before it could reach and have any appreciable effect on either of the two coastal European sites in view of their conservation objectives.
- 6.2.32. The River Nanny catchment is rated of *Poor* status downstream of Bellewstown, including within the European site, and of *Moderate* status upstream including on the Cruiserath River in proximity to the Indaver WTE site. The entire catchment is *At Risk* of not meeting the WFD objective of achieving *Good* status or better. In

addition, the groundwater body underlying the European site and the project site is one of very few groundwater catchments within the state that is rated *Poor* status and *At Risk*. The absorptive capacity of the catchment must therefore be regarded as low.

- 6.2.33. The conservation objectives for the said European site are to maintain the favourable conservation condition of the features of interest of the site comprising Oystercatcher, Ringed Plover, Golden Plover, Knot, Sanderling, Herring Gull and Wetlands. The project proposed to be altered is not of a type listed as a threat or pressure on this European site on the Natura 2000 Standard Data Form.
- 6.2.34. Only occasional discharges of clean surface water are made to a drainage ditch discharging to the Cruiserath River c.130m downstream, which in turn discharges to the River Nanny 2.2km downstream, which enters the River Nanny Estuary and Shore SPA c.9.1km downstream. No discharge of process water is proposed (it is prohibited under the EPA IED licence) from the installation, with or without the permitting of the proposed project. Process water is evaporated through use within the installation and other used waters (for cleaning, etc.) is reused as process water within the operations of the installation.
- 6.2.35. No direct discharge of stormwater occurs (it is prohibited under the EPA IED licence) from the existing installation to surface waters (i.e. the River Nanny catchment) and none is proposed through the proposed alteration. The design of the existing installation provides for indirect discharges only to a ditch connecting to the said catchment, through a class 1 interceptor and an attenuation pond of significant excess capacity (capacity of 2,846m³ compared to a requirement of 1,063m³) with two monitoring points, an emergency water storage tank to hold stormwater that may be contaminated, and procedures to dispose of same to an authorised operator; and which prevents any flash flooding occurring from the project site. It is not proposed to amend same through the proposed alteration under consideration.
- 6.2.36. It is reasonable to conclude on the basis of the information on file, or as otherwise available and referred to above, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on European site no. 004158 (River Nanny and Shore SPA) in view of the

site's conservation objectives and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

6.2.37. **S.146B(4) Determination Conclusion** – Based on the foregoing assessment, I am satisfied that the Board may issue a determination under s.146B(4) that the extent and character of the proposed alteration is such that were it to be made it would not be likely to have significant effects on the environment, as per the draft Board Order and reasons and considerations under section 7.0, below.

6.3. Determination under s.146B(3)(b)(ii)

6.3.1. In making a determination under s.146B(3)(b)(ii), in addition to the issues addressed above under section 6.2, I consider it necessary for the Board to have regard to the need for the development within the context of current waste policy.

6.3.2. **European** – The European Commission published its 7th *Environmental Action Programme* (2013) to guide European policy until 2020, but sets out a vision to 2050 of, inter alia, '*an innovative, circular economy where nothing is wasted and where natural resources are managed sustainably, and biodiversity is protected.... [and our] low-carbon growth has long been decoupled from resource use...*'. It sets out the following priority objectives for waste policy:

- To reduce the amount of waste generated;
- To maximise recycling and re-use;
- To limit incineration to non-recyclable materials;
- To phase out landfilling to non-recyclable and non-recoverable waste;
- To ensure full implementation of the waste policy targets in all Member States

6.3.3. The *Waste Framework Directive* (2008/98/EC) lays down measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing overall impact of resource use and improving the efficiency of such use. It requires the waste legislation and policy of the Member States apply as a priority order the following waste management hierarchy: *prevention, preparing for re-use, recycling, other recovery (e.g. energy recovery) and disposal*, and sets out the obligations on member states

including the establishment of detailed waste management plans to support the implementation of the Directive and waste prevention programmes covering the entire geographical area of the state. It also introduced the principles of polluter pays, extended producer responsibility, self-sufficiency and proximity in addressing waste. It includes two new targets for recycling and recovery to be achieved by 2020: 50% preparing for re-use and recycling of certain waste materials from households and other origins similar to households; and 70% preparing for re-use, recycling and other recovery of construction and demolition waste.

6.3.4. The Directive defines waste ‘recovery’ ‘as any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy’ and, sets out a non-exhaustive list of recovery operations under Annex II, which includes *R 1 Use principally as a fuel or other means to generate energy*⁷.

6.3.5. **National** - The DECLG document *A Resource Opportunity, Waste Management Policy Ireland (2012)* sets out the waste hierarchy in terms of priority in accordance with the Directive and the measures through which Ireland will progress to become a recycling society focused on resource efficiency, with the virtual elimination of landfill for municipal waste.

6.3.6. Key relevant measures and actions concerning *recovery* (s.9.2) include, *inter alia*:

- reform of the waste collection permit system to promote self-sufficiency and to drive a move away from disposal towards recovery;
- the rigorous enforcement of waste collection permit conditions to ensure source segregated waste for the purpose of recycling is not sent for recovery or disposal;
- and the design / use of economic instruments to prevent waste being drawn down the waste hierarchy, such as being subject to recovery at a WTE installation rather than being prevented, reused or recycled; and measures to encourage attainment of more ambitious EU recovery targets in specific streams;

⁷ This is subject to a specific minimum energy efficient (0,60 or 0,065 depending on date of permission and operation).

- ensure relevant departments and agencies pursue a coordinated approach in support of development of recovery infrastructure;
- conduct review (EPA) of the existing recovery infrastructure with a view to ensuring an adequate provision network of quality waste treatment facilities for Ireland, with particular regard to examining the capacity for managing municipal waste in conformity with the principles of proximity and self-sufficiency.

6.3.7. The document, noting the disappointing progress made in the rollout of the *'brown bin'* for separate collection of organic materials, set a priority (s.8.4) to address same through, inter alia, legislation. Significant progress has been made in this regard through the introduction of *Household Food Waste Regulations 2013* which imposed obligations on waste collectors to provide a separate collection service for household food waste (brown bins), and on households to segregate food waste separate from other non-biodegradable waste, and have it separately collected by an authorised waste collector. Separate brown bin collections for food / organic waste has been gradually rolled out to include settlements as small as 500 persons since 2017.

6.3.8. In addition, *A National Waste Prevention Programme* was established in 2004, with Annual Reports published by the EPA, and continues to address the generation of excess waste.

6.3.9. **Regional** - The implementation of national policy is through the regional waste management plans, with the Eastern-Midlands Region Waste Management Plan 2015-2021 (EMRWMP) being the pertinent plan to the subject case. The plan places stronger emphasis on preventing waste and on material-reuse activities, strives *'to improve recovery and generation of energy by maximizing the resource value of the materials and energy embodied in residual wastes'*, and seeks to *'reduce the role of landfilling in favour of higher value recovery options'*. It sets three specific targets for waste prevention (reduction of 1% p.a. household waste generation per capita), recycling (50% of managed municipal waste by 2020 and 60% by 2030) and landfilling (reduce to 0% for unprocessed municipal waste from 2016) and aims to make the region self-sufficient in treating wastes generated that are currently exported. Key measures include, inter alia:

- increase source-segregated kerbside collections and ensure a three-bin system is commonplace for household and commercial;
- plan / develop higher quality waste treatment infrastructure including new reprocessing, biological treatment, thermal recovery and pre-treatment facilities;
- support development of the biological treatment sector, in particular composting and anaerobic digestion;
- support the development of thermal recovery in the region to meet the needs of the region and the state in reducing export of residual waste for treatment abroad.

6.3.10. Thermal recovery is addressed under section 16.4.5 of the Plan and it is the policy of the waste authority to support the national development of: thermal recovery capacity (E15a) of 300,000tpa for treatment of non-hazardous waste; (E15b) on-site treatment of industrial process waste and; (E16) 50,000tpa for hazardous wastes to achieve state self-sufficiency and / or adequate active competitive treatment.

6.3.11. E15a is informed by an identified need for an additional 300,000tpa thermal recovery capacity, nationally, based on municipal waste generation forecasts taking account of proposed waste generation prevention measures, and having regard to a 220,000tpa capacity of the subject Indaver WTE installation, and a 600,000tpa capacity of Covanta, Poolbeg (permission EF2022); existing / proposed cement kilns (342,875tpa) and pyrolysis (65,000tpa). The Plan does not take account of the temporary increase of 15,000tpa at the subject Indaver WTE installation at Carranstown. Nor could it take account of granting of permission of additional facilities subsequent to the publishing of the Plan: the Indaver Cork WTE permitted under PA0045 (currently subject of judicial review) for 240,000tpa waste capacity (of which, 24,000tpa may be hazardous waste); Platin Cement Works (under PA0050) to use an additional 360,000tpa alternative fuels / raw material⁸. Assuming the latter

⁸ Condition no.3 specified this as an addition 100,000tpa residual Solid Recovered Fuel sourced from municipal solid waste (220,000tpa in total); 50,000tpa hazardous waste; 75,000tpa other waste as per appendix 3.5 of the EIAR; and alternative raw material 120,000tpa. The Inspector clarifies the nature of the 'other waste' as falling within the following categories - Fine solids (no hazardous waste) – Waste categories referred to are mostly plastics, wood, paper, cardboard and textiles and to a lesser extent animal tissue waste; Coarse solids (some hazardous wastes) – Plant tissue, animal waste, forestry waste, waste from spirits distillation, wood waste, acid tars, contaminated or hazardous packaging waste, absorbents and wiping cloths, end of life tyres, waste

two subject developments are progressed, there would appear to be no need for additional thermal recovery, including thermal recovery of hazardous waste, within the state until after 2030.

- 6.3.12. The previously permitted temporary increase in waste tonnage accepted to the installation per annum under PM0004 was on the basis of the then poor level of segregation of organic / food waste by households which resulted in municipal waste accepted to the facility being of a lower calorific value than anticipated and a greater throughput of waste was necessary to secure operational efficiency in incineration. Furthermore, the increase was suggested as an interim solution to the enforced diminution of landfill capacity under national policy. In deciding not to accept the Inspector's recommendation for a shorter temporary period until 31 December 2016 (as an alternative alteration) to allow the principle of increase waste tonnage to be reviewed within the new policy context for the rationalised waste regions, the Board considered the proposed temporary increase not to be so substantial to influence the development or implementation of regional waste management policy, noting the more substantial volume of residual waste exported for energy recovery; and that the marginal increase would not be likely to influence the successful implementation of the brown bin system for organic water or have significant implications for the classification of the subject facility as a waste recovery facility.
- 6.3.13. Based on progress on waste segregation and the successful rollout of brown bins throughout the state, the original justification for the increases waste tonnage would appear to no longer apply. The application makes no case for the ongoing operation at the higher rate. However, given the relatively small scale of the permanent increase in waste processing acceptance, I do not consider the proposal would be materially contrary to the regional waste management plan.
- 6.3.14. **Local** – The Meath County Development Plan 2013-2019 sets out Council policy on waste management under section 7.17, however it is based on the previous regional

from metallurgical processes, waste from waste management facilities containing hazardous substances; Free flowing solids (some hazardous) – Animal and food wastes which are unsuitable for consumption or processing, sludges from the treatment of waste water, waste from shredding of metal containing wastes; Pumpable fluids (many of these are hazardous) – Agrochemical waste, washing liquids, solvents, waste paint, varnish, waste adhesives, sealants, fuel oil and diesel, other fuels, fat and oils; Whole tyres; Raw materials (some of which are hazardous) – Mining waste, waste from agriculture, wastes from wood processing, waste from inorganic chemical processes, waste from thermal processes, construction and demolition waste, waste from waste management facilities.

waste management plan (2005-2010). Under WM OBJ 1, it is the objective of the Council to facilitate the provision of appropriate waste recovery and disposal facilities in accordance with the principles set out in the appropriate Waste Management Plan applicable from time to time made in accordance with the Waste Management Act 1996. Contrary to the details of the applicant Environmental Report, the site is not zoned under the Development Plan, or under the Duleek Town Statement under Volume 5 of the Plan, being outside the boundary for that settlement.

6.3.15. **Policy framework conclusion** – Based on the capacity requirement assessment for thermal recovery facilities to 2030 under the EMRWMP (2015-2021) and the existing available operational capacity and permitted but pending operation capacity for additional thermal recovery facilities which exceed the projected requirements, the continuation of an increased waste acceptance to 235,000tpa (an additional 15,000tpa) to the facility is not warranted under the Plan. In addition, the original justification for the increased waste acceptance level, on the basis of the poor level of segregation of organic / food waste by households at that time, which resulted in municipal waste accepted to the facility being of a lower calorific value than anticipated and necessitated a greater throughput of waste to secure operational efficiency in incineration, no longer applies and the applicant has provided no other justification for the increased throughput in the request for alteration. However, given the relatively small scale of the permanent increase in waste processing acceptance, I do not consider the proposal to be such as would be materially contrary to the regional waste management plan and I therefore would advise the Board that it would be reasonable to determine to make the alteration requested.

6.3.16. **S.146B(3)(b)(ii) Determination Conclusion** – Having regard to the determination under s.146B(4) and the assessment of the policy context, above, I am satisfied that the Board may determine to make the alteration requested as per the draft Board Order and associated reasons and considerations detailed under section 7.0, below:

7.0 DRAFT Board Order

ABP-302447-18

Planning and Development Acts, 2000 to 2018

Planning Authority: Meath City Council

(Associated application reference number: 17.PA0026)

REQUEST received by An Bord Pleanála on the 30th day of August, 2018 from Indaver Ireland under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a strategic infrastructure development described as the Indaver Ireland waste-to-energy facility at Carranstown, Duleek, County Meath.

WHEREAS the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 4th day of February 2013, including condition no.3(1) limiting the tonnage of waste accepted for treatment at the facility to not exceed 220,000 tonnes per annum,

AND WHEREAS the Board made a decision on the 1st day of August 2014 under PM0004 to alter the terms of 17.PA0026 through the amendment of condition no.3(1) to allow for the annual tonnage of waste accepted for treatment at the facility to be increased from 220,000 tonnes to 235,000 tonnes for a temporary period until the 31st day of December 2019,

AND WHEREAS the Board has received a request to alter the terms of the development, the subject of the permission,

AND WHEREAS the requested alteration is described as follows:

The alteration to Indaver waste-to-energy installation to allow acceptable of increased tonnage from 220,000 tonnes per annum to 235,000 tonnes per annum on a permanent basis.

AND WHEREAS the Board has determined that the requested alteration would constitute the making of a material alteration to the terms of the development concerned and requested the requester under section 146B(3)(b)(i) to submit to the Board the information specified in schedule 7A to the Planning and Development Regulations 2001, as amended, in respect of the alteration,

AND WHEREAS the Board is required to make a determination under **section 146B(4)**, the Board is satisfied that the alteration requested, having regard to:

- (i) The extent and character of the alteration requested, which is significantly under the threshold in respect of Class 10 (*waste installations for the incineration or chemical treatment as defined in Annex IIA to Directive 75/442/EEC under heading D9, of non-hazardous waste with a capacity exceeding 100 tonnes per day*) of Part 01 of Schedule 5 of the Planning and Development Regulations 2001 (as amended), and which therefore does not fall within the scope of Class 21 development under the same Part relating to '*any change to or extension of projects listed in this Annex where such a change or extension in itself meets the thresholds, if any, set out in this Annex*';
- (ii) The information submitted by the applicant pursuant to schedule 7A of the Regulations, 2001, as contained in the *Environmental Report*, inclusive of the *Report for the Purposes of Appropriate Assessment Screening* appended thereto;
- (iii) The criteria set out in Schedule 7 to the Planning and Development Regulations 2001, as amended, including:
 - (a) The characteristics of the alteration requested which comprises a relatively small-scale alteration to operations from 1 January 2020 entailing c.7% increase in waste throughput, without physical modifications to the installation; the nature of emissions arising, including emissions to air and occasional; indirect discharges of clean water to a drainage ditch within the catchment of the River Nanny to water, which are governed by the provisions of the EPA IED Licence W0167-03; and the relatively low level of additional associated resource use, generation of waste residue, pollution and nuisances and additional traffic movements generated;

- (b) The location of the alteration requested within a rural landscape which has a significant presence of substantial heavy industrial operations, outside of any residential settlement, and which is rated as being of moderate sensitivity to the proposed alteration project under Landscape Character Assessment of the Meath Development Plan 2013-2019; at a distance from any site referred to under S.146B(7)(a)(vi) and with indirect source-pathway-receptor connectivity only to Laytown Dunnes / Nanny River Estuary pNHA site code 000554 (c.8.1m downstream) and to European site River Nanny Estuary and Shore SPA site code 004158 (c.9.1km downstream); and notwithstanding the lack of absorptive capacity of the River Nanny and the Bettystown groundwater which are of *Poor/Moderate* and *Poor* status, respectively, and *At Risk* of not meeting their WFD objectives;
- (c) The types and characteristics of potential impacts arising from the requested alteration alone, cumulatively or in-combination, which are not considered to be significant, including by reason of the governing of, *inter alia*, emissions to air and water through the terms and conditions of the EPA IED Licence W0167-03;

Would not be likely to have significant effects on the environment, including on any European site in view of their conservation objectives,

AND WHEREAS the Board is satisfied, having regard to:

- (i) the nature and scale of the requested alteration taken cumulatively with the existing waste-to-energy installation,
- (ii) the examination of environmental impact, including in relation to Natura 2000 sites, carried out in the course of that application,
- (iii) the waste policy framework context,
- (iv) the submissions and observations received,
- (v) the report and recommendation of the Board's inspector, which is adopted,

that requested alteration would not be materially contrary to the provisions of the government's waste policy under *A Resource Opportunity, Waste Management*

Policy Ireland (DECLG, 2012) DECLG, or the Eastern and Midlands Regional Waste Management Plan 2015-2021 in respect of the capacity requirement for thermal recovery facilities to 2030 and would accord with the provisions of the Meath County Development Plan 2013-2019 and with the proper planning and sustainable development of the area.

NOW THEREFORE in accordance with section 146B(3)(b)(ii) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above-mentioned decision so that the permitted development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on the 30th day of August 2018.

John Desmond
Senior Planning Inspector
12 March 2019