



An  
Bord  
Pleanála

## Inspector's Report ABP 304428-19



<b>Development</b>	Integrated waste management facility.
<b>Location</b>	Hollywood Great, Nag's Head, Naul. Co Dublin.
<b>Planning Authority</b>	Fingal Co Council .
<b>Applicant</b>	Integrated Materials Solutions Limited.
<b>Type of Application</b>	Seventh Schedule
<b>Date of Site Inspection</b>	July 26 <sup>th</sup> , 2019.
<b>Inspector</b>	Breda Gannon

## **1.0 Introduction**

- 1.1. On 10<sup>th</sup> May 2019, a request was received by the Board to enter into pre-application discussions with respect to the proposed development under section 37B of the Planning and Development Act 2000, as amended.
- 1.2. The Board's representatives met with the prospective applicant on September 5<sup>th</sup>, 2019, October 14<sup>th</sup>, 2019 and December 5<sup>th</sup>, 2019.
- 1.3. The prospective applicant formally requested closure of the pre-application consultation process by letter on January 13<sup>th</sup>, 2020.

## **2.0 Site Location and Description**

- 2.1. The site is located at Hollywood Great, Nag's Head, Naul Co Dublin. It is located c 31km north of Dublin city centre, c 4km south of Naul village and c 3.5km west of the M1 motorway. The site is bounded by the LP-1080 to the south and the LP-1090 to the west. The area is one of undulating rural countryside and the predominant land use is agriculture. The pattern of development is dispersed with individual dwellings and clustered farm buildings scattered along the road network. Hollywood Reservoir is located adjacent to the east of the site entrance.
- 2.2. The site comprises a former quarry which subsequently operated as a landfill. It has an area of 39.8 ha and includes a series of large topographical hollows and infilled areas separated by internal haul roads. The site buildings which include a site office, weighbridge, shed, bunded tank and quarantine area are located on a concrete apron adjacent to the site entrance to the west of the site. Ground levels fall from west to east within the site.

## **3.0 Proposed Development**

- 3.1. The proposal is to develop an integrated waste management facility at the site. It is proposed to develop engineered landfill cells and to landfill a mixture of hazardous, non-hazardous and inert wastes at a rate of 500,000 tonnes per annum. The current void space to be infilled is c 3.8 million cubic metres. Permission would be sought for a period of 25 years and an EPA licence would be required.

3.2. The waste streams would be landfilled in a series of cells and the cell layouts are outlined in the drawings submitted.

**Hazardous waste** - The proposal makes provision for the landfilling of one specific hazardous waste stream, construction materials containing asbestos. The asbestos waste would be landfilled at a single specialist mono-cell or a series of smaller mono-cells within the site. An estimated total intake volume of c.250,000 m<sup>3</sup> would be accommodated over the 25-year timeframe. The intake volume is proposed to account for c.10,000 tonnes per annum generated nationally (as recorded by the EPA) over the 25-year timeframe. It is estimated that this volume would increase as Irish Water carry out remediation of the public drinking water network across the country replacing older, leaking and unsuitable (e.g. asbestos) pipes in the network. The location of the hazardous waste cells are shown in red on the submitted drawings.

**Non-Hazardous waste** – Non-hazardous waste streams listed in Table 3.2 (non-exhaustive) would be landfilled at the site at a series of engineered cells (Cells 11 to 16). The estimated tonnage is 5,100,000 tonnes over the 25-year timeframe. The location of the non-hazardous cells are shown in blue on submitted drawings.

**Inert waste** – The inert waste streams listed in Table 3.3 (non-exhaustive) are to be landfilled in a series of landfilled cells (Cells 6 to 8). The estimated volume of inert waste cells to be developed at the site is c 1,000,000 m<sup>3</sup> which is equivalent to 2,000,000 tonnes. The location of the inert waste cells are shown in green on the submitted drawings. Some of these cells have already been filled (Cells 1-5) and are not included in the estimate of cell void space.

3.3. To facilitate the landfill operation a number of infrastructural works are required including the following;

- A new facility entrance on the local road (LP-1080) to the south to replace the existing entrance at the western boundary.
- Administration office building.
- Weighbridge located on the internal access road.
- Car parking.
- Internal haul routes.

- A dry mechanical processing building (1285m<sup>2</sup>).
- Leachate management infrastructure.
- Surface water management infrastructure.

#### 4.0 Planning History

**Reg Ref 88A/32** – Planning permission granted in June 1988 to infill, restore and reinstate the portion of the quarry that was excavated to that date. A 15-year permission was granted (expiring 2003). This operation was subject to a Waste Licence from the EPA (W0129-01).

**Reg Ref F04A/0363** – Permission was granted in 2004 to extend the existing operation to infill the quarry void with inert materials within engineered cells at a rate of 340,000 tonnes per annum as part of the restoration and reinstatement of the quarry. Permission was granted for a period of 15 years (expiring October 2019).

**Reg Ref F07A/0262** – Permission was granted in 2007 to amend the 2004 permission to permit an extended area to be infilled and to permit the continued infill of the quarry at a rate of 500,000 tonnes per annum of inert construction and demolition waste. For the increased tonnage a revised Waste Licence was required and granted by the EPA in 2007 (W0129-02).

**Reg Ref F07A/1241** – Permission was refused to relocate the primary entrance from the local road along the western boundary of the site (LP01090) to the road which runs along the southern boundary of the site (LP01080) as well as the construction of a new weighbridge, wheelwash, office building and proprietary treatment plant together with car parking etc. There were four reasons for refusal which related to (i) zoning objectives and material contravention of the development plan, (ii) adverse impacts on the landscape character of the area, (iii) impacts on residential amenities and (iv) unacceptable proposals for the treatment of foul sewage associated with the proposed development.

**Reg Ref F08A/0749** – Permission sought for essentially the same development as that sought under F07A/1241. An Bord Pleanála upheld the decision of the planning authority and refused permission for the development (PL06F.230763). There were

two reasons for refusal relating to (i) zoning and (ii) the failure of the applicant to demonstrate the need for the proposed new access and impacts on traffic safety.

**Reg Ref 06F. PA0018** - Permission was granted for an integrated waste management facility on a site of 39.8 ha at the site. The permission permitted the acceptance of up to 500,000 tonnes per annum of non-biodegradable inert non-hazardous and hazardous wastes over a period of 25 years. The permission was granted in June 2011 and was subject to 22 no. conditions.

The permission was not implemented as a waste licence for the development was refused by the EPA (W0129-03).

In July 2016 an extension to the duration of the permission was granted by Fingal County Council (Ref SID/03/10E1) up to June 2021.

**Reg Ref F19A/0077** – On October 8th 2019, Fingal Co Council issued a decision to grant permission to IMS for the continued infilling of the quarry with inert construction and demolition waste material at a rate of 500,000 tonnes per annum permitted under Reg Ref's F07A/0262 and F04A/0363 for a further 15 no. year period from the date of expiration (6<sup>th</sup> October 2019) to a revised expiration date of 6<sup>th</sup> October 2034. The decision is currently under appeal (ABP 305832-19). If permission is granted this would allow for the continuation of the existing operation under EPA Waste Licence Reference W0129-02.

## 5.0 Policy and Context

### 5.1. National Planning Framework – Project Ireland 2020

The National Planning Framework (NPF) which was published in 2018 is a strategic plan to guide development and investment out to 2040. It is envisaged that the population of the country will increase by up to 1 million by that date and the strategy seeks to plan for the demands that growth will place on the environment and the social and economic fabric of the country. The Plan sets out 10 goals, referred to as National Strategic Outcomes.

**Under National Strategic Outcome 9** – the emphasis is on the sustainable management of water, waste and other environmental resources. It expressly provides in relation to waste that it will require:

*‘Development of necessary and appropriate hazardous waste management facilities to avoid the need for treatment elsewhere’.*

*‘Adequate capacity and systems to manage waste, including municipal and construction and demolition waste in an environmentally safe and sustainable manner’.*

The NDF supports circular economy principles that minimise waste going to landfill and maximise waste as a resource.

**National Policy Objective 56** states:

*‘Sustainably manage waste generation, invest in different types of waste treatment and support circular economy principles, prioritising prevention, re-use, recycling and recovery to support a healthy environment, economy and society’.*

The **National Hazardous Waste Management Plan 2014-2020** sets out a number of objectives including:

- To maximise the collection of hazardous waste with a view to reducing the environmental and health impacts of any unregulated waste.
- To strive for increased self-sufficiency in the management of hazardous waste and to minimise hazardous waste export.

Section 6.2 states that consideration should be given to co-location of hazardous waste treatment at existing waste facilities or brownfield sites for the purposes of sustainability and land use planning.

With regard to landfill of hazardous waste the Plan notes that there is currently no dedicated hazardous waste landfill disposal facility in the country. It further notes that Asbestos is the single largest hazardous waste stream that requires landfill disposal (Section 6.5).

The EPA published a Progress Report on the implementation of the National Hazardous Waste Plan in 2018. It underlines the key objective of increasing Ireland's level of self-sufficiency regarding hazardous waste management. It finds that while Ireland has moved towards greater self-sufficiency regarding hazardous waste management since the publication of the Plan, the often more favourable cost option of treatment and disposal abroad has meant that export continues to be a significant treatment route for Ireland's hazardous waste.

The **Eastern-Midlands Region Waste Management Plan 2015-2021** provides the framework for the prevention and management of waste in the region. The strategic vision of the regional waste plan is to rethink our approach to managing waste, by viewing waste as a valuable resource, leading to a healthier environment and sustainable commercial opportunities for our economy. The policy aim is for the region and the State to become more self-sufficient, in terms of treating the wastes we generate and currently export. The circular economy is central to the strategy of the regional waste plan.

**Strategic Objective E:** The region will promote sustainable waste management treatment in keeping with the waste hierarchy and the move towards a circular economy and greater self-sufficiency.

With regard to landfilling the plan states at **Policy E8;**

*'The waste plan supports the development of disposal capacity for the treatment of hazardous and non-hazardous wastes at existing landfill facilities in the region subject to the appropriate statutory approvals being granted in line with the appropriate environmental protection criteria'.*

At Section 16.4.4 the plan states notes that backfilling activities make up a significant treatment capacity in the region at both local authority authorised sites and EPA licensed sites. Relevant policies include

**Policy E 13:** Future authorisations by local authorities, the EPA and An Bord Pleanála must take account of the scale and availability of existing backfilling capacity.

**Policy E14:** The local authorities will co-ordinate the future authorisations of backfilling sites in the region to ensure balanced regional development serves local and regional needs with a preference for large scale restoration sites ahead of smaller scale sites with shorter life spans. All proposed sites for backfilling activities must comply with environmental protection criteria set out in the plan.

- 5.2. The **Eastern and Midland Regional and Spatial Economic Strategy**, which came into effect on June 28<sup>th</sup>, 2019, builds on the foundations of Government policy in Project Ireland 2040. It seeks to determine at a regional scale how best to achieve the shared goals set out in the National Strategic Outcomes of the NPF and sets out 16 Regional Strategic Outcomes (RSO's) which set the framework for city and county development plans. It supports the circular economy to make better use of resources and become more resource efficient.

**Regional Strategic Outcome 7** -Sustainable Management of Water, Waste and other Environmental Resources states

*'Conserve and enhance our water resources to ensure clean water supply, adequate waste water treatment and greater resource efficiency to realise the benefits of the circular economy'.*

### 5.3. **Development Plan**

The operative development plan is the **Fingal County Development Plan 2017-2023**. Section 7.5 (Waste Management) contains various policies and objectives regarding compliance with national/regional policy, compliance with waste hierarchy and the transition to a circular economy. An extract from the plan is appended to the back of the report.



## 6.0 Strategic Infrastructure-Legal Provisions

Strategic Infrastructure is defined in the **Seventh Schedule** of the 2006 Act and under Environmental Infrastructure as:

*-A waste installation for –*

- (a) The incineration, or*
- (b) The chemical treatment (within the meaning of Annex IIA to Council Directive 75/422/EEC under heading D9), or*
- (c) The landfill,*

*of hazardous waste to which Council Directive 91/689/EEC applies (other than an industrial waste disposal installation integrated into a larger industrial facility).*

*-A waste disposal installation for-*

- (a) the incineration*
- (b) the chemical treatment (within the meaning of Annex IIA to Council Directive 75/442/EEC under heading D9),*

*of non-hazardous waste with a capacity for an annual intake greater than 100,000 tonnes.*

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

**Section 37A** of the Planning and Development Act, 2000, as amended by the Planning and Development (Strategic Infrastructure) Act sets out the conditions under which Seventh Schedule development is considered to constitute strategic infrastructure for the purposes of the Act,

- (a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,*
- (b) the development would contribute substantially to the fulfilment of any of the objectives of the National Spatial Strategy or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate.*

*(c) the development would have a significant effect on the area of more than one planning authority.*

## **7.0 Prospective Applicant's Submission to the Board.**

The proposed development comprises of development for the purpose of *'the landfill, of hazardous waste to which Council Directive 91/689/EEC applies (other than an industrial waste disposal installation integrated into a larger industrial facility' and 'an installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes'*.

- 7.1. The proposed development therefore falls within the Seventh Schedule by means of the proposal to landfill hazardous wastes (i.e. asbestos waste) and the disposal of waste with a capacity for annual intake greater than 100,000 tonnes at the site.
- 7.2. The applicant provides an analysis of each of the conditions contained within Section 37A(2), which is required to determine if the proposed development is strategic infrastructure.

*(a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,*

The relevance of the proposed development to strategic and economic importance to the State and GDA relates to the provision of additional much needed waste management capacity within the Region and compliance with the principles of self-sufficiency within the State. The submission looks at three waste streams which are to be landfilled at the proposed development (hazardous asbestos waste, incinerator bottom ash waste and general construction waste) to illustrate the strategic and economic importance of the proposed development.

*Hazardous asbestos waste* - There is currently no licensed landfill in the State to accept and landfill asbestos waste. The EPA's National Hazardous Waste Management Plan 2014-2020 (NHWMP) recognises that if additional hazardous waste is to be treated in Ireland and export avoided that an overarching strategic need is the *'development of landfill capacity to manage non-recoverable and non-combustible hazardous waste and residues containing asbestos'*. It recommends that at least one other non-hazardous landfill facility be authorised to accept

construction materials containing asbestos. *‘Such a facility would be expected to provide a regional service to supplement a region or regions that are more distant from a national facility’*. It is proposed to accept asbestos at the facility in line with the strategic needs of the NHWMP.

The increase in construction work and the planned remediation of the public drinking water mains network will generate a sizable and constant flow of additional asbestos waste over the next decade. It is estimated that this waste volume from the pipeline remediation alone could be c 100,000 tonnes if all waste piping is removed for disposal or an additional 10,000 tonnes per annum on top of the 5,000-10,000 tonnes baseline estimate for general construction works.

With this planned additional generation rate, there is a known strategic need for c 15,000 tonnes per annum capacity facility for the disposal of asbestos waste to comply with the *‘development of landfill capacity to manage non-recoverable and non-combustible hazardous waste and residues containing asbestos’* and the self sufficiency policies in the national and regional waste management planning and to ensure that the waste stream is fully managed to protect the environment.

*Incinerator bottom ash waste* – Poolbeg and Carranstown Waste to Energy are the two authorised municipal waste incinerators that generate IBA. The Poolbeg plant currently exports IBA to the Netherlands for metal recovery. IBA from Carranstown is sent for recovery at landfill. The proposed incinerator at Ringaskiddy would generate c 52,700 tonnes per annum (EIS).

The Eastern-Midlands Region Waste Management Plan 2015-2021 supports the development of up to 300,000 tonnes of additional thermal recovery capacity for the treatment of non-hazardous waste nationally. This additional incinerator capacity would generate an additional c 60,000-70,000 tonnes of IBA for treatment within the State. This would result in up to 250,000 tonnes of IBA generated per annum including all installed and proposed incinerators.

There are a limited number of landfills than can accept IBA and the 2018 reported tonnages indicate that while the three facilities at Knockharley, Drehid and Ballynagran can cater for the current demands from Carranstown, there is limited current capacity to manage the IBA from Poolbeg. In the event that the future 300,000 tonnes of additional thermal recovery capacity is developed, there is a considerable

shortfall in the State's capacity to be self-sufficient in the treatment of IBA. Therefore, the proposed development at Hollywood is of strategic importance for self-sufficiency and economic development within the State and would be able to significantly contribute to treatment capacity for the projected waste stream.

*Construction Waste (Non Hazardous and Inert)* – The recent growth in construction activity has created a current supply chain whereby there is a significant shortfall in the provision of treatment sites for C&D waste to enable the planned infrastructure to be developed at the required pace. With further projected growth this shortfall in waste treatment capacity is likely to constrain the objectives of the National Development Plan. It is projected that total construction and demolition waste will increase to c 9 million tonnes by 2023 in the GDA alone.

There is, therefore, an immediate need for the development of additional capacity for these waste streams. This is acknowledged in the Eastern-Midlands Region Waste Management Plan 2015-2021 which states that *'future planning and authorisation of backfilling sites must take account of the location of existing capacities and the scale of available capacity across the region to ensure that there is adequate, appropriate and balanced supply'*.

The Hollywood site is ideally placed within the GDA with good transport routes and with a significant existing void space to allow for a greater diversity of waste streams to be sustainably landfilled at this site. The proposed development seeks to maximise this capacity and diversify the waste streams accepted at the site to meet this projected demand.

*(b) the development would contribute substantially to the fulfilment of any of the objectives of the National Spatial Strategy or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate.*

*National Planning Policy* – The National Spatial Strategy noted that waste management was a particular priority noting that *'Efficient, effective and cost effective waste management facilities are essential if industrial and enterprise activity is to thrive and develop in a balanced way across Ireland'*. This priority still exists and is echoed in the successor to the NSS, the National Planning Framework - Project Ireland 2040 (NPF). It recognises that a key future enabler for Dublin

includes improving sustainability in terms of waste and waste management. It promoted the circular and bio economy and the management of waste by having adequate capacity and systems to manage waste in an environmentally safe and sustainable manner such that waste is significantly reduced or eliminated.

The subject waste recovery facility is wholly consistent with the waste related policies of the NPF and notably National Policy Objective 56 which is to:

*‘Sustainably manage waste generation, invest in different types of waste treatment and support circular economy principles, prioritising prevention, reuse, recycling and recovery to support a healthy environment, economy and society’.*

The NPF also targets a significant proportion of future urban development on infill/brownfield development sites (National Policy Objective 12). The proposed development is unique as it would be the only engineered landfill in Co. Dublin capable of accepting brownfield materials at levels prescribed in the Landfill Directive and Waste Licence. All other unlined recovery sites are not covered by the Landfill Directive and can only accept uncontaminated materials. The policy to further develop brownfield sites requires the appropriate infrastructure to manage the associated wastes and the proposed development will be central to the delivery of this policy in the GDA.

*Regional Planning Policy* – The Regional Spatial and Economic Strategy is still in draft form. Regional policy objectives (RPO) concerning regeneration and waste management contained in the Draft RSES are particularly relevant to the proposed development. RPO 9.13 states the following compelling the relevant authorities to consider effective waste management projects for brownfield regeneration;

*‘To support at a National level, efforts to explore ways to deal effectively with waste and contamination relating to brownfield regeneration’.*

The proposed development is one such way for dealing with effectively with waste and contamination relating to brownfield regeneration.

The **National Hazardous Waste Management Plan 2014-2020** has a number of key objectives one of which includes to strive for increased self sufficiency in the management of hazardous waste and to minimise hazardous waste export. Ireland has no self-sufficiency in the management of hazardous waste which is all currently exported. It is recognised in the plan that asbestos is the single largest hazardous

waste stream that requires landfill disposal and states that there is a projected need for 20,000 tonnes of capacity per annum for a dedicated asbestos landfill cell in the future. The recommendation is that, in the absence of such a landfill capacity for asbestos and considering the prohibitive export costs from this stream, additional capacity be provided at specialist cells in a limited number of existing non-hazardous landfills to prevent the illegal disposal of asbestos.

The **Eastern-Midlands Region Waste Management Plan** is the key policy driver for waste management in the GDA. One of the strategic objectives relates to self-sufficiency (Specific Objective E). It also refers to the NHWMP and the need for national capacity for an asbestos landfill. It also supports (Policy E8) the development of disposal capacity for hazardous and non-hazardous waste at existing landfill facilities. Under the provisions of Policy E14, it is stated that the local authorities will co-ordinate the future authorisations of backfilling sites in the region with a preference for larger restoration sites ahead of smaller scale sites with shorted life spans. Policy E14 is specifically designed to ensure the continued operation of larger facilities such as the proposed development to meet the growing demand for capacity for this waste stream in the GDA.

*(c) the development would have a significant effect on the area of more than one planning authority.*

The proposed development will serve the construction sector in the GDA comprising the administrative jurisdictions of Fingal, Dublin City, South Dublin, Dun Laoghaire Rathdown as well as Louth, Meath, Kildare and Wicklow. This is based on the proximity of the site to these other local authorities and ease of access using the M1 motorway. If granted, the proposed development will become the sole facility for the disposal of hazardous asbestos waste within the State. It will allow the State to comply with the self sufficiency objectives of national waste policy and cease the current practice of exporting all asbestos waste.

## 8.0 Assessment

The proposal is to develop engineered landfill cells on the site to landfill a mixture of hazardous, non-hazardous and inert wastes to infill the existing void space. The

proposed development with a proposed input of 500,000 tonnes per annum comprises Seventh Schedule development as it exceeds the threshold being:

*Development comprising or for the purposes of the following;*

*-An installation for-the landfill of hazardous waste to which Council Directive 91/689/EEC applies (other than an industrial waste disposal installation integrated into a larger industrial facility), and*

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

#### 8.1. **SID Qualifications under Section 37A (2)**

Section 37 of the Act, as amended requires that development falling under the Seventh Schedule of the Act, as amended, in order to constitute strategic infrastructure should comply with one or more of the three conditions set out in section 37A(2)(a)(b)(c).

**Section 37A(2)(a) – Development would be of strategic economic or social importance to the State or the region in which it would be situate.**

The three waste streams proposed to be landfilled are considered below.

**Hazardous waste** – The data available from the EPA suggests that in the region of 10,000 tonnes of Asbestos waste is reported each year. There is potential for this waste stream to increase as a result of proposed new infrastructural development, regeneration and housing projects proposed in the NPF and through the proposed remediation of public water mains by Irish Water. Due to the lack of disposal facilities in the State, all of this waste is currently exported which does not accord with the principles of self-sufficiency.

The NHWMP recommends that capacity of up to 20,000 tonnes per annum be provided. The proposed development accords with the NHWMP's recommendations, which states that in the absence of a dedicated national facility, additional capacity should be provided in dedicated cells in a limited number of existing non-hazardous waste landfills. Providing a suitable treatment option for asbestos waste will help to maximise the collection of this waste stream and reduce the environmental consequences and health impacts of unregulated waste. It will also improve the

State's move towards self-sufficiency in line with the objectives of the National Hazardous Waste Management Plan 2014-2020.

The need to address the treatment of hazardous wastes that cannot be recycled or recovered is also identified in the Eastern-Midlands Region Waste Management Plan 2015-2021. It also supports the development of disposal capacity for the treatment of hazardous waste at existing landfills in the region (Policy E8) and self-sufficiency.

**Incinerator bottom ash (Non-hazardous)** – There is also an identified deficiency in the State for the treatment of IBA from the existing waste to energy facilities at Poolbeg and Carranstown. At present IBA from Poolbeg is exported and the waste arising from Carranstown is landfilled. These two facilities generate c140,000 tonnes of IBA per annum. In addition to the capacity provided by these facilities, national policy as outlined in the regional waste plans supports the provisions of a further 300,000 tonnes per annum of national thermal treatment capacity for residual MSW management, which will generate additional quantities of IBA for treatment. As noted in prospective applicant's submission there is limited capacity for the treatment of existing volumes of IBA and no capacity to cater for projected increases to allow the State to be self-sufficient in the treatment of IBA.

**Construction Waste (Non-Hazardous and inert)** – At the time of publication of the regional waste plans the national waste capacity market for the treatment of C&D soil waste exceeded supply due to depressed activity in the construction sector. The *Construction and Demolition Waste: Soil and Stone Recovery/Disposal Capacity* report published on behalf of the regional waste authorities in December 2016 indicated that the capacity reported at the time of the regional waste plans had been eroded. It stated that capacity to recover soil and stone is an issue in each region, that there is a lack of licensed capacity nationally and in particular the GDA. This has resulted in C&D waste being managed outside the State. The report highlights the significant planned expenditure on public infrastructure and social housing within the State under the NPF, which would generate significant volumes of C&D waste. The lack of adequate recovery capacity waste could prejudice the development of these projects.

While the waste plans do not identify specific sites suitable development for soil recovery activities, they do support the development of new capacity with a



preference for larger restoration sites. This is a large site with the capacity to address some of the capacity issues for the treatment of C&D within the State and particularly the GDA where supply is particularly acute. It also aligns with the principles of self-sufficiency by providing an alternative to export for this waste stream.

Having regard to relevant policy considerations and the prospective applicants submission to the Board, I consider that the proposed development which would address significant capacity issues for particular waste streams, including asbestos, IBA and C&D, would be of strategic economic to the State and the region in which it is situate. I conclude, therefore, that the development is of strategic importance by reference to the requirements of condition (a) of Section 37A (2).

**Section 37A(2)(b) – The development would contribute substantially to the fulfilment of any of the objectives in the National Planning Framework or in any regional spatial and economic strategy in force in respect to the area or areas in which it would be situate.**

The proposed development accords with National Strategic Outcome 9 of the NPF as it will provide capacity and systems to manage different waste streams where national capacity issues have been identified. Most significantly, it will provide necessary landfill capacity for the treatment of hazardous waste and will become the only licensed facility in the State for that purpose. It would reduce dependence on export for this waste streams contributing towards the self-sufficiency objectives of the NHWMP. By providing landfill capacity for C&D waste it will facilitate the National Policy Objectives of the NPF which proposes significant infrastructural, regeneration and housing proposals to cater for increased population growth within the State.

I consider that the development would contribute substantially to the fulfilment of objectives in the National Planning Framework in respect to waste management and I conclude, therefore, that the development is of strategic importance by reference to the requirements of condition (b) of Section 37A (2).

**Section 37A(2)(c) – the development will have a significant effect on the area of more than one planning authority.**

The proposed facility would be located proximate to Dublin, where the highest level of construction activity is currently taking place. It is highly accessible being with

easy reach of the M1 motorway and would therefore be conveniently located to cater for construction activity in the wider GDA including the administrative areas of Fingal, Dublin city, South Dublin, Dun Laoghaire Rathdown, and Louth, Meath, Kildare and Wicklow. It would be conveniently located to accept IBA from the two existing waste-to-energy plants in Co Meath and Dublin city and would be accessible by motorway from the proposed facility at Ringaskiddy, should it proceed. The proposed development, if permitted, would be the sole facility for treatment of asbestos waste within the State and would accept waste from all parts of the country.

Whilst the proposed development would generate traffic movements associated with the movement of waste, I do not consider that it would result in significant effects on the area of more than one planning authority. I do not therefore consider that the development is of strategic importance by reference to section 37A(2)(c).

## 9.0 Planning & Environmental Issues

The following matters were discussed during the pre-application meeting:

- Reasons for EPA Waste Licence refusal in 2016 including hydrology and protection of ground water resources (Bog of Ring).
- Biodiversity – Peregrine Falcon present on the site.
- AA – Connectivity between the stream to the north of the site and the Rogerstown SAC and Rogerstown SPA
- Landscape and visual impacts – Site located in a high amenity landscape.
- Traffic and Transportation.

## 10.0 Conclusion

- The proposed development with an intake of 500,000 tonnes per annum would exceed the threshold of 100,000 set out in the Seventh Schedule of the Strategic Infrastructural Act, 2006, as amended.
- It is my opinion that the proposed development falls within the parameters of section 37A(2)(a) and (b) of the Planning and Development Act 2000, as amended and constitutes strategic infrastructure.

## 11.0 Recommendation

I recommend that Integrated Materials Solutions be informed that it is the Board's opinion that the proposed development consisting of an integrated waste management facility at Hollywood Great, Nags Head, Naul. Co. Dublin as set out in the plans and particulars received by An Bord Pleanála on the 10<sup>th</sup> of May 2019 falls within the scope of section 37A(2)(a) and (b) of the Planning and Development Act, 2000, as amended, and constitutes strategic infrastructure necessitating an application directly to the Board.

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Breda Gannon  
Senior Planning Inspector

20<sup>th</sup> January 2020

## **Appendix 1**

The following is a schedule of prescribed bodies considered relevant in this instance for the purposes of Section 37E(3)(c) of the Act.

1. Minister of Culture, Heritage and the Gaeltacht.
2. Minister for Communications, Marine and Natural resources
3. Eastern and Midland Regional Assembly
4. Fingal Co Council
5. Dublin City Council
6. Dublin County Council
7. Meath County Council
8. South Dublin County Council
9. Inland Fisheries Ireland
10. EPA
11. Failte Ireland
12. An Taisce
13. Health Service Executive
14. Transport Infrastructure Ireland

15. Irish Water

The following are not Prescribed Bodies for the purposes of Section 37E(3)(c) but are bodies which applicant should notify:

1. Eastern-Midlands Waste Regional Authority
2. Geological Survey of Ireland