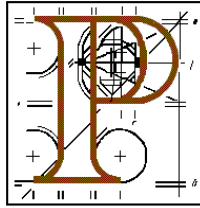


An Bord Pleanála



Inspector's Report.

Case Ref. No: ABP-314612-22

Issue: SID Pre-application – whether project is or is not strategic infrastructure development.

Proposed Development: Integrated Waste Management Facility

Location: 1 & 2 Kylemore Business Park, Kylemore Way, Dublin 8

Applicants: Prime GP6 Limited

Planning Authority: Dublin City Council

Inspector: Kevin Moore

1.0 Introduction

- 1.1. The Board received a request on 12th September, 2022 from Prime GP6 Limited to enter into pre-application consultation under section 37B of the Planning and Development Act 2000, as amended, in relation to a proposed development consisting of a waste facility.
- 1.2. One Pre-Application Consultation meeting took place between An Bord Pleanála (the Board) and the prospective applicant on 27th October, 2022.
- 1.3. This Report is prepared following the request by the prospective applicant to close the Pre-Application Consultations between the applicant and the Board. This Report provides an overview of the proposed project, details relevant legislative provisions, provides a summary of the meeting and the advice provided by the Board, makes a recommendation on whether the proposed development is or is not Strategic Infrastructure for the purposes of the Planning and Development Act, 2000, as amended, and recommends a list of Prescribed Bodies who should be forwarded copies of any future Strategic Infrastructure application to An Bord Pleanála.

2.0. Site Location

- 2.1. The site comprises Nos. 1 and 2 Kylemore Business Park, Kylemore Way, Dublin 8, located in an industrial/business area in Inchicore to the east of the M50 and north of the Grand Canal. No. 1 Kylemore Business Park is an industrial building / warehouse which the prospective applicant has stated has secured planning permission for a change of use to a waste facility to accept, segregate, process and accommodate onward shipment for further processing or disposal of up to 50,000 tonnes of waste per annum. This development is subject to a waste facility permit (Permit Ref. WFP-DC-22-0056-01). No. 2 Kylemore Business Park

is an existing industrial / warehouse building which is in operation as Jamestown Metal Resources Limited. This development is subject to EPA IED Waste Licence P0392-21, producing rolled lead and hard metals.

3.0. The Proposed Development

3.1. The proposed development would comprise:

- An integrated waste management facility accepting up to 250,000 tonnes per annum of the following waste types:
 - Household
 - Commercial and Industrial
 - Construction & Demolition
 - Liquid Wastes
 - Mixture of waste classifications, including inert, non-hazardous, and hazardous
- Processing of waste through recovery, separation and bulking-up of materials prior to further treatment off-site,
- Processing of wastes to create waste-derived fuels,
- Installation of separation tanks for hydrocarbon contaminated water, and
- Minor internal modifications to the existing buildings.

3.2. Waste is proposed to be accepted from at least the following local authority areas – Dublin City Council and Dún Laoghaire-Rathdown, South Dublin, Fingal, Wicklow, Kildare, Meath and Louth County Councils.

3.3. The covering letter submitted with the application to the Board refers to engagement with Irish Water, the feasibility of a water connection without infrastructure upgrade, and the feasibility of a wastewater connection subject to upgrade.

4.0. Planning and Licensing History

4.1. P.A. Ref. 3289/21

Planning permission was granted for a change of use of an existing metal resource recycling facility to a waste treatment facility for the acceptance, segregation, processing and onward shipment for further processing or disposal of up to 50,000 tonnes of waste per annum, including packing material, commercial and industrial waste construction & demolition waste and municipal solid waste. An Environment Impact Assessment Report (EIAR) was submitted in respect of the proposed development.

4.2. Dublin City Council Permit Ref. WFP-DC-22-0056-01

Dublin City Council issued a Waste Facility Permit for the proposed development that is subject to planning permission P.A. Ref. 3289/21.

4.3. EPA IED Waste Licence P0392-21

The Environmental Protection Agency granted an Integrated Pollution Control licence to Jamestown Metal Resources Limited, Jamestown Road, Inchicore, Dublin 8, under Section 83(1) of the Environmental Protection Agency Act, 1992 to carry on the processing of lead by thermal means in installations with a batch capacity exceeding 0.5 tonnes at Jamestown Road, Inchicore, Dublin 8 subject to conditions.

5.0. **Legislative Provisions.**

5.1. ***Planning and Development Act, 2000, as amended***

Section 37A

Section 37A refers to the Board's jurisdiction in relation to certain planning applications and refers as follows:

- (1) An application for permission for any development specified in the Seventh Schedule (inserted by the Planning and Development (Strategic Infrastructure) Act 2006) shall, if the following condition is satisfied, be made to the Board under section 37E and not to a planning authority.*
- (2) That condition is that, following consultation under section 37B, the Board serves on the prospective applicant a notice in writing under that section stating that, in the opinion of the Board, the proposed development would, if carried out, fall within one or more of the following paragraphs, namely –*
 - (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 in the National Spatial Strategy or in any regional planning guidelines 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.*

Seventh Schedule – Infrastructure Developments for the Purposes of Sections 37A and 37B

The following class of development in the Seventh Schedule, under *Environmental Infrastructure*, is inserted into the Planning and Development Act 2000 by section 5 of the Planning and Development (Strategic Infrastructure) Act 2006:

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

6.0. Applicant's Submission

6.1. The Prospective Applicant considers that the proposed development should be regarded as Strategic Infrastructure Development. It is submitted:

- The proposed development comes within the scope of one or more of the classes and exceeds the threshold specified that is contained in the 7th Schedule of the Planning and Development Act 2000, as amended.
- The relevance of the importance of the proposed development to strategic and economic importance to the State and Greater Dublin Area relates to the provision of much needed waste management capacity within the region and compliance with the principles of self-sufficiency within the State. Each of the waste streams to be managed at the proposed facility has been identified as requiring additional capacity by the Waste Management Planning Regional Co-ordinators.
- The proposed development would serve several sectors within the Greater Dublin area. This is based on the proximity of the site to the

other local authorities and the ease of access using the M50 motorway.

7.0. Outline of Pre-Application Consultation

- 7.1. At the meeting held on 27th October, 2022, the prospective applicant provided an overview of the activities on the site and provided general details on the proposed development, with clarity on what is intended for the existing structures on the site. It was stated that the types of waste to be accepted at the facility had not been finalised.
- 7.2. Clarity was provided on the planning and licensing status of the buildings, the generality of the types of wastes envisaged to be handled, the nature of hazardous waste to be handled (between 30,000 and 50,000 tonnes per annum), and the process of separation of hazardous liquids and treatment of non-hazardous waters. The prospective applicant stated that the traffic assessment for the proposed development would be a scaling up process relative to the existing permitted waste facility, with projected volumes increasing by a factor of five. It was further clarified that the principal haul route to the site would be via the M50 and the existing road network linking to the site. The need for a Traffic Impact Assessment (TIA) was highlighted. The prospective applicant indicated that it could provide further details on various wastes to be processed and relevant information from the TIA prepared for the recent planning application at the site. The issue of zoning and compatibility with the provisions of the Draft Dublin City Development Plan were discussed. Noting the proposed development is viewed as meeting with two SID criteria, namely strategic economic/social importance to the state and having a significant effect on more than one planning authority, the prospective applicant was advised to provide the Board with a comment on how it may fulfil any objectives of the National Planning Framework or any regional spatial and economic strategy.

- 7.2. The prospective applicant agreed to provide further information in relation to waste types and tonnage breakdown, traffic and haul routes, zoning, and commentary on the third SID test.
- 7.3. Following this meeting, the applicant submitted a further information letter to the Board on 21st November, 2022 with enclosures attached. This provided:
- An indicative breakdown of proposed waste streams and volumes and outline description of the process;
 - Details from the TIA for the waste facility previously approved by Dublin City Council;
 - Commentary on zoning objectives ; and
 - Commentary on the third SID test.

The letter concluded by requesting a formal closure of the instant pre-application process.

8.0. Assessment.

- 8.1. I note that the proposed waste management facility would accept up to 250,000 tonnes of waste per annum and, thus, it would fall within the class of infrastructure set out in the Seventh Schedule that is referenced above.
- 8.2. Having regard to the provisions of section 37A(2) of the Planning and Development Act, my considerations are as follows:
- The proposed waste facility would provide waste management capacity for the Greater Dublin Area and beyond, ensuring compliance with EU and national targets and obligations for waste separation and recovery, for municipal waste processing, handling of hazardous wastes, and processing of

construction and demolition wastes. It is, therefore, recognised that a development of the nature proposed, i.e. one which would expand waste management infrastructure within the State to assist in meeting EU and national obligations, would be of strategic economic importance to the State.

- The development of a waste management facility is consistent with national and regional policy. The proposed development could reasonably be viewed as contributing to the fulfilment of the policies and provisions of the National Planning Framework (NPF), the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Region, and the Eastern and Midlands Region Waste Management Plan 2015 – 2021, including the following:
 - (a) National Policy Objective 56 of the NPF, which seeks sustainable management of waste generation, investment in different types of waste treatment and supporting circular economy principles, and prioritising prevention, reuse, recycling and recovery, to support a healthy environment, economy and society;
 - (b) Section 10.4 of the RSES, which promotes local authorities achieving waste reduction, increases in material re-use and recycling, and reductions in waste going for disposal by complying with the strategic objectives, targets and goals set out in the Eastern and Midlands Region Waste Management Plan 2015 – 2021 and any subsequent waste management plans and promoting a more circular economy;
 - (c) Regional Policy Objective 10.25 of the RSES, which requires development plans to identify how waste will be reduced, in line with the principles of the circular economy, and to take account of the requirements of the Eastern and Midlands Region Waste Management Plan; and

(d) The three key objectives of the Eastern and Midlands Region Waste Management Plan 2015-2021 which are as follows:

- Prevent waste: a reduction of one per cent per annum in the amount of household waste generated over the period of the plan;
 - More recycling: increase the recycle rate of domestic and commercial waste from 40 to 50 per cent by 2020; and
 - Further reduce landfill: eliminate all unprocessed waste going to landfill from 2016.
- The proposed waste management facility is intended to serve the Greater Dublin Area and the Eastern Region and would, therefore, have a significant effect on the area of more than one planning authority.

9.0. **Conclusion**

- 9.1. Having regard to the above considerations, I am satisfied that the proposed development falls within the class of environmental infrastructure relating to a waste installation as set out in the Seventh Schedule of the Planning and Development Act 2000, as amended. Furthermore, I am of the opinion that the proposed development would satisfy the conditions contained in section 37A (2) (a), (b) and (c) of the Planning and Development Act. Therefore, I conclude that the proposed development constitutes a strategic infrastructure development for the purposes of the Planning and Development Act.
- 9.2. The Board may consider recommending to the prospective applicant a list of Prescribed Bodies who should be forwarded copies of the application documentation. A recommended list is as follows:

An Taisce
Department of the Environment, Climate and Communications
Eastern and Midland Regional Assembly
Environmental Protection Agency
Health Service Executive
Irish Water
Transport Infrastructure Ireland
Dublin City Council
Dún Laoghaire-Rathdown County Council
Fingal County Council
Kildare County Council
Laois County Council
Longford County Council
Louth County Council
Meath County Council
Offaly County Council
South Dublin County Council
Westmeath County Council
Wicklow County Council

Kevin Moore
Senior Planning Inspector
30th November, 2022.