An Bord Pleanála

Inspector's Report ABP-314964-22

Development	Proposed development of a Circular Economy Campus and an Integrated Waste Management Facility
Location	Hollywood Great, Nag's Head, Naul, Co. Dublin, A41 YE92
Planning Authority	Fingal County Council
Applicant	Integrated Materials Solutions Ltd. Partnership
Type of Application	Application under section 37E of the Planning & Development Act, 2000 (as amended)
Prescribed Bodies	1. Fingal County Council 2. EPA (Environmental Licensing Programme) 3. Eastern-Midlands Regional Waste Management Planning Office 4. Inland Fisheries Ireland (IFI) 5. Department of Housing, Local Government and Heritage (National Parks & Wildlife Service (NPWS))

6. Health Service Executive (HSE) (Environmental Health Service (EHS))
7. Dublin City Council
8. Health & Safety Authority (HSA)
9. Department of the Environment, Climate and Communications (Geological Survey Ireland (GSI))

Observers

1. John McGuinness & Ors
2. Peter & Liz Gough & Ors
3. Martin & Miriam Moore
4. Gillian & Roger Blackburn
5. Declan White
6. Country Crest Ltd. & Ballymaguire Foods Ltd.
7. Willian & Patrick Kennedy
8. Fran Stafford & Family
9. John White & Ors
10. Helena Wilson & Ors
11. Sinead & Denis Proctor
12. Daniel & Trish McGill
13. Hollywood & District Conservation Group (x2)
14. Fidelma Geraghty & Family
15. Ballyboughal Community Council
16. Aideen & Marc Marry & Ors
17. Louth Environmental Group
18. Ballyboughal GFC

Date of Site Inspection

25th August 2023

Inspector	Anthony Kelly

Contents

1.0 Introduction

1.1. An application was received by the Board on 26th October 2022 for the construction of a circular economy campus and an integrated waste management facility under the provisions of s37E of the Planning & Development Act, 2000 (as amended). The applicant is Integrated Materials Solutions Ltd. Partnership and RPS Group is acting on behalf of the applicant.

1.2. Pursuant to s37B of the Act, the Board held pre-application discussions with the applicant on 5th September, 14th October, and 5th December, 2019 (ABP-304428-19). The Board issued a direction on 26th February 2020 that the proposed development, with an intake including hazardous waste as well as non-hazardous and inert wastes at a rate which would exceed the relevant threshold set out in the Seventh Schedule of the Strategic Infrastructural Act, 2006 (as amended), would fall within the scope of section 37A(2)(a) and (b) of the Planning & Development Act, 2000 (as amended), and would constitute strategic infrastructure necessitating an application directly to the Board.

2.0 Site Location and Description

2.1. The site is located approx. 3km south east of Naul village in north Co. Dublin and approx. 2.1km west of junction 5 (Balbriggan South) on the M1. The site is a former shale and limestone quarry which ceased operation in 2007 and is now a licensed engineered landfill. The site is at a relatively elevated location in the vicinity. The area is rural though there are some commercial activities in the vicinity as well as some rural housing. The L1080 local road runs along the southern boundary of the site and the L1090 runs along the western boundary of the site.

2.2. The site has an area of 54.4 hectares. The current EPA licence covers an area of 39.8 hectares.

3.0 **Proposed Development**

3.1. A ten-year permission is sought to enhance and expand the established waste and recovery operations on site for a 25-year lifetime of operation at a rate of 500,000 tonnes per annum as per the existing operation. The proposed development will consist of:

- Broader waste acceptance types to include non-biodegradable, non-hazardous, and inert wastes generated by a range of sectors (construction, commercial, industrial, and waste processing).
- Expanded waste treatment activities including:
  - development and re-profiling of the landfill void to accommodate specially engineered landfill cells for non-hazardous wastes in addition to the existing engineered inert cells,
  - enhancement of the existing aggregate recovery processing on site which includes upgrading the aggregate recovery operations which produces low carbon, recovered sands and aggregates from various granular wastes by removing residues and other trace contaminants and separating the resulting aggregates into various size fractions,
  - manufacture of secondary materials including enhanced soils and low-energy bound materials e.g. concrete, and,
  - additional waste recovery activities including soil / concrete batching and blending.
- Repurposing of an existing storage structure on site as a testing laboratory unit for the research, development, and testing of recovered materials.
- A leachate management system including a leachate collection system and a set of twin 532m^3 storage tanks prior to removal from site by tanker for treatment off-site at a suitably licenced wastewater treatment plant with provision for a future on-site leachate treatment facility.
- Surface water management infrastructure for the landfill to capture, attenuate, and treat storm water prior to discharge.
- A mobile enclosure for the maturation of incinerator bottom ash (IBA).

- An internal un-paved road network serving the deposition areas from the reception area which will be modified throughout the development phasing.
- Relocation of the existing artificial peregrine falcon nesting box to a proposed elevated pole-mounted location to the south west of the site.
- Restoration of the site to natural ground levels.
- All ancillary site works and landscaping.

3.2. In addition to standard plans and particulars the application is accompanied by:

- a Planning Report,
- a four volume Environmental Impact Assessment Report (EIAR) comprising Volume I (Non-Technical Report), Volume II (Main Text), Volume III (Technical Appendices), and Volume IV (Hydrogeological Assessment), and,
- a Natura Impact Statement (NIS).

These documents were all prepared by RPS Group and are all dated 21st October 2022. All drawings were also prepared by RPS Group. A stand-alone website has been created for this strategic infrastructure development (SID); www.greencampus2022.ie.

3.3. The site was a former shale and limestone quarry which operated until 2007 and is now licenced by the Environmental Protection Agency (EPA) as an engineered landfill for the purpose of infilling and restoration of the quarry. Under the terms of the current planning permission (P.A. Reg. Ref. F19A/0077) and waste licence (EPA Ref. W0129-02) only inert waste may be landfilled with the volumes accepted capped at 500,000 tonnes per annum (tpa). The landfill waste stream estimates for the proposed development are 75% non-hazardous and 25% inert waste. Other activities are also carried out on site to generate secondary aggregates for the construction sector. The proposed circular economy campus and integrated waste management facility will service national waste management requirements and assist in providing a self-sufficient waste management solution. The objective is to enhance and expand the established waste and recovery operations in line with circular economy principles and the waste hierarchy to allow for the full restoration of the lands over a 25-year timeframe.

3.4. Aggregate recovery is carried out using mobile screening, crushing and segregation units. Though mobile, it will typically be located on the permitted hardstanding yard on the quarry floor once constructed. There are eight full-time employees on site. Environmental monitoring is currently carried out on dust, surface water, groundwater, leachate, and noise.

3.5. It is stated that the primary focus of the site will move from disposal to recovery under the proposed development with suitable materials undergoing processing to extract recoverable materials such as aggregates and sand prior to disposal (page 75 of the EIAR). A licence review will be required by the EPA. Proposed waste streams to be accepted are set out in table 5-5 of the EIAR which shows the range of construction, household, commercial, and industrial wastes including residual fines.

3.6. For operational flexibility related to market demands the non-hazardous cell areas may be converted to an inert cell or an inert cell extended into a non-hazardous cell. However, the reverse will not occur. All cell design and construction would be approved by the EPA. Indicative cell locations are shown on the proposed restoration contours drawing (sheet 1 of 9) submitted with the planning application. Some inert cells, 1 to 5, have been largely capped and restored.

3.7. The bases and sides of inert cells, both existing on site and proposed, comprise a mineral layer of particular permeability and thickness. Capping is by topsoil and subsoil to a minimum depth of 0.5 metres and this has already taken place on-site on some cells. For non-hazardous cells the base and sides also will also comprise a mineral layer of particular permeability and thickness as well as a geo-membrane liner and drainage layer installed on the base and side walls. The development of all cells will be subject to the standard EPA license requirement for specified engineering works (SEW).

3.8. IBA requires a level of treatment prior to infilling. It is proposed to age it in a mobile maturation facility (canopy, impermeable base, and suitable runoff containment system) located within the void space. The maturation process reduces any remaining reactivity of the IBA, improves technical properties, and reduces leachability. Maturation allows IBA to sit in stockpiles for approximately 6-10 weeks with some turning, wetting etc. Maturation also mitigates the release of hydrogen gas from IBA. Trucks transporting IBA will be covered.

3.9. Leachate is a liquid which has percolated through the waste, picking up suspended and soluble materials that originate from, or are products of, the degradation of waste. The Landfill Directive (Directive 1999/31/EC) does not apply to current operations as it is inert landfill, notwithstanding leachate is collected from cells 1-6. Leachate management will follow mandatory non-hazardous landfill cell requirements i.e. 500mm drainage layer on the base, collection pipes, monitoring points and inspection chambers, and collection and storage tanks. Twin 523m^3 bunded cylindrical collection tanks, 12.8 metres in diameter and 4.27 metres high, are proposed. Collected leachate will be transported to an Irish Water wastewater treatment plant. An on-site system is envisaged 'once more detailed information on leachate volumes and concentrations are available. Any development of this on-site treatment infrastructure will be subject to the SEW process approval with the EPA' (page 93 of the EIAR).

3.10. It is proposed to repurpose the existing storage building as a laboratory to facilitate on-site testing of materials (wastes and secondary aggregates). Only internal works are proposed. It is also proposed to relocate an existing artificial peregrine falcon box from the cliff face to an elevated pole-mounted location in the south west of the site.

3.11. It is anticipated that construction works i.e. leachate infrastructure and the surface water attenuation pond, will be constructed within 18 months of the grant of both planning permission and the industrial emissions (IE) licence from the EPA. Restoration of some land (cells 1-5) has already been completed under previous permissions and is used for pasture. Inert cells 6-8 are anticipated to be infilled and capped by 2032. The non-hazardous cells are anticipated to be filled by 2051, assuming a 2026 year of commencement.

4.0 **Planning History**

4.1. This section can be read in conjunction with section 9.4 of this inspector's report. The relevant planning history of the site is:

P.A. Reg. Ref. 88A/32 – Permission was granted to infill and reinstate the portion of the quarry that had been excavated.

P.A. Reg. Ref. 88A/32/E1 – In 2003, permission for an extension of duration was granted until December 2004.

P.A. Reg. Ref. F04A/0363 – A 15 year permission was granted in 2004 to infill with inert material an existing quarry of 13.56 hectares as part of the restoration and reinstatement of that quarry.

P.A. Reg. Ref. F07A/0262 – Permission was granted in 2007 to vary F04A/0363 to permit an extended area to be infilled and to permit the continued infill of the quarry at a higher rate of 500,000 tonnes per year so as to ensure that the quarry can be infilled and fully restored before the 2004 permission expires i.e. by 6 October 2019.

P.A. Reg. Ref. F07A/1241 – In 2007 permission was refused for the relocation of the primary entrance to the L1080 including a new access road, weighbridge, wheel wash, office building, and car parking.

P.A. Reg. Ref. F08A/0749 / ABP Reg. Ref. PL06F.230763 – In 2009 permission was refused by the Board following a first party appeal of the refusal by the planning authority for the relocation of the primary entrance to the L1080 including a new access road, weighbridge, wheel wash, office building, and car parking. There were two reasons for refusal: (i) the development would be contrary to the zoning objective to protect and improve high amenity areas, and (ii) it was not demonstrated that there was a need for the development or that it would not interfere with the safety and free flow of traffic on the public road.

ABP Reg. Ref. PL06F.PA0018 – In 2011 a SID permission was granted for an integrated waste management facility for the acceptance and landfilling of non-biodegradable inert, non-hazardous, and hazardous waste. However, an EPA licence (W0129-03) was refused. Fingal Co. Co. granted permission (SID/03/10/E1) on 6th July 2016 to extend the duration of PL06F.PA0018 until 15th June 2021.

P.A. Reg. Ref. F19A/0077 / ABP Reg. Ref. ABP-305832-19 (withdrawn) – Permission was granted in 2020 to Integrated Materials Solutions Ltd. Partnership consisting of the continued infilling of the former quarry with construction and demolition waste material at a rate of 500,000 tonnes per annum permitted under F07A/0262 and F04A/0363 for a further 15 no. year period from the date of expiration of the existing permissions to a revised expiration date of 6th October 2034 in order to enable the lands to be fully restored to the original ground level, relocation of the primary entrance to the site to the southern site boundary along the LP1080, new internal site access road, new processing building, new administration building etc.

P.A. Reg. Ref. FS5/020/021 – A section 5 application for 'a mobile modular aggregate recovery unit to further enhance the waste/crushing/screening process with a third stage following the initial crushing and secondary screening stage to provide a more consistent and stable output material and remove residues and other trace contaminants from the waste aggregates in line with circular economy principles. The proposed mobile plant and the process to be undertaken is designed to separate and recover aggregates, sands and clays into different size fractions prior to reuse or landfilling … The unit does not alter the existing permitted operation for the site including the level of ongoing infilling activity or to the total volume of waste acceptance (set at 500,000 tonnes per annum under Reg. Ref. F19A/0077)' was considered by Fingal Co. Co. to comprise development and not exempted development.

4.2. The relevant pre-application consultation under s.37B of the Planning & Development Act, 2000 (as amended) took place under ABP Reg. Ref. ABP-304428-19. Discussions took place on three separate dates and the Board issued a direction on 26th February 2020 that the proposed development would fall within the scope of section 37A(2)(a) and (b) of the Act and would constitute strategic infrastructure necessitating an application directly to the Board. Asbestos was originally proposed as a waste stream but is no longer proposed. This has no effect on the SID status.

4.3. The EIA Portal reference number is 2022202.

5.0 Policy Context

5.1. Project Ireland 2040 National Planning Framework (NPF)

5.1.1. The NPF is a high level strategic plan to shape the future growth and development of the country to 2040. It is focused on delivering 10 National Strategic Outcomes (NSOs). NSO 9 is 'Sustainable Management of Water and other Environmental Resources' and it is expanded upon on pages 148-149 of the NPF. It is stated, under the heading of 'Waste', that planning for waste treatment requirements to 2040 will require, inter alia, 'Adequate capacity and systems to manage waste, including municipal and construction and demolition waste in an environmentally safe and sustainable manner and remediation of waste sites to mitigate appropriately the risk to environmental and human health'.

5.1.2. National Policy Objective (NPO) 53 states ‘Support the circular and bio economy including in particular through greater efficiency in land management, greater use of renewable resources and by reducing the rate of land use change from urban sprawl and new development’.

5.1.3. NPO 56 states ‘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’.

5.2. Climate Action Plan 2023 – Changing Ireland for the Better

5.2.1. The plan is the second annual update to Ireland’s Climate Action Plan 2019. This plan is the first to be prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021, and following the introduction, in 2022, of economy-wide carbon budgets and sectoral emissions ceilings.

5.2.2. The plan implements the carbon budgets and sectoral emissions ceilings and sets out a roadmap for taking decisive action to halve Ireland’s emissions by 2030 and reach net zero no later than 2050, as committed to in the Programme for Government. It sets out how Ireland can accelerate the actions that are required to respond to the climate crisis, putting climate solutions at the centre of Ireland’s social and economic development.

5.2.3. The circular economy is referenced throughout the document, including in chapter 19 (The Circular Economy). Circular economy principles entail the use of waste and the minimisation of new resource use and the plan notes ‘Ireland has scope for major progress in relation to all aspects of the circular economy’ (page 250).

5.3. Waste Action Plan for a Circular Economy Ireland’s National Waste Policy 2020-2025

5.3.1. This is Ireland’s roadmap for waste planning and management and is published by the Department of Environment, Climate and Communications. The Plan shifts focus away from waste disposal and looks instead to how we can preserve resources by creating a circular economy.

5.3.2. Chapter 11 relates to construction and demolition waste. Page 38 states 'If the State is to meet the targets as set out in the National Development Plan 2018-2027, it is vital that there is sufficient capacity for the recovery and/or disposal of the envisaged increased construction and demolition waste. From a broader circular economy perspective however, it is even more important that prevention and reuse is hardwired into construction activity'.

5.4. Eastern and Midland Regional Assembly Regional Spatial & Economic Strategy (RSES) 2019-2031

5.4.1. There are 16 no. Regional Strategic Outcomes (RSOs). RSO 7 (Sustainable Management of Water, Waste and other Environmental Resources) is to 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.

5.4.2. Waste management is specifically addressed in section 10.4. It states 'Waste Management Policy for the Region is contained in the Eastern and Midlands Region Waste Management Plan 2015 – 2021. The overall vision of the Regional Waste Management Plan is to rethink the approach taken towards managing waste and that waste should be seen as a valuable material resource. The Plan, through this section and Chapter 7 Environment & Climate, also supports a move towards achieving a circular economy which is essential if the Region is to make better use of resources and become more resource efficient'. The successful implementation of circular economy principles will help to reduce the volume of waste that the region produces and has to manage.

5.4.3. Regional Policy Objective (RPO) 10.25 states 'Development plans shall identify how waste will be reduced, in line with the principles of the circular economy, facilitating the use of materials at their highest value for as long as possible and how remaining quantums of waste will be managed …'

5.5. Eastern – Midlands Region Waste Management Plan 2015-2021

5.5.1. The joint submission of the three waste region waste management planning offices (paragraphs 6.2.4 – 6.2.6 of this inspector's report) notes that the regional plans are

still in effect until such time as the publication of the new national plan, expected in 2023 [it has not been published to date].

5.5.2. Policy E8 states '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'.

5.5.3. Policy E19 states 'The waste plan supports the development of indigenous reprocessing and recycling capacity for the treatment of non-hazardous and hazardous wastes where technically, economically and environmentally practicable. The relevant environmental protection criteria for the planning and development of such activities need to be applied'.

5.5.4. Page 208 of the Fingal Development Plan 2023-2029 states that 'Fingal will continue to facilitate the implementation of national legislation and national and regional waste management policy having regard to the waste hierarchy, including the Eastern Midlands Region Waste Management Plan 2015–2021 (EMRWMP), which informs these Development Plan policies and objectives'.

5.6. **Fingal Development Plan 2023-2029**

5.6.1. The subject site is in an area zoned 'HA – High Amenity' which has a zoning objective to 'Protect and enhance high amenity areas'. There are specific objectives 'to preserve views' along the roads bounding the subject site to the west and south. The 'vision' of this zoning objective is 'Protect these highly sensitive and scenic locations from inappropriate development and reinforce their character, distinctiveness and sense of place'.

5.6.2. Section 5.5.4.1 of the Plan states 'In the waste sector, policy on climate action is focused on a shift towards a 'circular economy', encompassing three core principles: designing out waste and pollution; keeping products and material in use; and regenerating natural systems'. Construction and demolition waste is specifically cited in section 5.5.4.2; policy CAP25 (Circular Economy) is 'Support the shift towards the circular economy approach as set out in the National Waste Policy for 2020–2025'.

5.6.3. Section 7.5.3.4 (Quarries, Aggregate Extraction and Land Reclamation) states, inter alia, 'The potential use of alternative sources of sustainable material such as

construction and demolition waste (C&D) is encouraged and should be employed where possible to reduce the need for excessive extraction'.

5.6.4. Chapter 11 (Infrastructure and Utilities) states 'The policies and objectives in this chapter are intended to address a wide range of supporting infrastructure and services, including improvements in water services, water quality, the promotion of sustainable waste management in our transition to a circular economy … while safeguarding environmental quality and providing for climatic resilience. These policies and objectives will support the availability of quality infrastructure which is critical to productivity and competitiveness'. It is noted that 'Successful waste management strategies and policies play an essential role in protecting public health, maintaining a high-quality environment and supporting sustainable development in Fingal and the wider eastern region. In managing our waste needs, we need to minimise waste going to landfill and maximise waste as a valuable resource, as we make the transition from a linear to a circular economy'.

5.7. Natural Heritage Designations

5.7.1. The closest European site is North West Irish Sea candidate SPA (cSPA) (site code 004236) approx. 6.8km to the north east. The closest natural heritage area (NHA) is Bog of the Ring proposed NHA (site code 001204) approx. 2.3km to the north east.

6.0 Submissions / Observations

6.1. Fingal County Council

6.1.1. After setting out the background and policy context, section 3 of the Chief Executive's Report outlines the planning issues i.e. the principle of development, access and transportation, water services, EIA, AA, and development contributions.

6.1.2. The report considers that the continued development of the facility is acceptable from the perspective of the broad aims of waste management policy and it would restore natural ground levels and comply with the objective and vision for a high amenity area. A concern is expressed over the condition of the LP1080 road and a cash bond is recommended. However, 'There are no objections to the proposed development in

respect of surface water management'. The local authority notes that the Board is the competent authority for considering the EIAR and NIS. The content of the EIAR is very briefly summarised.

6.1.3. The full recommendation of the Chief Executive's Report is as follows:

'There is an established, authorised waste processing facility on this site. Many of the activities ongoing would support the circular economy through recycling and a reduction in the use of natural resources by utilising waste. The continued use of the site as a waste facility is considered acceptable from the perspective of the broad policies of current waste management policy. Therefore, a broadening in the type of waste accepted at the site to include a mixture of hazardous [sic], non-hazardous and inert waste is considered acceptable in principle.

With regard to the nature of the waste, taking account of Objective Z05 of the Fingal County Development Plan[1], the established and permitted nature of the proposed development, the former use of the site as a quarry, proximity to a national road network, and proposed mitigation measures, the proposal is considered reasonable'.

6.1.4. 16 recommended conditions are attached to the report. Some of these can be summarised as follows:

- Condition1 – Final contours as per Drawing No. MDR-1492-RPS-00-XX-DR-C-DG2007 and upon restoration the site to be used for agricultural purposes.
- Condition 2 – Intake of waste material not to exceed 500,000tpa.
- Condition 4 – Implementation of mitigation measures in the EIAR and NIS.
- Condition 6 – Sub-condition (a) requires a stage 3 road safety audit and sub-condition (b) requires a special contribution €10,000 for signing and lining.
- Condition 7 – Submission of a Construction Management Plan and Construction Traffic Management Plan.
- Condition 8 – An archaeological geophysical survey to be carried out to the north east of the site in the location of the proposed attenuation pond and an

[1] The Fingal Development Plan 2017-2023 which was the Plan in place at the time the local authority's Chief Executive's Report was prepared. It states 'Generally, permit reasonable intensification of, extensions to and improvement of premises accommodating non-conforming uses, subject to normal planning criteria'. It is the same as objective ZO3 of the current 2023-2029 plan.

archaeological survey to be carried out based on the results of the geophysical survey.

- Condition 9 – A cash bond of an amount to be agreed with the Council to be lodged and held for 25 years for road surface related costs, and a full existing condition survey to be carried out.
- Condition 10 – Reinstatement of the site.
- Condition 11 – Surface water management.
- Condition 13 – Sub-condition (a) relates to the removal of debris from roads and sub-condition (b) states the developer shall be responsible for the costs of repairing the public road as a result of damage caused during construction.
- Condition 14 – The developer shall repair damage to infrastructural services caused by it to the satisfaction of the planning authority.

6.1.5. Appendix 1 of the Chief Executive's Report contains the internal reports received to inform the report. These can be summarised as follows:

Environment Section (Waste Enforcement & Regulation) – Comment made regarding the EPA licence.

Water Services – No objection in relation to foul sewer, water supply, or flooding. In relation to surface water there is no objection subject to two conditions.

Transportation Planning – Comments are made relating to parking, access, internal layout, traffic impact, and the road condition. There is a concern that the L-1080 has not been constructed to take such high HGV volumes and that the road surface and structure may deteriorate over time. There is no objection to the proposed development subject to conditions relating to, inter alia, a stage 3 road safety audit, a special contribution, a cash bond for road repairs/upgrades, and a full existing road condition survey.

Heritage Officer / Archaeologist – Comments made. Condition recommended.

6.1.6. The Chief Executive's Report was considered by the members of the planning authority. However, 'Following consideration … the Elected Members did not issue directions to the Chief Executive for inclusion in this report regarding the SID application' (Page 21 of the Chief Executive's Report).

6.2. Prescribed Bodies

6.2.1. **Environmental Protection Agency (EPA) Environmental Licencing Programme –** Murphy Concrete Manufacturing Ltd. was issued waste licence W0129-02 on 21.05.2008 for specific activities. This licence was transferred to Murphy Environmental Hollywood Ltd. on 01.10.2008, and to Integrated Materials Solutions Limited on 26.06.2017. The licence may need to be reviewed or amended to accommodate the changes proposed in the planning application. The current licence is a waste licence, and the proposed development may require an industrial emissions licence.

6.2.2. Noting the submission of the EIAR, in considering any licence review application that may be received, the licence application will be subject of EIA and appropriate consultation. Should a licence review application be received 'all matters to do with emissions to the environment from the activities proposed, the licence review application documentation and EIAR will be considered and assessed by the Agency. Where the Agency is of the opinion that the activities, as proposed, cannot be carried on, or cannot be effectively regulated under a licence then the Agency cannot grant a licence for such an activity'.

6.2.3. The EPA cannot issue a Proposed Determination on a licence application until a planning decision has been made.

6.2.4. **Eastern-Midlands Regional Waste Management Planning Office (RWMPO) –** This is a joint submission with the Connacht-Ulster and Southern Regional Waste Management Planning Offices.

6.2.5. The proposed activity is consistent with policy E8 of the Eastern - Midlands Region Waste Management Plan 2015 – 2021 (see paragraph 5.5.2 of this inspector's report). The RWMPOs recognise and support the need for continued limited landfill capacity for certain waste streams, acknowledging its position at the lowest tier of the waste hierarchy. The generation of C&D waste has been growing since 2013 presenting a challenge to management of this waste stream as certain non-hazardous C&D wastes have limited treatment options. '(D)omestic disposal capacity for the acceptance of non-hazardous C&D wastes has shrunk to virtually zero. An increase in the domestic disposal capacity for non-hazardous waste … is of critical importance at present'. The application proposes flexibility to respond to the prevailing market conditions with respect to demand for inert versus non-hazardous disposal capacity and this flexibility

is viewed favourably by the RWMPOs. The proposed development would ease capacity constraints, reduce reliance on export, and improve self-sufficiency.

6.2.6. The development of domestic disposal outlets for IBA is supported in the short-to-medium term as much of it is being exported. It has excellent potential for use as a secondary raw material in civil engineering applications such as aggregate. Its use outside of recovery applications in authorised waste facilities would require end of waste status and in the absence of this status if Ireland is to manage the tonnages arising it would require disposal in the short-medium term. However, the RWMPOs do not support granting permission for disposal of IBA for a 25 year period as it may prolong the management of the waste stream by disposal rather than recycling. A shorter 5 year timeline is recommended with the option of it being extended further depending on the status of IBA with respect to end of waste as well as market conditions for demand for replacement IBA aggregate. The RWMPOs also recommend a condition of permission that IBA is landfilled separately to the other waste streams to facilitate its future extraction for recycling and beneficial use should favourable conditions prevail.

6.2.7. **Inland Fisheries Ireland (IFI) –** A number of observations are made including:

- Only clean, uncontaminated water should leave the waste facility and drain to the river network.
- Measures should be taken to ensure comprehensive protection of local aquatic ecological integrity, by complete avoidance initially, or by mitigation.
- Construction personnel should be familiar with and adhere to mitigation measures in relevant plans, relevant guidance, and planning permission conditions.
- The nature of wastewaters generated highlights the need for comprehensive leachate and surface water management measures.
- Comprehensive surface water management measures must be implemented.
- Material stockpiling must ensure the risk of pollution is minimised.

6.2.8. **Department of Housing, Local Government and Heritage (NPWS) –** The submission relates to nature conservation. The Ballough Stream is part of a catchment which eventually discharges into Rogerstown Estuary (an SAC and SPA). The risk arises of pollutants from the development being mobilised into surface water runoff.

However, various EIAR and NIS measures should prevent pollution arising to downstream biota including the European sites. Similarly, with due diligence, any risk of the spread of Japanese knotweed from imported material should be avoided.

6.2.9. Any grant of permission should incorporate conditions requiring strict adherence to the methodologies proposed for the disposal and recycling of waste materials and all mitigation measures in the EIAR and NIS. It should also be conditioned that a new amended Peregrine Falcon Management Plan be submitted to the planning authority's Biodiversity Officer for written agreement.

6.2.10. **Health Service Executive (HSE) Environmental Health Service (EHS) –** Adequate public consultation was carried out and all potentially significant issues have been identified in the EIAR. There has been adequate consultation with regard to the application.

6.2.11. The EHS is satisfied that there is adequate protection of ground and surface water providing mitigation is implemented in full and that a condition is attached stating the consented activities are not to be commenced prior to the EPA licence being reviewed. No concern is expressed relating to noise and vibration or emissions to air.

6.2.12. **Dublin City Council –** No objection to the proposal.

6.2.13. **Health & Safety Authority (HSA) –** Since the application appears to be outside the scope of the Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015 the Authority has no observations to forward.

6.2.14. **Geological Survey Ireland (GSI) –** In a cover letter to the Board, GSI state that it 'has no further comments or observations to make since our correspondence to RPS Group in September 2022, response reference: 22/347 attached'. This correspondence is included in appendix B to the applicant's EIAR. The correspondence attached to GSI's submission to the Board is summarised in the following paragraphs with relevant subheadings as per 22/347.

6.2.15. *Geoheritage* – GSI is in partnership with NPWS to identify and select important geological and geomorphological sites throughout the country for designation as geological NHAs. County Geological Sites (CGSs) include additional sites that may also be of national importance, but which were not selected as the very best examples for NHA designation. There is a CGS within the subject site.

'Nags Head Quarry, Fingal (GR 315681, 258044), under IGH theme: IGH 8 Lower Carboniferous. This large working quarry 5km south of Naul exposes Lower Carboniferous rocks of the Loughshinny Formation - a mixture of thin to medium bedded limestone and shale. The structural deformation seen here, for example as chevron folds, reflects the geology also visible 12km away on the coast at Loughshinny'.

6.2.16. With the current plan, there are no further envisaged impacts on the integrity of current CGSs by the proposed development.

6.2.17. *Groundwater* – Proposed developments need to consider any potential impact on specific groundwater abstractions and on groundwater resources in general. The Groundwater Data Viewer indicates an aquifer classed as a 'Locally Important Aquifer - Bedrock which is Generally Moderately Productive' underlies the proposed development. The Groundwater Vulnerability map indicates the range of groundwater vulnerabilities within the area covered is variable.

6.3. Third Party Observations

6.3.1. Given the number of observations received (19 no.) and the extent of overlapping issues outlined in them I have grouped them under broader headings rather than summarise each individual observation. The main issues raised are as follows:

General procedure and process

- A fragmented approval process allows operators circumvent relevant laws.
- Concern expressed about the applicant's ethics and integrity.
- Inadequate public consultation / limited circulation of the letter included as appendix D to the EIAR / differences between what was mentioned in this letter and what is in the application e.g. IBA / use of ambiguous and misleading language.
- The name of the applicant has altered from pre-application consultation.
- No assessment of the full life-cycle of the proposed development.
- Inaccurate planning history provided.
- The application form states the applicant is the land owner, but the land owner is Integrated Materials GP Limited.

- The applicant has not disclosed fishing rights or access rights to water stock which are burdens on the folio.
- An oral hearing is requested in one observation.

Planning history

- The applicant is in breach of their planning permissions and use the EPA as cover by stating they are undertaking activities with consent from the EPA for which they have no permission e.g. recycling activities, breach of waste intake limits / The proposed development would intensify an unlawful facility.
- 264,742 tonnes of material were imported in 2020 and 2021 for engineering works which the EPA considers to be outside the 500,000 tonnes annual limit. There is no limit on importation of this type of material. Engineering works are not carried out. Waste aggregate is crushed, assembled, and awaits export rather than being infilled and capped. There is no planning permission for this.
- Fingal Co. Co. was refused permission for a landfill only 1.5km away.

Circular economy

- Concern that the Board is succumbing to pressure to ensure implementation of circular economy activities in relation to Ireland becoming self-sustaining in the management of hazardous waste over protection of the environment by ignoring broader solutions and current scientific data.

EIAR

- The EIAR contains significant misinformation and is not of the required standard. It should be invalidated.
- Language used is legally incorrect.
- Failure to reference ADR regulations (carriage of dangerous goods by road).
- The air and climate section (dust) is inadequate.
- No alternative locations have been presented.

IBA

- There is no need for the site to dispose of IBA. Its provision is premature. IBA is not approved for use in the circular economy. There is a market for it in the Benelux countries.

- IBA is hazardous and underregulated and testing methods for its use as a building material are outdated / the EPA has incorrectly concluded that IBA is non-hazardous.
- IBA is not homogeneous. Its use could lead to mica or pyrite-type issues.
- Any IBA recovery operation should be located at Carranstown waste to energy plant.
- Under ADR regulations IBA is classified as hazardous. Transport of IBA is regulated by the HSA. The HSA were not notified as requested by the Board on foot of the pre-application consultation and despite the applicant stating it had notified the HSA[2].
- No detail provided of the maturation process.
- Leachate from IBA cannot be calculated.
- IBA should be processed at source / If IBA is such a valuable resource why is it being passed on.
- Any future use of IBA other than storage should be subject of a separate planning application.
- Knockharley, Co. Meath was recently granted permission for an IBA facility and given this, IBA should be removed from the application.
- Adequacy of the cells constructed for IBA to prevent leachate over time.

Roads / Traffic

- Chapter 13 of the EIAR assumes 120 HGV deliveries per day (240 movements) with the 500,000tpa limit. However, the 500,000tpa has no relevance and in practice there is no limit to HGV movements for importation.
- Traffic movements are significantly higher than cited in the EIAR, up to 304 total movements per day in 2021 according to an observer's estimate. A projected potential scenario is 484 total movements a day.
- The relocation of Hedgestown national school has not been taken into consideration in the EIAR and will result in additional volume on the LP1080.

[2] The HSA was requested by the Board to make an observation by letter dated 17 August 2023 and a response, as summarised in paragraph 6.2.13 of this inspector's report, was received by the Board on 29th August 2023.

Photographs of and detailed commentary on this particular location/roundabout are contained within the Hollywood & District Conservation Group's observation. Concern is also expressed about the condition of the LP1080 between the school and the site, and some photographs are included in the observation.

- The road infrastructure is not suitable for current or future traffic volumes / volume of HGVS and the general condition of the road.
- Safety of vulnerable road users.
- The applicant's road sweeper utilises a public water hydrant and creates a traffic hazard.
- Leachate transportation off-site creates additional traffic.

Biodiversity

- Concern about the impact development has had/will have on the peregrine falcons which have left the site.
- A pole-mounted nest box is unheard of as a nesting site for peregrine falcons.

Water

- Not prudent to site a hazardous landfill overlying a public water source aquifer.
- The importance of clean water to the local horticultural industry
- Public drinking water is being used by the road sweeper.
- Additional water usage to produce concrete.
- Country Crest Ltd. & Ballymaguire Foods Ltd. rely on well extraction for water supply and cannot risk any pollution to this / potential impact on private wells.

Hydrogeology / Groundwater

- Hydrogeology in the area is extremely complex and despite all testing and reports it is not clear if leachate will contaminate the Bog of the Ring aquifer public water supply.
- Studies showed there is groundwater in the watercourses possibly meaning the aquifer has extreme vulnerability.

- Concern about leachate contaminating groundwater / inadequate protection between the quarry and the groundwater.
- Leachate risk is intensified by materials being brought to the site.
- Concern about the extent of rainfall surface water runoff.
- Concern about the length of time leachate can be expected to be generated post-site closure and how it would be removed.
- An independent review of the hydrogeological conclusion that there is no direct connectivity between the groundwater under the site and the Bog of the Ring is requested.
- The GSI and EPA discourage the siting of landfills on locally important aquifers.
- Concern over the actual direction of groundwater flow.

Residential amenity

- Proximity to a landfill site has a negative impact on house value.
- Noise from HGV traffic has been overlooked.
- Negative impact on air quality / airborne emissions.
- Health impacts from various pollutants

Environmental Protection Agency (EPA)

- The Board should consider the rejection of waste licence application W0129-03.
- The Board is required to fully engage with the EPA to understand the nature of the issues. Board decisions and EPA licences should eliminate anomalies.
- The EPA has taken no notice of the unlawful enlargement of the quarry without planning permissions / the EPA cannot be trusted to oversee IMS.

Miscellaneous

- The applicant should be requested to produce proof of product liability and public liability insurance.
- Concern as to why the applicant want to increase the site boundary/footprint from 39.8 hectares to 54.4 hectares. The application may be an attempt to

obtain permission to import IBA and for use as a circular economy campus and then sell the facility on to an international operator.

- The on-site wheelwash is inadequate.
- Leachate from an illegal landfill is being transmitted to the Ballough river and should be considered in the cumulative assessment.
- The Board should obtain advice as to the financial structure and financial strength of the applicant and its suitability in this regard. The Board should investigate the corporate structure of IMS. The owners have no exposure to any financial redress. A financial assurance plan should be enshrined in the decision making process.
- A Board condition should be that if the applicant sells the site the permission expires.
- Concern about disposal of high-risk materials such as bottom ash and asbestos.[3]
- There is an indefinite period of operation / ongoing extensions of timelines.
- Impact on agricultural produce from contamination.
- Impact on views.
- A high-specification geomembrane liner should be used in the construction of non-hazardous cells.
- Subject to concerns being addressed Ballyboughal Community Council does not object to the planning application.
- The nature of the recycling centre development in a high amenity zoned area.
- There are inaccuracies in GSI mapping.
- Objection to the disposal of Japanese knotweed.

[3] Asbestos is not being imported to the site.

7.0 Applicant's Response to Submissions / Observations

7.1. After the Board determined that the application could be dealt with through written procedure and without an oral hearing the applicant was invited to make a submission on the submissions and observations received. A 'Submission on Observations Received for An Bord Pleanála Case Reference: PA06F.314964' document, prepared by RPS Group and dated 9th October 2023, was received by the Board. It can be summarised as follows.

7.2. In section 2 of the document the applicant summarises and responds to the submissions from statutory consultees and government agencies. The applicant's response to each can be summarised as follows (the following responses are sequenced as per sections 6.1 and 6.2 of this inspector's report rather than the order set out in the applicant's response).

7.3. *Fingal Co. Co.* – The submission validates the applicant's position that the proposed development is consistent with proper planning and sustainable development. The various technical departments have cited no objection. The applicant does not dispute the validity or scope of any of the recommended conditions.

7.4. *EPA* – The applicant welcomes this submission that clarifies the need for a second consent in the form of a licence review and the EPA's role in assessing an application for the secondary consent.

7.5. *RWMPO* – The submission endorses the waste policy compliance and need for the proposed development. The applicant questions the very limited five year window suggested for the cessation of landfilling IBA. An alternative medium to long-term condition is proposed as imposed in ABP Reg. Ref. ABP-303211-18 (Knockharley landfill). The suggested RWMPO condition that IBA is deposited in a manner that facilities future re-extraction has merit. While the applicant understands the two suggested RWMPO conditions the five-year restriction for landfilling IBA is optimistic for the future market condition and could be more flexibly resolved. The separate landfilling area could include a reference to 'under the EPA licence conditions'.

7.6. *IFI* – All risks to the Ballough stream have been considered in the application and best practice mitigation measures included. The applicant is satisfied that all IFI concerns are wholly addressed.

7.7. *NPWS* – The NPWS submission verifies that the detailed mitigation measures provide the required levels of protection for European sites and wider biodiversity.

7.8. *HSE* – The HSE submission is welcomed. After the grant of any licence, ongoing EPA regulation of compliance will retain the environmental measures required by the HSE. The applicant commits to the full implementation of all mitigation measures.

7.9. *Dublin City Council* – No response required.

7.10. *HSA* – No response required.

7.11. *GSI* – The GSI submission is welcomed.

7.12. The applicant considers that the submissions from prescribed bodies / consultees are positive. This provides the Board with a high degree of certainty that the proposed development is consistent with proper planning and sustainable development. Suggested conditions are largely accepted by the applicant with the exception of the five-year restriction on IBA landfilling.

7.13. In section 3 of the document the applicant has addressed the issues raised by other third parties under broad collective headings. The applicant's response to these issues can be synopsised under the headings used in the document, as follows.

7.14. *Level of engagement* – Public engagement was summarised in the EIAR and the HSE advised that public consultations were meaningful. The applicant challenges any claim that it was insufficient.

7.15. *Traffic* – '(T)here will be no increase to traffic volumes … (T)here will be no negative impact on traffic related matters as a result of this proposed development'. No definitive counter evidence has been provided to suggest the information used in the assessment is not valid. The local authority had no objection to traffic volumes and the applicant has no objection to the roads-related recommended conditions.

7.16. *Air quality* – The HSE confirmed that the proposed project will not significantly impact air quality. Each topic raised in submissions is addressed in chapter 11 of the EIAR. No organic or biodegradable waste will be accepted so the risk of airborne toxin dissemination is negligible. A submission which states that there is no information on how IBA will be managed is wholly inaccurate. No counter evidence has been offered to suggest chapter 11 is in any way flawed, and the HSE is satisfied. The applicant challenges the suggestion that there will be a significant adverse impact on air quality.

7.17. *Water and groundwater* – The applicant maintains that there is no significant adverse threat to adjacent water bodies. The applicant has undertaken significant works to address the previous EPA decision concerns on risk and the data gaps indicated in the refusal e.g. exclusion of hazardous waste and best practice cell engineering. The principal objectives of the Hydrogeological Risk Assessment (HRA) (appendix IV of the EIAR) are to update the conceptual hydrogeological model and address the key areas of hydrogeological concern and uncertainty identified by the EPA. Eliminating hazardous waste significantly reduces the groundwater risk. A compliant landfill liner and revised cell layout to ensure only inert waste is placed over shallow groundwater also reduces risk. These changes ensure no significant effect. The HRA has a significantly more robust evidence base on the underlying groundwater regime and the Bog of the Ring wellfield can be dismissed as an environmental receptor for the site. Any suggestion GSI data is flawed is irrelevant compared to the detailed site-specific investigations and field assessments presented. It is anticipated that the EPA will appoint an independent expert to evaluate the groundwater assessment, as was the case previously. The results of a 'LandSim' modelling assessment show that hazardous substances in leachate will be prevented from discharging to groundwater and non-hazardous substances will not lead to unacceptable impacts.

7.18. *IBA* – EU best practice is included for this material to ensure no significant adverse impact to human health and the HSE has confirmed this is sufficient. IBA was reclassified by the EPA as non-hazardous waste and any reference to IBA as hazardous waste is incorrect. A viable IBA treatment alternative to Knockharley is required and the proposed development meets this national need. Submissions stating that there is no coherent approach to managing IBA in Europe is inaccurate as there is a legally binding best practice EU framework to govern licenced operations. As an IE licence will be required the EPA must apply best available techniques operating conditions. The potential impact of leachate on groundwater is mitigated in the design. There are no predicted significant impacts to underlying aquifers or off-site private users. Air quality mitigation is also proposed.

7.19. *Planning* – The application clearly documents what operations are permitted under the relevant planning consents. The EPA licence history 'permits the disposal and recovery of wastes … as well as the end-of-waste processing of crushed concrete. In June 2019, the EPA granted the applicant an 'End-of-Waste' (EoW) decision on secondary aggregates ... There are no non-compliant activities undertaken at the site'.

7.20. In terms of alternative locations, the existing void space coupled with the proximity to the sources of relevant waste streams, make the site the optimum location for the proposed development with no potential alternative location options available.

7.21. *Ecology* – The applicant considers the proposed development 'does not bear a significant impact to biodiversity'. Submissions included no evidence to suggest relevant information is inadequate or incorrect. The Department's submission states mitigation measures are 'sufficient with respect to preserving the ecological vitality of the site area and its environs'.

7.22. *Site ownership and environmental liability* – The EPA are the competent body moderating environmental liability and they review financial provisions for site operations. The EPA cannot grant a licence unless it is satisfied that the applicant is a fit and proper person to hold a licence. Submissions claiming this is a material issue for the Board are without substance. The issue of environmental liability rests with the EPA.

7.23. *Agriculture* – The proposed development will not significantly affect the agricultural industry. Design measures and a detailed HRA ensure no significant impact on groundwater. This will be reviewed in full by the EPA. No evidence is provided in submissions in relation to impact on agriculture.

7.24. *Noise* – The HSE's confirmation that mitigation measures would result in no significant impact to public health is noted. The proposed development 'will not have an adverse impact on the noise climate in the vicinity of the site and will comply with the requirements of the revised IE licence'. The EIAR also clearly identifies and evaluates traffic noise.

7.25. *Other matters*

- Aligning the planning and licensing boundaries is simply to regularise the two boundaries and facilitate locating the proposed attenuation pond within the licence boundary.
- The need for the development is justified in chapter 2 of the EIAR and supported by the RWMPO.
- Detail of leachate generation through the development lifetime is provided in section 5.6.7 of the EIAR.
- Asbestos is not being accepted on site.

8.0 Assessment

8.1. The assessment has three elements: a planning assessment, an environmental impact assessment (EIA), and an appropriate assessment (AA). In each assessment, where necessary, I refer to issues raised by the different parties in the various submissions and observations to the Board. To avoid unnecessary repetition all three assessments should be read in conjunction as there is an inevitable overlap between them.

9.0 Planning Assessment

9.1. Introduction

9.1.1. I have read the contents of the file, visited the site and surroundings, and have had regard to national, regional, and local policy in respect of the proposed development. I have also had regard to the submissions from prescribed bodies and from other third-party observers. I consider that certain issues which do not fit in to the EIA or AA sections should be assessed prior to EIA and AA. A number of other issues that are referenced or raised in observations and submissions are addressed within the various EIA chapter assessments and conclusions, and the AA. The issues specifically considered under this Planning Assessment section are:

- Relevant Policy Context
- Zoning Objective
- Planning History of the Site, Permitted, Current, and Proposed Operations and the Principle of the Proposed Development
- Incinerator Bottom Ash (IBA)
- Miscellaneous
    - Responsibilities of the Environmental Protection Agency (EPA)
    - Life of the Permission

- Future On-Site Leachate Treatment
- Public Consultation
- Applicant Name
- Site Area
- Cell 13
- Development Contributions
- Community Gain

9.2. Relevant Policy Context

9.2.1. The site operates as an engineered landfill licenced by the EPA. The EPA website (accessed 6th November 2023) states, in relation to the circular economy, that 'The focus is on reducing the amount of raw materials we use and maximising the value of materials along the production and consumption chain. Waste is recycled where possible and brought back into production processes'. As well as operating as a landfill, operations on site include 'a number of other consented circular economy activities … to generate secondary aggregates for the construction sector. This includes an 'end of waste' operation for the reuse of crushed concrete and an aggregate recovery operation to facilitate the reuse of aggregates in the construction sector' (page 1 of the EIAR).

Planning framework

9.2.2. In terms of waste and the planning framework the NPF states that adequate capacity and systems to manage C&D waste 'in an environmentally safe and sustainable manner and remediation of waste sites to mitigate appropriately the risk to environmental and human health' will be required. NPO 53, inter alia, supports the circular economy through greater use of renewable resources and NPO 56 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'.

9.2.3. One of the 16 RSOs (RSO 7) of the RSES supports, inter alia, greater resource efficiency to realise the benefits of the circular economy. The RSES supports 'a move

towards achieving a circular economy which is essential if the Region is to make better use of resources and become more resource efficient'.

9.2.4. As with the national and regional planning framework the Fingal Development Plan 2023-2029 is supportive of circular economy principles. They are referenced in relation to waste, quarries and aggregates, and infrastructure. These are expanded upon in paragraphs 5.6.2 – 5.6.4 of this inspector's report.

Waste / climate action framework

9.2.5. Circular economy principles are referenced and supported throughout the Climate Action Plan 2023.

9.2.6. The Waste Action Plan for a Circular Economy 2020-2025, published by the Department of Environment, Climate and Communications, shifts focus away from waste disposal and looks instead to how we can preserve resources by creating a circular economy. It notes the requirement to ensure 'sufficient capacity for the recovery and/or disposal of the envisaged increased construction and demolition waste' and that prevention and reuse i.e. circular economy principles, is 'hardwired' into construction activity.

9.2.7. The applicant claims compliance with the Eastern – Midlands Region Waste Management Plan 2015-2021 as it is (i) in close proximity to where 70% of national construction waste is generated, (ii) within approximately 30km of both Poolbeg and Carranstown waste to energy plants where IBA is generated, (iii) a large existing facility favoured by policy E14 ('The local authorities will co-ordinate the future authorisation of backfilling sites in the region to ensure balanced development serves local and regional needs with a preference for large restoration sites ahead of smaller scale sites with shorter life spans …', and, (iv) a NIS has confirmed no significant effect on any European site.

Conclusion

9.2.8. Having regard to the foregoing, to the content of chapter 3 (Legislation and Policy) of the EIAR, and the provisions of section 5 (Policy Context) of this inspector's report, I consider that the proposed development would, in principle, be consistent with both the current planning and waste management frameworks.

9.3. Zoning Objective

9.3.1. The zoning objective of the site in the Fingal Development Plan 2023-2029 is 'High Amenity – to protect and enhance high amenity areas'. Notwithstanding, the site operated as a quarry for many decades and there is a history of landfilling permissions dating back to 1988. Objective ZO4 (Ancillary Uses) of the Plan is 'Ensure that developments ancillary to the parent use of a site are considered on their merits'. It could be considered that the proposed circular economy uses would be ancillary to the former quarry/current landfilling uses.

9.3.2. Landfilling is not the type of activity that can be continued indefinitely and I note that the final outcome of the planning application is a restoration of contours to blend the site area in with existing ground levels and land use / land cover. This outcome would be consistent with the zoning objective of the site and the proper planning and sustainable development of the area.

9.3.3. However, for reasons detailed in section 9.4 of this inspector's report (the absence of planning permission for waste recovery/recycling, the introduction of a new heavy industry, prolonging of the existence of the quarry void, and traffic issues), on the merits of this planning application, I consider that the enhancement of the aggregate recovery processing element of this planning application would be contrary to the zoning objective in the Fingal Development Plan 2023-2029.

9.4. Planning History of the Site, Permitted, Current, and Proposed Operations, and the Principle of the Proposed Development

9.4.1. A number of observers have raised concerns that certain operations being carried out on site do not have the benefit of the appropriate planning consent. In particular, reference is made to the enhancement of the existing aggregate recovery processing operation. I note initially that Fingal County Council, the competent body in respect of addressing unauthorised development, has not mentioned unauthorised activity in its report. The planning history of the site with specific regard to these operations is as follows:

9.4.2. The applicant states that the site was a former shale and limestone quarry which operated until 2007. Notwithstanding, permission was granted in 1988 to infill the then 5.7 hectares quarry with a view to reinstating and restoring the site. A 15 year permission was granted; however the quarry had extended to 13.56 hectares by 2002. An extension of duration (88A/0032/E1) was granted in 2003 with an end date of December 2004.

F04A/0363

9.4.3. Under F04A/0363 permission was sought to continue infilling the quarry for a further 15 years with inert material as previously approved. Under the EPA licence granted in 2002 (129-1), a deposition limit of 340,000tpa of inert material was in place. A 15 year permission was granted in October 2004. No specific conditions were attached to the grant regulating activity on-site other than that the infill activity shall fully comply with the requirements of the EPA Licence (condition 3).

F07A/0262

9.4.4. Under F07A/0262 an application was made to vary the provisions of F04A/0363. It sought an extended area to be infilled at a rate of 500,000tpa 'so as to ensure that the quarry can be infilled and fully restored before the 2004 permission expires i.e. by 6 October 2019', as per the public notices. Permission was granted for the revisions subject to conditions including compliance with conditions of F04A/0363 and that no infill shall take place in the extended area at the increased rate of infill until such changes were incorporated into a revised EPA licence.

F07A/1241 & F08A/0749 (PL06F.230763)

9.4.5. Permission was twice refused, under F07A/1241 in 2007 and under PL06F.230763 by the Board in 2009 (following a first party appeal of F08A/0749), for the creation of a new primary entrance to the site off the L1080 including an access road, weighbridge, wheel wash, office building, and car parking.

PL06F.PA0018 & SID/03/10/E1

9.4.6. A strategic infrastructure development (SID), PL06F.PA0018, was granted planning permission by the Board in 2011. It was for an integrated waste management facility and it was proposed that the facility be developed for the landfilling of non-biodegradable inert, non-hazardous, and hazardous waste, and the construction of a solidification plant (to treat flue gas residues) and other ancillary works. The

application also involved a new entrance from the L1080, and I note that the public notices include the statement 'On-site waste recovery operations will be retained'. It is unclear under what permission or code these waste recovery operations were permitted. It would appear the explanation for this, which does not appear to have been engaged with in the inspector's report, is contained in section 5.2.1 of the environmental impact statement (EIS). In outlining the works to be undertaken during the phasing of construction activities, 'recovery operations' are included in phase 1 (2011-2016) and phase 2 (2014-2024). A footnote on page 64 of the EIS states 'As a previous quarry and existing inert landfill site, the facility has mobile crushing, screening, grading and conveyer equipment on site. It is proposed to retain this infrastructure for ongoing recovery activities. It is proposed to site this mobile equipment opposite the Solidification Plant during Phase 1 and Phase 2'.

9.4.7. Despite being granted planning permission, a waste licence (W129-03) for the development was refused by the EPA in January 2016 because (i) it presented an unacceptable risk of input of hazardous substances into groundwater, and (ii) the EPA was not satisfied that the applicant would be able to meet the financial commitments or liabilities arising under the Environmental Liabilities Risk Assessment (ELRA) and Closure, Restoration and Aftercare Management Plan (CRAMP) that would be entered into or incurred in carrying on, or in consequence of ceasing to carry on, the proposed activity (not be a fit and proper person). It should be noted that the waste licence was refused to a previous applicant and not the current applicant (in June 2017 the EPA granted a transfer of the licence from the previous licensee, Murphy Environmental, to the current licensee, Integrated Materials Solution Ltd. Partnership). Notwithstanding the refusal of the waste licence, Fingal Co. Co. granted permission (SID/03/10/E1) on 6th July 2016 to extend the duration of PL06F.PA0018 until 15th June 2021.

F19A/0077

9.4.8. The most recent planning application on site is F19A/0077. Permission was sought to continue infilling with C&D waste at a rate of 500,000tpa for a further fifteen years from the date of expiration of the existing permissions 'in order to enable the lands to be fully restored to the original ground level' (as per the public notices), as well as relocating the primary entrance to the L1080, internal site access road, processing building, administration building, car parking, weighbridge etc.

9.4.9. In the EIAR, page 9 states that the 500,000tpa of waste 'excludes any additional material for recovery and engineering purposes as per the Waste Licence'. Page 26 states, in relation to article 28 end of waste which means that a certain grade of recycled aggregate has ceased to be waste, 'the site operation may result in the additional operation of recycling this non-waste material for the market'. On page 29 it is stated 'The opportunity exists to establish a line to crush concrete to the new criteria generating a secondary concrete product for resale …' The application provided for a processing building 'for dry mechanical processing of inert wastes' (page 65) and it is elsewhere stated it would be used to carry out crushing and screening. The processing building is described in section 5.7.3.3. It is stated in the overview of chapter 5 of the EIAR (Characteristics of the Proposed Development) that the site 'proposes to accept suitable Article 27 by-product material that meets … waste acceptance criteria'.

9.4.10. Submissions received on the application and the further information response raised concern about, inter alia, ambiguity in relation to the proposed use of the processing building, the nature of the wastes in the building, the nature of the discharges from it, and whether any product would be sold. The planning authority's Planning Report, in response, states 'Reference has been made to the potential for future use for recycling of aggregate material for the market in the event that the EPA determines that certain grades of recycled aggregate have ceased to be waste. No information has been submitted in relation to the process associated with this recycling operation or impacts arising from same. In the absence of this, it would not be appropriate to permit such usage and the building should therefore only be used for dry waste processing'. After a third party appeal to the Board of the planning authority's grant of permission was withdrawn, permission was granted. Condition 3 is:

3. The maximum rate of infilling of the quarry shall be 500,000 tonnes per annum. The processing building shall only be used for dry waste processing. This permission does not authorise recycling activities.

Reason: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.

FS5/020/021

9.4.11. A section 5 declaration was sought on site by the current applicant. The development description comprised 'a mobile modular aggregate recovery unit to further enhance

the waste/crushing/screening process with a third stage following the initial crushing and secondary screening stage to provide a more consistent and stable output material and remove residues and other trace contaminants from the waste aggregates in line with circular economy principles. The proposed mobile plant and the process to be undertaken is designed to separate and recover aggregates, sands and clays into different size fractions prior to reuse or landfilling … The unit does not alter the existing permitted operation for the site including the level of ongoing infilling activity or to the total volume of waste acceptance (set at 500,000 tonnes per annum under Reg. Ref. F19A/0077)'. The proposal was considered by Fingal Co. Co. to comprise development and was not exempted development.

9.4.12. Therefore, having regard to the planning history of the site, it is my opinion that there is no permission, under the planning code, for material for be imported onto the site, processed, and subsequently exported.

Current Application ABP-314964-22

9.4.13. The development description as per the public notices of the current application includes 'expanded waste treatment activities' by 'enhancement of the existing aggregate recovery processing on site which includes upgrading the aggregate recovery operations', 'manufacture of secondary materials', and 'additional waste recovery activities including soil/concrete batching and blending'.

9.4.14. On the first page of the EIAR it is stated 'In addition to the landfilling operation, IMS undertakes a number of other consented circular economy activities on site to generate secondary aggregates for the construction sector. This includes an 'end of waste' operation for the reuse of crushed concrete and an aggregate recovery operation to facilitate the reuse of aggregates in the construction sector'. 'End of waste' refers to article 28 of the European Communities (Waste Directive) Regulations, 2011, which gives waste holders the opportunity to demonstrate, with an appropriate level of rigour, that a waste material can be 'fully recovered' and no longer be defined as waste. It can then be reused instead of being diverted to landfill, keeping it in the economy as a resource. Page 57 of the EIAR envisages an 80% recovery and 20% disposal operation on site, which is a reversal of current operations (page 55) and would significantly alter site operations.

Assessment

9.4.15. In referring to article 28 activity as 'consented circular economy activities on site' it seems the applicant is conflating an EPA awarded status by virtue of a decision that recycled aggregate produced at the IMS waste facility will cease to be waste if it complies with certain end-of-waste criteria with planning permission even though condition 3 of F19A/0077 states that that permission does not authorise recycling activities. Recycling or reclamation of inorganic materials is also a licenced waste recovery activity as per W0129-02. Therefore there is an inconsistency on site between what is authorised by the EPA and what is authorised by the planning code. The applicant, in undertaking circular economy activities on site to generate secondary aggregates for the construction sector, appears to be carrying out development that is not authorised by the planning system. Notwithstanding, possible breaches of planning permission or unauthorised activity is solely a matter for Fingal Co. Co., being the only competent authority in terms of development which may be unauthorised, and this inspector's report should not be interpreted as stating that unauthorised activity is definitively being carried out.

9.4.16. However, it should be noted that the circular economy is widely supported by the planning framework and there are obvious advantages to co-locating a circular economy campus within a quarry or former quarry e.g. similar-type developments, related to the historical use of the site, and quarries are generally relatively well hidden from public views.

9.4.17. In my opinion, to permit, or to further permit, an expansion of development other than landfilling would be contrary to the provisions of condition 3 of F19A/0077 which clearly states that recycling activities are not authorised. Article 28 end of waste material can only become article 28 material once it has been recovered/recycled. Article 28 (1)(a) states 'Certain specified waste shall cease to be waste when it has under-gone a recovery, including recycling, operation and complies with specific criteria …' Notwithstanding, I consider that the subject site is also unsuitable for the following reasons:

1. <u>Zoning objective –</u> The site is located in an area zoned as high amenity in the Fingal Development Plan 2023-2029. While I accept that the quarry has operated since pre-1963 the fact is that the site, while relatively hidden from public views, cannot be considered as contributing towards the zoning objective to protect and enhance high amenity areas. The previous permissions all had as their objective landfilling of the quarry void. However, while landfilling is

retained as part of the proposed development, it is proposed to introduce/expand an additional heavy industrial use which could not be considered to be consistent with the zoning objective of the area. Further, as expanded upon in paragraphs 9.6.17 – 9.6.19 (Cell 13) of this inspector's report, the EIAR suggests an alternative scenario which would entail indefinite continuation of circular economy activity on this site.

2. Duration of landfilling – I acknowledge initially that the current applicant only took ownership of the site in 2017, according to W0129-02, and therefore had no control over site activity prior to this. However, the original planning application in 1988 was for infilling of the quarry void. A fifteen-year operational life was sought in 2004 to restore and reinstate the quarry. In 2007 an increase in the amount of imported material to 500,000tpa was sought 'so as to ensure that the quarry can be infilled and fully restored before the 2004 permission expires i.e. by 6 October 2019', according to the public notices. Under PL06F.PA0018 a twenty-five-year permission was sought 'so as to fully complete the infill and restoration of the former quarry'. The most recent permission, F19A/0077, sought a fifteen-year permission 'from the date of expiration of the existing permissions in order to enable the lands to be fully restored to the original ground level', again as per the public notices. The current application is for a twenty-five-year permission which would give a finishing year of 2051, according to table 5-14 of the EIAR, 63 years after the first permission on site to infill a 5.7 hectares quarry.

   The expressed aim of these planning applications was to infill the quarry void. However, in 2023, 35 years after the initial 1988 planning application was granted, a substantial quarry void remains with only a limited area in the west of the site having been infilled. As part of the current application it is proposed to carry out additional waste management works by recovering aggregates and manufacturing secondary materials which would likely reduce the amount of imported material going to landfill.

   In my opinion the infilling of this site, which is necessary to be consistent with the zoning objective of the site, would not be the priority use of the site should this planning application be permitted. I note page 57 of the EIAR states, in relation to the benefits of the proposed development over the 'do-nothing' option 'This scenario reverses the disposal/recovery split of the Do-Nothing

Option to a largely 80% recovery and a 20% disposal operation. This alternative is more aligned with the waste hierarchy and circular economy policy'. Page 75 of the EIAR states 'The primary focus of the site will move from disposal to recovery with any suitable materials undergoing processing to extract any recoverable materials (e.g. aggregates and sand) prior to disposal'. These statements make it clear that landfilling is not the development priority and there would be no guarantee, based on the planning history, that the quarry void would be infilled within the twenty-five year period cited.

This highly scenic area has been subject of heavy industrial uses for decades, together with the associated traffic and other nuisances that occur, despite the primary focus of the site, according to its planning history, being to bring about its restoration to original ground levels. In my opinion, to permit the proposed waste recovery and manufacturing activities, would further extend the duration of the filling of the quarry void to 2051, and possibly much longer.

3. Traffic – The traffic and transportation chapter of the EIAR is summarised and assessed in more detail in paragraphs 10.162 – 10.186 of this inspector's report. However, the main concern in relation to traffic is the inability to accurately predict the numbers of HGVs that could occur on the local road network associated with site operations. With the landfilling operation the maximum number of HGVs that would be associated with this can be accurately predicted because there is a 500,000tpa maximum limit. However, with a shifted primary focus to recovery/recycling (80% / 20%, reversing the current on-site operation split), in my view no such robust prediction can be made. In relation to the export of material section 13.5.3.4 of the EIAR states;

   'IMS has consent from the EPA to used recovered aggregates from waste concrete as Article 28 end of waste for use as engineering fill at locations off site. In 2020, IMS processes [sic] 54,531 tonnes of concrete at the site through this process. This includes concrete but also brick and gypsum. IMS are not limited on the volume of concrete that may be recovered but an estimated 50,000 tonnes per annum has been applied for the purposes of this assessment. It should be noted that for operational and environmental efficiencies, where possible the above material will be exported in the same haulage vehicles to those employed for material import resulting in no net increase in vehicle numbers. Once the waste material has been deposited at

the site the empty vehicles will be used to transport aggregates or by-products as required from the site'.

As set out in the assessment of the traffic and transportation chapter in this inspector's report's EIA I do not consider that the practicalities of using the same haulage vehicles have been illustrated in any sufficient detail other than a vague objective, and when HGV operators are not directly employed by IMS. The 50,000tpa also appears to be an arbitrary volume given that a greater volume was processed in 2020. I do not concur, based on what has been presented in the EIAR, that an effectively unlimited import of waste that can be recovered to article 28 material will result in no net increase in vehicle numbers, as claimed.

9.4.18. Taking these concerns into consideration, in my opinion permission should not be granted for the expansion of waste treatment facilities as proposed i.e. upgrading the aggregate recovery operations, manufacture of secondary materials, additional waste recovery activities including soil/concrete batching and blending, and the repurposing of the storage shed as a testing laboratory unit for the research, development and testing of recovered materials. This would be contrary to the zoning objective of the site, would introduce an additional heavy industry to the site, would further prolong the existence of the quarry void which has been subject of largely ineffective landfilling permissions since 1988, and may result in an unknown, but possibly very significant, increase in HGV traffic above that already experienced in the area. For clarity, I have no concern with the importation of material above the 500,000tpa limit for non-landfilling works, but related to landfilling, such as for landscaping purposes, as material for construction of cell linings, or for construction of internal access tracks. Also I have no concern with the export of the 299,420m^3 surplus material on site at the time the EIAR was prepared.

9.4.19. The circular economy is supported in the relevant planning framework as set out in section 5 of this inspector's report and I note that there are benefits to co-location as set out in paragraph 9.4.16 of this report. Notwithstanding, I do not consider that this site is suitable for the reasons previously outlined. Should the expansion/enhancement of waste treatment facilities element of the planning application be refused this does not automatically mean that suitable article 28 material will therefore be landfilled, and virgin material produced. The suitable material could be processed in an alternative location.

9.4.20. Having regard to the nature of the two distinct elements proposed as part of the planning application, in my view a split-decision would be an appropriate decision on this application, further to additional assessment of the landfilling element, as both elements i.e. landfilling and recovery/recycling, can be carried out independently of the other.

9.4.21. Notwithstanding my conclusion in relation to the principle of the proposed development, the EIA and AA sections of this report are carried out based on the application as applied for.

Conclusion

9.4.22. There is no permission, under the planning code, for material to be imported onto the site, processed, and then exported. The applicant appears to be conflating waste licence conditions and planning permission. In my opinion continued or enhanced use of the site for the recycling of construction materials would be contrary to the zoning objective of the site, would introduce/regularise a new heavy industry to the site, would further prolong the lifetime of the quarry void at the expense of infilling and returning it to original ground levels, and would result in an unpredictable additional amount of HGV traffic on the local road network.

9.5. Incinerator Bottom Ash (IBA)

9.5.1. IBA is described in section 5.6.5 of the EIAR as a non-hazardous waste stream. Many observations refer to the subsequent leachate as toxic. One observation, from Hollywood & District Conservation Group, considers that the EPA has incorrectly concluded that IBA is non-hazardous and sets out the reasons for this. Page 18 of the National Hazardous Waste Management Plan 2021-2027, published by the EPA, states that IBA 'typically accounts for 50% of these residues [residues remaining after the combustion process at the two waste to energy facilities in the country] and in 2019, Ireland generated 80,000 tonnes of this material, which was exported for disposal. Although initially classified as a hazardous waste, the operators from each facility have now satisfied the EPA that this material is non-hazardous and that it can be safely disposed of in a conventional landfill. These decisions are in line with practice across the EU and will result in a reduction in Ireland's hazardous waste generation figures. Boiler ash and flue gas treatment residues continue to be classified as hazardous waste'. The EPA is the competent authority in the state for these matters,

and it is not the Board's role to involve itself in such issues about waste classifications. Based on the EPA's position I have no concern with the importation of IBA to the site. I note that bottom ash was a material permitted to be imported onto the site under PL06F.PA0018.

9.5.2. The applicant states that the IBA will require a level of treatment prior to landfilling. It is proposed to mature the material to reduce any remaining reactivity, to improve its technical properties, reduce leachability, and mitigate the release of hydrogen gas. The process will last several weeks.

9.5.3. The RWMPO submission supports the proposed development, though comments are made regarding IBA. The potential for its use as a secondary raw material in civil engineering, such as aggregate, is noted. However, its use would require end-of-waste status, which has not been achieved. Managing the tonnages of IBA currently arising domestically would require disposal in the short to medium term. The RWMPOs do not support granting permission for disposal of IBA for 25 years as this may prolong disposal at the expense of recycling. A five year timeline for acceptance of IBA for disposal is recommended, with an option for this to be extended, depending on end-of-waste status. In addition, the submission recommends a condition be attached to any grant that IBA is landfilled separately, to facilitate its future extraction for recycling should favourable conditions prevail.

9.5.4. The recommended RWMPO condition relating to the five year duration is the only condition recommended by any of the prescribed bodies / consultees that the applicant has expressed a concern with. While accepting the circular, longer-term potential for IBA, the applicant 'questions the very limited five year window suggested'. The applicant proposes an alternative medium to longer term condition as the market for recycled IBA is uncertain and 'it is simply not realistic' to suggest it may occur within five years given the current absence of end-of-waste status. The applicant has suggested an alternative condition such as attached by the Board to the Knockharley facility. This condition (condition 4(c) of ABP-303211-18) states

'150,000 tonnes per annum of Incinerator Bottom Ash shall be accepted for storage pending recovery. The period of storage of this material shall not exceed five years unless otherwise agreed in writing with the planning authority'.

9.5.5. I note initially that the current application and the Knockharley facility, while both landfill sites, are not directly comparable given they are different applications at different

locations. IBA at Knockharley comprised a significant element of the proposed development. The application included the construction and operation of a dedicated IBA facility to accept up to 150,000 tonnes of IBA per annum (out of a total of 440,000 tonnes per annum) to store it in cells until recovery outlets were identified. A structure with a floor area of 5,776sqm was sought to facilitate recovery trials and processing. I note that the EPA granted an IE review licence (W0146-04) on 16th May 2023.

9.5.6. The applicant notes that Knockharley would largely cater for the current volumes of IBA being generated by the two waste to energy plants, but that additional treatment capacity would be required if the 90,000 additional tonnes per annum sought by the Poolbeg waste to energy plant was realised. In this regard I note that the EPA granted the IE review licence (W0232-02) on 16th October 2023 to, inter alia, increase the permitted maximum quantity of waste to be accepted from 600,000 tonnes per annum to 690,000 tonnes. The EIAR states that the 2015 Regional Waste Management Plans consider that up to an additional 300,000 tonnes of additional thermal recovery capacity is required in the State. At approx. 200-250kg/t of waste this would result in 60,000 – 75,000 tonnes of IBA per annum (section 2.5 of the EIAR). However, this amount of IBA does not yet appear to exist and in the EIAR the applicant does not provide any prediction of the amount of IBA material it is proposed to import onto the site. Given the absence of a specific amount of IBA for storage/disposal I find it difficult to recommend a condition as per condition 4 (c) at Carranstown. The applicant seeks that condition/similar wording 'in the interests of fairness and consistency', but these are different planning applications.

9.5.7. Notwithstanding, given the planning framework support for the circular economy, the uncertainty in relation to end-of-waste, and the lead-in period for an EPA review licence, I consider that the five year timeline recommended by the RWMPO is restrictive and this could be extended to ten years with flexibility to it being further extended. I consider this can be included as a condition of a grant of permission so that circular economy principals could be acted upon.

9.5.8. I consider that the second recommended RWMPO condition, for landfilling of IBA with flexibility for future extraction, is reasonable and would be consistent with the planning framework support for the circular economy. However, in line with the broader recommendation of my inspector's report any IBA to be extracted in future should be recovered/processed off-site.

9.5.9. As set out in section 9.4 of this inspector's report, I am of the opinion that the enhancement of aggregate recovery processing, manufacture of secondary materials etc. is not appropriate at this location. This section (section 9.5) outlines why I consider that the importation of IBA for landfilling is acceptable though, in line with circular economy principles and the RWMPO recommendation, this should be for a limited time, which could be further extended, and any post-landfilling recovery/processing should take place off-site.

9.6. Miscellaneous

Responsibilities of the Environmental Protection Agency (EPA)

9.6.1. The EIAR has been prepared for the dual purpose of both this planning application and an EPA licence application. The site is currently operating under EPA licence W0129-02. This is a waste licence, and the proposed development may require an industrial emissions (IE) licence. Although there is significant overlap in terms of information and detail required, there is a separation between the Board and the EPA as different bodies with separate competencies. The EPA is responsible for protecting and improving the environment as a valuable asset and protecting people and the environment from the harmful effects of radiation and pollution. The EPA website, accessed on 6th November 2023, in relation to industrial emissions, states 'Certain industrial activities produce emissions of various substances into the air, water and land. They also generate waste and use resources such as energy and water. The EPA are responsible for issuing licences to prevent and control pollution from industrial activities'. The Board has received a submission from the EPA in relation to this planning application. It states, inter alia, that should a licence review application be received by the EPA 'all matters to do with emissions to the environment from the activities proposed ... will be considered and assessed by the Agency'. The EPA cannot issue a determination on a licence application until the planning application has been decided. Therefore, though the issue of pollutants and emissions to air, water, and land has been raised in observations, the Board is not the body responsible for controlling these emissions to the environment.

9.6.2. Observations reference the post-operation period on site and the responsibilities at that stage. The EPA website states 'Operators need to put in place and maintain sufficient financial provision so that they can pay for remediation or aftercare of their

site, and for any potential clean-up that may be required following an accident or incident'. The EIAR (pages 97 and 362) state that a Closure, Restoration & Aftercare Management Plan (CRAMP) would be a requirement of the IE Licence. I note that one of the reasons for refusal of the IE licence applied for of foot of PL06F.PA0018 was that the EPA was not satisfied that the particulars provided were sufficient to establish an ability to meet the financial commitments or liabilities arising under the ELRA and CRAMP i.e. not a 'fit and proper person'. I consider that it is therefore clear that the issue of post-operation activity on site is an EPA matter and is not a matter for the Board.

9.6.3. Therefore, while the Board has responsibility for making a decision on the planning-related elements of the proposed development the EPA has responsibility for many critical elements of the operation and post-operation phase activities on-site.

Life of the Permission

9.6.4. The applicant states that a ten-year permission is sought e.g. item 9 of the submitted application form, pages 1 and 8 of the applicant's Planning Report, and pages 8 and 76 of the EIAR. Notwithstanding, a ten-year permission was not cited on the site notices or newspaper notices.

9.6.5. The rationale for a ten-year construction period is somewhat unclear given the construction phase relates primarily to the proposed leachate tanks and surface water attenuation pond which are not, in themselves, particularly significant works, though it may be because of the lead-in period for any licence review. Section 7.4 (Time limits) of the Development Management Guidelines for Planning Authorities (2007) states 'Planning authorities may grant permission for a duration longer than 5 years if they see fit, e.g. for major developments (for example for wind energy developments) but it is the responsibility of applicants in the first instance to request such longer durations in appropriate circumstances'. Given that the public notices do not specifically cite a request for a ten-year permission I consider that the public has been inadequately informed in relation to the life of the permission.

9.6.6. Therefore, I consider that, should a grant of permission issue, a standard five-year permission should be clearly conditioned to avoid any ambiguity in this regard. I note it is open to the applicant to seek an extension of duration should that be necessary.

Future On-Site Leachate Treatment

9.6.7. Leachate is to be collected from the cells to manage the risk to ground and surface water. A combined 1,064m^3 of storage capacity is proposed in twin tanks within a fully bunded area. This is a sufficient volume having regard to the maximum 102m^3 per day figure predicted. In the short-term it is proposed to transport this leachate to a suitably licenced waste water treatment plant under agreement with Irish Water/Uisce Éireann.

9.6.8. The public notices state that permission is sought for 'provision for a future on-site leachate treatment facility'. I do not consider that this brief description is sufficient to adequately inform the public or the planning authority(s). While I have no concern, in principle, with leachate being managed on-site as opposed to off-site, I do not consider it appropriate or reasonable to effectively grant permission without a robust idea of the size or scale of what such a facility would require, though I note an approx. 1,300sqm 'proposed leachate treatment area' is set out immediately north of the leachate holding tank compound on the 'Proposed Leachate Management' layout plan received by the Board. Reference is made in sections 5.6.7 and 10.5.4.3 of the EIAR to one or more reverse osmosis modular treatment systems, a holding tank, tankering off-site of high concentration leachate, and an integrated constructed wetland. No additional detail is provided in relation to these.

9.6.9. Section 10.5.4.3 of the EIAR states the proposed development 'includes provision for potential on-site leachate treatment infrastructure to be developed once more detailed information on leachate volumes and concentrations are available. Any development of this on-site treatment infrastructure will be subject to the SEW process approval with the EPA'. The proposed development would likely require planning permission on its own merits, given that it was cited in the public notices, so in my view it should be subject of a separate planning application so that the planning authority and the public are fully aware of what is being proposed and can assess it on its merits rather than it being approved through a non-planning process.

9.6.10. Therefore, while I have no objection in principle to on-site leachate management, in my opinion insufficient information has been provided in this application to have an appropriate understanding of what it would entail. For this reason I consider that a condition should be attached to any grant of permission to the effect that any on-site leachate management should be subject of a separate planning application.

Public Consultation

9.6.11. The absence or type of public consultation is criticised in a number of observations. However, an applicant is not obliged to carry out any public consultation prior to the submission of any planning application other than inform the public of the making of an application by way of public notices. Notwithstanding, I note the HSE EHS report received states it is 'of the opinion that early and meaningful public consultation with the local community was carried out …' I do not consider the application is deficient in relation to any public consultation issue.

Applicant Name

9.6.12. Further to the public consultation issue as set out above, the applicant's name during public consultation is raised as a concern in one observation in particular (Hollywood & District Conservation Group). As noted previously there is no obligation to engage in public consultation prior to submission of a planning application.

9.6.13. The applicant's name (Integrated Materials Solutions Limited Partnership) has been consistent throughout the pre-application consultation process (such as on the 'Section 37B Pre-Application Consultation Request' document prepared by RPS dated May 2019, on the presentation to the Board's representatives dated 5th December 2019, and in receipts and correspondence from the Board), and in this planning application e.g. the application form and public notices.

9.6.14. I do not consider that the issue related to the name has any material impact on the application, has not had any effect on the ability of any member of the public to appropriately participate in the planning process, and the name has been consistent throughout the statutory pre-application and planning processes. I do not consider there is any concern in relation to this issue.

Site Area

9.6.15. The proposed increase in site area to 54.4 hectares from 39.8 hectares has been raised as a concern. Section 5.2 (Project Location) of the EIAR states 'IMS ownership of the site expands to 54.4 hectares (area within the red line boundary in Figure 5-1) with the current EPA Waste Licence covering an area of 39.8 hectares (dashed red line in Figure 5-2). The proposed development will require the review of the existing Waste Licence (W0129-02) to be replaced by a new Industrial Emission (IE) Licence

(W0129-04). As part of this licence revision, it is proposed to align the land ownership and licence boundaries'.

9.6.16. I accept the applicant's explanation for this and note that, in any event, any works would be controlled by planning conditions and the terms of an IE licence.

Cell 13

9.6.17. Section 5.8 (Project Phasing) of the EIAR states that cell 13 will be the final cell to be completed. It 'is the largest cell as (it) will sit on the side slopes of the adjacent cells and thus requires a longer infilling period'. The permitted hardstand yard area, which was under construction at the time of my site inspection, is located broadly within the footprint of cell 13. Page 97 of the EIAR states that the phasing allows 'for the delivery of either of the following project completion stages:

- The planned demolition of the yard and infrastructure before infilling Cell 13 at the end of the project lifetime prior to restoration; or
- The retention of the yard and access road and the cessation of waste infilling once Cell 12 has been fully capped'.

9.6.18. The first option would restore the site to natural ground levels in line with the public notices and the provisions of the EIAR ('The overall purpose of the proposed development is to allow for the infill of the former quarry to facilitate the restoration of the site to natural levels', page 100). The latter option directly contradicts the expressed objective of the overall application and suggests that it is intended to indefinitely continue with circular economy activities. In this regard I also note that it is the intention of the planning application to reverse the current 80% disposal / 20% recovery split to 20% disposal and 80% recovery. The outlining of two options introduces ambiguity in terms of the applicant's intentions.

9.6.19. I consider that activity of the type proposed related to the circular economy is not appropriate at this location for the reasons outlined in section 9.4 of this inspector's report. To avoid any ambiguity as a result of the two options for cell 13 outlined in the EIAR I consider that a condition requiring the restoration of the entire site should be attached to any grant of permission in line with the provisions of the public notices.

Development Contributions

9.6.20. The relevant contribution scheme is the Fingal County Council Development Contribution Scheme 2021-2025. The planning authority's submission states 'A financial contribution would be due having regard to the details of the scheme and the nature of the proposed development', though no standard development contribution condition was attached to the list of recommended conditions in the planning authority's submission.

9.6.21. I note that section 9 of the scheme only allows for levying of contributions per square metre of residential or industrial/commercial development, rather than, for example, any contribution per hectare of use or per tonne of material. There is no new floor area being proposed in this application. However, a 'repurposing' of an existing storage structure on site is proposed and the 'Exemptions and Reductions' section of the scheme states 'Change of use applications are exempt, unless the revised usage constitutes a substantial intensification of use of the building or service' (section 11 (i) (v)). Notwithstanding my position that the repurposing of the storage shed not be granted planning permission as set out in paragraph 9.4.18 of this inspector's report, should the Board decide to grant permission it appears that a contribution may be liable given the current storage use and the proposed use as 'a testing laboratory unit for the research, development and testing of recovered materials' which could be considered as a substantial intensification. I consider this is a matter for the planning authority. However, as I recommend the change of use should not be granted, I have omitted a section 48 development contribution from my recommended conditions given the provisions of section 9.

9.6.22. The planning authority states in its submission that there is no section 49 scheme that would affect the proposed development.

9.6.23. The planning authority's report recommends the inclusion of a special contribution 'in respect of road upgrades and for signing and lining in the vicinity of the proposed access to the site'. €10,000 is the figure provided. Section 18 of the Development Contribution Scheme states 'A special development contribution may be imposed under Section 48 of the Act where exceptional costs not covered by the Fingal County Council Development Contribution Scheme 2021 – 2025 are incurred by the Council in the provision of a specific public infrastructure or facility. (The particular works will be specified in the planning conditions when special contributions are levied)'. Given the scale of the proposed development, the extent of HGV traffic associated with same, and the proposed duration of the operational phase of the development, I

consider the planning authority's suggested condition and contribution to be reasonable notwithstanding that I note that a similar condition was attached as condition 21 of 06F.PA0018.

Community Gain

9.6.24. Condition 10 of PL06F.PA0018 referred to the establishment of an environmental monitoring committee to include two public representatives, two local authority officials, and two local community members, to monitor the development. Condition 11 required the applicant, over the lifetime of the operation, to create a fund derived from waste management charges to provide appropriate environmental improvement projects and community facilities in the local community. Details of the management and operation of this was to be agreed between the applicant and the environmental monitoring committee.

9.6.25. Section 5.10 of the EIAR refers to community gain. It states, inter alia, that 'IMS would propose establishing a fund to contribute to the provision of environmental improvement and recreational or community amenities in the locality. This fund will be administered by the establishment of a local committee (for agreement with Fingal County Council) who will be tasked with identifying such environmental works and community facilities which are suitable for funding by IMS'.

9.6.26. Having regard to the conditions attached to PL06F.PA0018, and the provisions of the EIAR, I consider this to be a reasonable condition given the scale of development. A similar condition was also attached to the Knockharley permission.

10.0 Environmental Impact Assessment (EIA)

Introduction

10.1. This section of my inspector's report comprises an EIA of the proposed development. Some of these matters have already been referred to in the planning assessment, above. This section of the report should be read, where appropriate, in conjunction with the relevant sections of both the planning assessment and the AA (section 11), below.

10.2. The application was accompanied by an Environmental Impact Assessment Report (EIAR) prepared by RPS Group, dated 21st October 2022. The EIAR comprises a Non-Technical Summary (Volume I), the Main Text (Volume II), Technical Appendices (Volume III), and Hydrogeological Assessment (Volume IV).

10.3. Following pre-application consultation, the Board decided that the development fell within the scope of both the Seventh Schedule and s.37A (2)(a) and (b) of the Planning & Development Act, 2000 (as amended), thereby constituting strategic infrastructure. It would exceed the relevant Seventh Schedule thresholds of development comprising or for the purposes of both:

- a waste disposal 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.

10.4. It should be noted that it was proposed to dispose of asbestos during the pre-application consultation with the Board, but this hazardous waste stream has been omitted from the submitted planning application. Therefore, the first bullet point set out in the previous paragraph is no longer applicable. However, the second bullet point remains applicable, and I am satisfied that the Board's decision that the proposed development comprises SID would not have changed had asbestos not formed part of the consultations with the Board at pre-application stage. S.37E (1) states 'An application for permission for development in respect of which a notice has been served under section 37B(4)(a) shall be made to the Board and shall be accompanied by an environmental impact assessment report in respect of the proposed development'.

10.5. The application falls under the requirements of Directive 2014/52/EU. As per article 3(1) the EIAR identifies, describes, and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health, (b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC, (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape, and (e) the interaction between the factors referred to in points (a) to (d). Article 3(2) requires that the effects referred to in paragraph 1 on the factors set out shall include the expected effects deriving from

the vulnerability of the project to risks of major accidents and/or disasters that are relevant to the project concerned. Though no specific major accidents or disasters chapter is provided, the issue is addressed e.g. sections 5.11 and 11.2.5.3 of the EIAR.

10.6. I have carried out an examination of the information presented by the applicant, and the submissions and observations made. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR is up to date, adequately identifies and describes the direct, indirect, and cumulative effects of the proposed development on the environment and complies with article 94 of the Planning & Development Regulations, 2001 (as amended).

10.7. The four environmental factor groups (a) to (d) set out in section 10.5, above, are addressed within this EIA. Both population and human health (group a) have individual chapters (6 and7). Biodiversity (b) has its own chapter, chapter 8. The factors outlined in (c) are addressed individually/in combination in chapters 9, 10, and 11, and the factors outlined in (d) are addressed in chapters 14, 15, and 16. It should be noted that there are overlaps between certain chapters. The interactions of the foregoing are considered in chapter 17.

10.8. Chapters 1 to 5 of the EIAR are summarised in paragraphs 10.9 – 10.15 of this inspector's report. The subsequent sections address each of the environmental factors. The content of each EIAR chapter is summarised with relevant sub-headings as per the chapter, though not all chapter sub-headings are necessarily summarised. The 'Assessment & Conclusion' section at the end of each chapter summary is my assessment and conclusion of that particular environmental factor. This section of the report should be read, where necessary, in conjunction with the planning assessment and AA.

10.9. Chapter 1 (Introduction) of the EIAR contains, inter alia, a brief background to the proposed development and its objective, an outline of the EIA process, the competent experts who prepared each EIAR chapter, and a description of pre-application consultations with the Board, Fingal Co. Co., the EPA, other statutory and non-statutory bodies, and the public. The EIAR serves the dual purpose of being prepared for both the planning application and the EPA licence application.

10.10. Chapter 2 (Background and Need for the Development) sets out the rationale for the drivers of the principal waste streams proposed with an outline of the capacity of the site to accommodate them. The chapter has four main sections:

1. Demand for treatment capacity for construction wastes – Section 2.2 of the EIAR outlines the extent of C&D waste (primarily soil and stone) generated in the state. There were 8.8 million tonnes generated in 2019. National Development Plan (NDP) 2021-2030 provisions relating to envisaged works are outlined. There is a risk of a significant shortfall in the provision of C&D waste treatment sites to enable the planned infrastructure to be developed. It is anticipated that 12.65 million tonnes of C&D waste will be generated in 2030, 10.73 million tonnes comprising soil and stone. Though national figures, the bulk of waste is generated in the Greater Dublin Area. 'While the demand for treatment capacity is high and growing, the supply of C&D treatment capacity is more static with clear capacity risks mounting'. The section expands upon this issue with reference to soil recovery facilities, inert landfill facilities (which is what the subject site is, and is one of only three in the state), and municipal waste landfills.
2. Supply of landfill capacity for construction wastes – Data for the subject landfill is provided in table and graph forms. The intake for disposal has varied significantly. Peak intake was 2007 (433,602 tonnes) but was less than 30,000 tonnes in 2003, 2011, and 2013. There is an estimated 3.5million cubic metres of void space available at the Hollywood site, one of the largest in the country. It would be nationally important infrastructure.
3. Secondary raw materials – Focus is on the growth of secondary materials market to offset the need for virgin or primary materials i.e. new quarries. Secondary raw materials are recycled materials that can be used in the manufacturing process. It is promoted in European and national policy. The proposed development would be the first such circular economy campus developed within the state.
4. Need for additional IBA capacity – Bottom ash is generated when the non-combustible fraction of municipal solid waste charged to the furnace in waste to energy plants form an ash residue. It is generated at a rate of approximately 200-250kg/t of waste. There are two consented waste thermal treatment plants (Poolbeg and Carranstown) that generate IBA, both are within 30km of the Hollywood site. IBA is a non-hazardous waste. Notwithstanding current IBA

treatment capacity, additional capacity would be required if any additional thermal treatment capacity is realised.

10.11. Chapter 3 (Legislation and Policy) sets out the national, regional, and council-level planning policy context. (I note that the 2017-2023 Fingal County Development Plan referenced by the applicant in the EIAR has since been superseded by the Fingal County Development Plan 2023-2029). The waste and circular economy policy and legislative frameworks at international, national, and regional levels are also described. In section 3.3 the applicant has set out the relevant planning and waste licence history.

10.12. The main reasonable alternatives considered in order to meet the identified need are set out in chapter 4 (Alternatives). Alternative locations, layouts, designs, and processes are addressed. There is little scope for alternative locations as the quarry void is fixed and there is no ownership of other quarry voids. The proximity to the sources of relevant waste streams makes it the optimum location. There is limited scope for alternative layouts. It principally relates to the layout of landfill cells across the site. The previous 2011 SID layout is referenced as an alternative layout. The proposed cell layout addresses previous EPA concerns. As the design criteria for landfill cells are set out in the Landfill Directive and by the EPA there is limited capacity for alternative cell design. Similarly, the size of the development is fixed through the available void space. A lower acceptance limited (250,000tpa) would reduce daily traffic volumes but extend the timeframe to restore the site. A higher limit (750,000tpa) would increase site operations and traffic but would reduce the timeframe. The current rate of 500,000tpa is considered to be most suitable. Alternative site processes are the do-nothing option (continuing current operations would be viable), cessation of site operations (it would remain an open quarry and would be a breach of the waste licence), resumption of quarrying (similar to previous except the void would be further increased), diversification of waste operations to a recovery option as proposed would require a revised waste licence and a more diverse mix of wastes with enhanced recovery options and would be a largely positive development, and Article 27 operation would result in the EPA licence being surrendered, the site being used for accepting ‘clean’ material to restore the site, and it would result in uncertainties associated with infill and restoration.

10.13. Alternative mitigation measures for leachate have been considered i.e. storage and tankering off-site, transport by pipeline off-site, and on-site treatment. The preferred

short-term option is the tankering of untreated leachate to a suitably licence waste water treatment plant. On-site treatment is more sustainable in the long-term 'and this application includes passive provision for a future RO plant to treat leachate on the site in the medium term. The detailed design of this system will be agreed with the EPA through the SEW process' (RO – reverse osmosis).

10.14. Chapter 5 (Characteristics of the Proposed Development) of the EIAR is a detailed chapter outlining, inter alia, the site location, the current and permitted developments on site (including the waste acceptance procedure, cell liner and construction detail, waste intake (500,000tpa excluding imported materials for engineering or capping etc. and, as of 2019, materials imported for recovery)), the proposed development including waste acceptance procedures, cell layout, IBA, leachate, stormwater, phasing, and site restoration. Much of this is summarised in section 3 (Proposed Development) of this inspector's report.

10.15. Section 5.11 of the EIAR refers to the vulnerability of the project to accidents and disasters. No notable significant issue is noted. Section 5.12 outlines and tabulates relevant existing and proposed developments within approximately 5km to aid in the determination of the potential for cumulative impact with the proposed development. 'There is limited development in the immediate environs of the proposed development so limited potential for cumulative impact'. (I inspected the EIA Portal website and the Board's website on 6th November 2023 and no relevant development of scale has been uploaded to the EIA Portal or received by the Board since the compilation of the EIAR).

Chapter 6 – Population

10.16. Methodology – A series of site visits were undertaken between 2019 and 2022 and a number of desktop exercises were also undertaken.

10.17. Baseline Conditions – The site is located partially within the Hollywood electoral division (ED) and partially in the Lusk ED. The average population density in the two EDs is significantly lower than the Fingal average, unsurprising given the largely rural nature of the surrounding land and absence of large residential areas.

10.18. Impact Assessment – The proposed construction phase is restricted to leachate holding tanks and the surface water attenuation pond and will run concurrent with the operation phase. There is no potential to impact on the wider population. There will be

a negligible impact on employment. Much of the materials for construction will be site won therefore the potential for community impact and impact on amenity for road users will be negligible in terms of construction traffic over operational traffic. In the operational stage specialist workers e.g. for cell construction, will be required for short periods. It is envisaged that existing staff will remain employed. Additional traffic, dust, and noise impacts etc. are addressed in the relevant EIAR chapters and are not considered to be significant in terms of impact on the community. The end result of an infilled quarry will enhance the amenity value of the area and for the community.

10.19. Mitigation Measures – None are proposed for the construction stage. In the operational phase a Traffic Management Plan will be prepared.

10.20. Residual Impact – There are no significant population impacts predicted.

10.21. Assessment and Conclusion – I have considered this chapter of the EIAR, the submissions and observations on file, and all supplementary information. I note that 'population' is interlinked with other environmental factors in the EIAR which are assessed in more detail elsewhere in this inspector's report.

10.22. The end point of the operation i.e. an infilled quarry with natural ground levels restored, is a positive end point in terms of the removal of the industrial use and provision of a more benign, agricultural use.

10.23. Overall, I am satisfied that the potential for impacts on population can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts on population.

Chapter 7 – Human Health

10.24. Impact Assessment – Construction phase impacts relate to construction of the leachate holding tanks and attenuation pond. Given much construction material will be site-won, construction traffic is anticipated to be <5% of operational volumes which will run concurrently. Health risks during the operational phase relate to road traffic and safety (less than a 5% increase over existing traffic is anticipated and an improved entrance onto the L1080 has been permitted), air quality (the potential for both general and metal dusts are addressed in chapter 11), noise (addressed in chapter 12; current noise levels at the nearest residential properties are 'low' and there is no predicted

change in the baseline noise level), and drinking water (contamination of groundwater presents a risk but chapter 9 details that there is no hydrogeological pathway between the site and the Bog of the Ring drinking water supply).

10.25. Mitigation Measures – Construction phase mitigation measures proposed in the air, noise, and traffic chapters will be implemented. No mitigation is required during operation.

10.26. Residual Impact – No residual impacts are predicted to human health.

10.27. Assessment and Conclusion – I have considered this chapter of the EIAR, the submissions on file, and all supplementary information. I note that, like the previous chapter, 'human health' is interlinked with other environmental factors in the EIAR which are assessed in more detail elsewhere in this inspector's report.

10.28. Overall, I am satisfied that the potential for impacts on human health can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts on human health.

Chapter 8 – Biodiversity

10.29. Methodology – The legislative and policy contexts, consultees, zones of influence for habitats and species (5km, but wider for hydrological linkage), desk study, and field study are outlined. An ecological survey was carried out on 23rd August 2022. This updated previous habitat mapping. A number of surveys were scoped out i.e. breeding birds, peregrine, winter birds, bat, aquatic, invertebrates, and reptiles, for various, cited, reasons, and given the nature of the site activity. Ecological features deemed to be of local importance (lower value) are not considered in the ecological assessment. Features of local importance (higher value) and higher are considered to be important ecological features (IEFs).

10.30. Baseline Conditions – The site was a former quarry and is now a licenced landfill. The site is bounded to the north by the Ballough stream which discharges to Rogerstown Estuary approx. 9km to the south east. There are three special areas of conservation (SACs), five special protection areas (SPAs), one natural heritage area (NHA), and nine proposed NHAs (pNHA) within a 15km radius of the site.

10.31. Habitats were identified and mapped (figure 8.5). No habitat corresponded to an annex I habitat. The habitats are described in section 8.3.5.1 of the EIAR. 'The greatest change onsite between the 2019 surveys and the August 2022 surveys was the transition to scrub … as vegetating [sic] dominated the previously exposed calcareous rock … habitat with the onsite infilling'. Buildings and artificial surfaces, spoil and bare ground, recolonising bare ground (the habitat occupying the greatest area), refuse and other waste, improved agricultural grassland (present around the boundaries), dry meadows and grassy verges (including the filled and capped cells), and scrub are all valued as local importance (lower value). Depositing/lowland rivers (the Ballough stream) and artificial lakes and ponds are valued as local importance (higher value), as are both hedgerow and riparian woodland/mixed broadleaf/conifer woodland. The latter are valued as such because of objectives for their protection in the Fingal Development Plan 2017-2023.

10.32. 56 bird species were recorded during the 2019 breeding bird surveys. 21 species were recorded on an ad-hoc basis during the 2022 ecological walkover. Activity was highest along the boundary and within rough grassland fields to the east of the site. Peregrine falcon is listed in annex I of the Birds Directive. Roosting locations on a north east facing cliff in the south west of the site were identified in 2019. An alternate nesting site at a higher location on the cliff face was installed in 2020. A Peregrine Falcon Management Plan was prepared in 2019 and 'is currently being implemented on site'. No peregrines were observed in 2022. The artificial box, after infilling in the cell below, is now considered unsuitable given its proximity to the ground and a new location is required.

10.33. No evidence of otter or other protected mammals was found. The artificial ponds have some potential for accommodating amphibians though as they are temporary it can hinder the establishment of such populations. A common frog was recorded. Though a smooth newt population was previously identified in 2018, the 2022 survey did not find any evidence of same.

10.34. Impact on relevant European sites is addressed in the applicant's NIS. Four habitat types were identified as being of local importance (higher value) i.e. depositing/lowland rivers, artificial lakes and ponds, hedgerow, and riparian woodland/mixed broadleaf/conifer woodland. However, only depositing/lowland rivers i.e. the stream, is considered to be a key ecological receptor (KER). The other three habitats are not considered as such as the activities in the study area will not result in the loss of the

habitat, and, where hedgerow will be moved, they are 'considered unsuitable for bat commuting habitat or for bird nesting'. Habitats with a value of local importance (lower value) 'do not represent key ecological receptors and detailed assessment is not required'. Peregrine falcon is considered to be a KER. No mammals or bats were considered to be KERs.

10.35. Impact Assessment – No adverse significant impact is predicted to European sites or to the pNHA (Rogerstown Estuary) that is hydrologically connected to the site. In relation to habitats, the bulk of the proposed landfilling is located within habitats of local value (lower importance). Though none were recorded in 2022, because of their recent presence, peregrine falcons are still considered an IEF and are scoped in for mitigation. Given the development will not reduce the areas considered most suitable to breeding birds, no significant negative impact to them is considered likely. Though development is not to be undertaken around ponds, amphibian mortality could occur during site works. The site interior is of low suitability for commuting and foraging bats.

10.36. At restoration stage a negligible impact is predicted to designated sites. Hedgerow boundaries will be installed in the grasslands and it will be allowed transition to a more traditional meadow over time. When cliff faces are infilled there will be a loss of peregrine nesting habitat.

10.37. Mitigation Measures – Mitigation measures set out in chapter 10 (Water) are referenced e.g. sediment control plan. Measures relating to the peregrine falcon are outlined such as an alternative location for a nesting site and monitoring. An annual invasive species monitoring survey will be carried out and machinery entering the site will be free from contamination, among other invasive species mitigation. Breeding birds and bat mitigation is set out.

10.38. Cumulative Impacts – There is no potential for cumulative adverse impact on the aquatic environment.

10.39. Residual Impact – Ultimately, the suitability of the habitat for peregrine falcons will be affected.

10.40. Assessment and Conclusion – I have considered this chapter of the EIAR, the submissions and observations on file, and all supplementary information. Though always an important element to consider in planning applications, I note that biodiversity is not a major issue referenced in the observations received. The impact on peregrine falcon is the main issue referenced in terms of biodiversity and Japanese

knotweed is also mentioned. A nature conservation based submission was received from the Department of Housing, Local Government and Heritage; effectively from the NPWS. This submission mentions, inter alia, general water pollution, the importation of Japanese knotweed, and the peregrine falcon. There is an overlap between biodiversity and AA. However, issues specific to AA are addressed separately in section 10 of this inspector's report.

10.41. From the outset it should be remembered that the site comprises a former operational quarry which has permission for infilling of the quarry void to restore original ground levels. Therefore, works would be ongoing for a significant period until such time as infilling is completed. This would have ongoing implications for biodiversity. However, the baseline survey implies that this is not a site of significant biodiversity quality, and I would concur with this, having regard to the previous and current uses of the site.

10.42. The potential for water pollution is addressed in chapter 10 of this EIA. Notwithstanding, I note that the NPWS report acknowledges the mitigation measures proposed and states that pollution should be prevented if these measures are implemented in full.

10.43. Section 5.4.6 of the EIAR states 'in 2018 the EPA approved the acceptance of soils contaminated with Japanese Knotweed rhizome for biosecure disposal within the suitably designed and designed landfill cells on the site'. The risk associated with this is noted by the NPWS, and it is also referenced in one of the observations. The NPWS states that, if the methodology proposed for disposal of this is not diligently followed, the site could be a source of its spread. However, with due diligence and adherence to the methodology proposed, 'any risk of the spread of this species should be avoided'.

10.44. The peregrine falcon is the species that is most relevant to the application. Though it is an annex I species under the Birds Directive, the closest SPA of which it is a special conservation interest (SCI) is Wicklow Mountains SPA (site code 004040), approx. 35km to the south of the subject site and on the opposite side of Dublin city. Therefore, I do not consider that it could be considered as being an ex-situ species associated with that SPA. This is addressed in the AA section of this inspector's report.

10.45. In section 8.2.4 of the EIAR the applicant refers to a 'detailed peregrine falcon … management plan 'Response to Request for Further Information in Relation to Peregrine Falcon' (RPS, 2019) … that was supplied as part of the previous successful

application for planning consent (Reg. Ref. F19A/0077) and was reviewed as part of this survey'. F19A/0077 was received by Fingal Co. Co. on 19th February 2019 and the 'Response to Request for Further Information in Relation to Peregrine Falcon' document, which is dated 14th August 2019, was received by the local authority on 14th August 2019 as part of the further information response. I am unclear as to the status of the Peregrine Falcon Management Plan (PFMP), dated June 2019, submitted as appendix H to the current EIAR and which differs from the plan submitted as part of the further information response. Section 8.3.5.3.1 of the EIAR states 'In an attempt to maintain the habitat for the falcon on the Hollywood site, a Peregrine Falcon Management Plan was prepared in 2019 for the site and is included in Appendix H of Volume III of this EIAR. This plan is currently being implemented on site and will continue to operate through the proposed development'. The PFMP attached as an appendix outlines a 25 year monitoring regime. However, the 2019 permission was only for a 15-year period.

10.46. It is not disputed that peregrine falcons have used the quarry site over the years, having been noted in a 2010 environmental impact statement and observed in the 2019 application on site. The cliff face in the south western area was used as a nesting and roosting area. The 2019 PFMP submitted as part of the further information response referenced studies showing the use by peregrine falcons of artificial structures, therefore an artificial nest box and ledge was proposed because landfilling was to commence at the location of the nesting/roosting area in the south west of the quarry site (cell 6). Alternative locations may be sought should the artificial box and ledge not be used. There is reference to a review report being carried out within the first year to be issued to the planning authority's Biodiversity Officer and the NPWS and submission of an annual 'occupancy monitoring report' to the same two authorities. It is unclear whether any of these have been carried out, but no such report(s) has been submitted with the current application.

10.47. The EIAR scoped out a number of surveys that would normally be carried out depending on the nature of the subject site e.g. breeding birds, wintering birds, bats, aquatic, terrestrial invertebrates, and reptiles. The applicant has briefly explained in section 8.2.5.4 of the EIAR why these have not been carried out. I do not consider these are necessary given the applicant's reasoning and the nature of the site and development. With reference to the peregrine falcon, a survey was scoped out because; 'The results of the peregrine falcon monitoring program have shown the

previously nesting pair have left the site (no birds observed in 2022) and as such no peregrine specific surveys (other than the 2022 routine monitoring survey) were undertaken'.

10.48. The EIAR states that, as a result of infilling, the artificial box/ledge installed on the cliff face in February 2020 is now unsuitable given its proximity to the ground and a new location is required to ensure suitability for falcons in the area, notwithstanding that the previous pair appear to have left the site as they were not recorded in 2022. As a result of this the EIAR considers that 'the proposed development does not present any potential impacts on this species' (page 158), but as they were until recently associated with the site they will remain as an important ecological feature for mitigation.

10.49. Mitigation for the peregrine falcon is set out in section 8.5.3 of the EIAR. However, despite the EIAR stating these measures are included in PFMP in appendix H, they are, in fact, mitigation measures taken from the PFMP submitted as part of the further information response for F19A/0077, though there are overlaps between both documents. Two issues that arise from this are:

- The EIAR under section 8.5.3.1 outlines a monitoring regime for a 15 year period whereas the current planning application is for a 25 year period, and,
- It is stated, in both the further information response document and appendix H, under the Monitoring Regime heading that, in Year 1, 'While cell preparation works may be undertaken, no waste infilling works in Cell 6 will take place unless agreed with a suitably qualified ecologist'. However, section 8.3.5.3.1 of the EIAR states that the August 2022 survey 'found that the location of the artificial nest box, after infilling of the cell below, is now considered unsuitable given its proximity to the ground …' It is unclear if any agreement was reached with a suitably qualified ecologist prior to infilling of cell 6 and, notwithstanding, given the artificial nest box is of little or no value given the infilling, this suggested mitigation measure is no longer relevant.

10.50. The EIAR acknowledges that adverse effects on peregrine falcons cannot all be mitigated. I concur with this, given the nature of the permitted development on site i.e. landfilling, which it is proposed to continue under the current application. The culmination of the overall project is an infilling of the quarry void to restore original ground levels and the rural, agricultural-type character of the area. Conflicting

objectives of maintenance of the peregrine habitat and infilling the quarry void cannot both be achieved at this location. The Birdwatch Ireland website, accessed on 6th November 2023, notes that peregrine falcon breeding is carried out on coastal and inland cliffs, which is reflective of the information set out in this application. However, suitable cliff faces within the quarry will disappear as the infilling progresses. Though the extent of bird/peregrine falcon surveys to support the EIAR biodiversity chapter is unclear, it may have been carried out on just one day, 23rd August 2022, which is clearly not a robust survey period. As outlined elsewhere no peregrine falcon monitoring report(s) has been submitted with the application, as required to be carried out by condition 4 of P19A/0077.

10.51. The NPWS submission also queried whether the annual monitoring reports were, in practice, carried out and submitted to the relevant personnel. However, it recommended inclusion of a condition relating to an updated PFMP. Though peregrine falcons were not noted in 2022 I consider it reasonable, given the recent use of the site by this species, that a condition to this effect is included as part of any grant of permission that may issue. Ensuring compliance with this would be a matter for the planning authority.

10.52. I note that the biodiversity chapter in the EIAR was based on the Fingal Development Plan 2017-2023 whereas the current plan in place is the Fingal Development Plan 2023-2029. The habitats of trees and riparian woodland/mixed broadleaf/conifer woodland are valued in the chapter as being of local importance (higher value) because of the Plan's policies on trees and ecological corridors. The 2023-2029 Plan contains similar relevant policies and objectives e.g. GINHP21, DMSO125, and DMSO154. Therefore I consider the valuation of these habitats would not differ had they been evaluated under the current Plan.

10.53. There are currently two settlement ponds in the northern area of the site shown on the 'Existing Layout' plan (sheet 1 of 9). These are used as primary treatment for the former quarry's process wastewater before being discharged to the Ballough Stream and there are three other ponds resulting from rainwater accumulation. Newts were identified at the settlement ponds in 2019 but not in 2022. The ponds are to be unaffected by operational phase works but the proposed restoration contours drawings show that they will ultimately be lost. Therefore there is the potential for amphibian populations to be lost at this location at that time. Notwithstanding, I note that an

attenuation pond is proposed at the north east of the site which could provide an alternative habitat for amphibious populations.

10.54. Section 8.3.5.3 of the EIAR lists the 21 bird species that were recorded during the 2022 ecological walkover survey, which appears to have taken place over the course of a single day. It is stated that five amber and one red-list species were recorded. The applicant does not identify the red-list species recorded. However, the Birds of Conservation Concern in Ireland 2020-2026 identifies six amber-list species of those recorded on site (herring gull, house martin, house sparrow, linnet, starling, and swallow), but none of the 21 species are red-list species.

10.55. It is stated in section 8.3.5.4 of the EIAR that secondary evidence of badger activity was found at the field in the north west corner outside the site of the proposed operations. It is implied that this was recorded in the 2022 survey. Section 8.3.5.6 then states that this secondary evidence was recorded in 2019 rather than in the 2022 survey. The same reference was contained within the 2019 EIAR (section 8.4.5.3) so it appears evidence of badger was not recorded on the most recent site walkover.

10.56. Overall, in relation to biodiversity, I conclude that there would not be any significant undue adverse impact to the biodiversity of the area. In this regard I note the historic use of the site as a quarry and the permitted use of the site for landfilling. It is also of note that the submissions of the NPWS, IFI, and Fingal Co. Co. have not raised any significant concern with the proposed development, subject to conditions.

10.57. Therefore, having regard to the foregoing, I am satisfied that the potential for impacts on biodiversity can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts on biodiversity.

Chapter 9 – Soils, Geology and Hydrogeology

10.58. Introduction – Comprehensive ground investigation and monitoring data have been gathered on site in recent years and potential future effects are assessed against this robust evidence base. The chapter is inter-related with the biodiversity and hydrology chapters, and it should be read in conjunction with volume IV (Hydrogeological Assessment) of the EIAR which includes a hydrogeological assessment report and a LandSim report.

10.59. Methodology – Owing to its general sensitivity the hydrogeological study area includes the Bog of the Ring public water supply, approx. 3km to the north east. To inform baseline characterisation publicly available information data sources were reviewed and site-specific investigation work and associated reporting has been carried out.

10.60. Baseline Conditions – These are described under a number of different subheadings.

10.61. *Topography, hydrology, and drainage* – The high ground in the area forms a hydrological divide that separates the site from the Bog of the Ring wellfield and associated watercourses. Local topography is dominated by an easterly decline. The entrance to the site has a level of approx. 150mAOD (above ordnance datum) with deepest on-site excavations of approx. 100-105mAOD. The stream along the northern boundary flows in an easterly direction.

10.62. *Land use* – The site is a former quarry with a current primary use as a landfill. The surrounding area is mainly agricultural with some residential and commercial uses.

10.63. *Current waste deposition* – Current operations are authorised and regulated through W0129-02. Relevant conditions and schedules are set out. Leachate detail is described. The leachate quality dataset describes a water quality consistent with the inert waste deposited in the landfill, 'confirming the generally low risk that the deposition of inert waste represents to groundwater… Some inorganic parameters (most notably sulphate) are elevated relative water quality standards owing to the materials included within the waste mass, but there is general absence of organic contaminants and hazardous substances'.

10.64. *Soils and ground conditions* – The site is characterised by the Brown Earth Group soils that comprise generally well drained mature mineral soil. Soils within the former quarry have been stockpiled. This will be reused for cell construction and 'All restored cells have been completed with cap and grassed surface using soils retained on the site'.

10.65. *Geology* – The regional geological setting is described in section 9.5.5.1. It states that 'The bedrock geology in the vicinity of site and to the south thereof is dominated by predominately limestone formations of the Lower Carboniferous (Visean)'. The site is partially situated on limestone bedrock of the Loughshinny Formation, approx. 100 metres -150 metres thick. The regional structure is dominated by a large syncline. The limestone bedrock of the Loughshinny Formation identified on the site is situated on the southern limb of the syncline with younger Namurian bedrock (narrow Balrickard

Formation but dominated by Walshestown Formation) present at the surface immediately to the north. This is shown on figure 9-4.

10.66. The site-specific setting is described in section 9.5.5.2, and it is stated that the site has been subject 'to multiple phases of geological investigation'. Site-specific geological data 'confirms the general succession expected' comprising, from oldest to youngest: Loughshinny, Donore (though to be transitional between Loughshinny and Balrickard), Balrickard, and Walshestown Formations. The geology of the site is dominated by the younger Namurian bedrock, with the limestones of the Loughshinny Formation restricted to the southwestern section of the site. Two faults bisect the site.

10.67. *Climatic data* – Set out in chapter 10.

10.68. *Hydrogeology* – General GSI classification indicates the Loughshinny Formation represents the most important aquifer unit underlying the site. The Namurian shales are considered a poor aquifer. Groundwater bodies (GWBs) have been designated for the purpose of the Water Framework Directive (WFD). They are subdivisions of large geographical areas of aquifers that allow more effective management. There are two in the vicinity of the landfill; Lusk-Bog of the Ring (productive fissured bedrock) and Hynestown (poorly productive bedrock). Lusk – Bog of the Ring GWB is associated with the Loughshinny Formation. The Hynestown GWB comprises the Namurian bedrock that forms the core of the syncline. The WFD status 2013 to 2018 of the Lusk-Bog of the Ring GWB is currently under review and classified as 'not at risk'. The status of the Hynestown GWB is 'good' and the risk is currently under review.

10.69. Groundwater vulnerability in the vicinity is typically 'extreme' with rocks commonly at or near the ground surface.

10.70. Groundwater levels and flow directions are addressed in section 9.5.7.3. A schematic regional groundwater contour plot has been produced for the study area (figure 9-8) with site-specific groundwater contour plots in figure 9-9. There is a south easterly flow direction. The groundwater contour surfaces reflect surface topography. Site specific monitoring has been carried out and features of this are described e.g. similar levels and trends are evident in boreholes in the Loughshinny Formation, Namurian strata, and boreholes crossing both. A borehole approx. 700 metres to the north 'confirms the presence of a groundwater divide between the landfill and the Bog of the Ring and supports the regional easterly hydraulic gradient observed thereon'. Apart from the Ballough stream along the northern boundary flowing in an easterly direction there are

two other watercourses between the site and the Bog of the Ring which flow in an easterly direction and 'it is reasonable to assume that these are likely to exhibit similar groundwater-surface water interrelationship'.

10.71. Site-specific groundwater quality data is collected on a quarterly basis. 'Although there are occasional occurrences of certain parameters above water quality assessment criteria the groundwater quality is typically good'.

10.72. *Groundwater abstraction* – A well field in the Loughshinny Formation (Bog of the Ring) developed by the local authority supplies up to 4,000m^3 per day to Balbriggan and the surrounding area. It is approx. 3km north east of the site on the opposite side of the Namurian bedrock. An Inner Protection Area and an Outer Protection Area has been defined. The site is approx. 1km outside the Outer Protection Area.

10.73. *Environmental receptors* – Environmental receptors considered relevant are set out in table 9-7. These are the Bog of the Ring, private wells (the nearest is stated as being 700 metres to the east), groundwater for the four Formations, soils on undeveloped areas on site, and the CGS.

10.74. Impact Assessment – Construction phase works which will temporarily impact are the attenuation pond and leachate tanks/area, and storage of cement, fuels, construction chemicals etc. Potential effects include release of hazardous substances and infiltration of surface water runoff (table 9-8). It is not anticipated that any of the construction activities will directly intercept groundwater in the aquifer units identified on the site. The significance of construction stage effects is not considered to exceed 'slight adverse'.

10.75. For the operational stage the applicant states that a number of impacts were identified at an early stage and 'have been subject to mitigation inherent in the design' e.g. cell liners and caps. Four separate potential impacts are described in section 9.6.3 of the EIAR and are tabulated in table 9-9 as:

- active infilling non-hazardous and inert waste (leachate impact on groundwater quality),
- restoration of waste cells (infilling the void would result in the loss of the existing geological exposure),
- increased timeframe of use of vehicles, plant and other equipment as part of existing licenced operational activities. This includes site roadways, parking

areas, and inert waste processing areas (accidental discharge of hydrocarbons), and,

- groundwater abstraction to supplement the water supply to the aggregate processing plant (low demand and periodic requirement to supplement the stormwater harvesting system will have minimal impact on groundwater levels and no impact on quality).

10.76. In relation to the potential for leachate, and its impact on the Bog of the Ring (BOTR) public water supply, it is stated that the hydrogeological assessment (volume IV) 'found that the Hollywood landfill is situated in a different groundwater catchment area than the BOTR wellfield. Notwithstanding this physical separation, sufficient hydrogeological evidence has been gathered to strongly support the conclusion that the two sites are also hydraulically separated. This evidence includes the observations of the BOTR monitoring boreholes having no response to the one-week Constant Rate Test (CRT) conducted at the site and similarly the absence of response within the landfill monitoring boreholes to very large groundwater drawdown and recovery signals observed within the BOTR wellfield as a consequence of pumping outages and a long period of drought between June and August 2018. Therefore, there is not a pathway to the BOTR, breaking the Source-Pathway-Receptor linkage and meaning no potential for adverse impact'. The significance of operational stage effects is not considered to exceed 'slight adverse' other than a 'significant/moderate' impact relating to the loss of existing geological exposure as a result of the infilling, which is unavoidable given the nature of the proposed development.

10.77. Mitigation Measures – Mitigation measures are incorporated into the design of the development and additional measures are also proposed. The construction works shall be undertaken within a framework of environmental protection practices defined and co-ordinated by the site environmental management system (EMS; described in section 5.4.10 of the EIAR). Various plans, procedures, and strategies will be prepared/updated. Specific measures related to concrete, topsoil, and hydrocarbons/waste materials are set out.

10.78. During operation, current EPA waste licence conditions will be retained, updated, or amended in the IE licence including non-hazardous waste cell lining and additional monitoring.

10.79. Residual Impact – Tables outlining residual impacts during both the construction and operational phases are set out in tables 9-10 and 9-11. During the construction phase the significance of effects range from imperceptible to slight adverse. For the operational phase the applicant states, inter alia, that all cells will be formed above groundwater and notes that 'monitoring data collected to date has demonstrated a general absence of impact on groundwater quality on the site'. As with the construction phase, the significance of effects range from imperceptible to slight adverse, apart from the loss of existing geological exposure.

10.80. Assessment and Conclusion –

Introduction

10.81. The potential impact of the proposed development on groundwater, and in particular the potential for contamination of the public water supply at Bog of the Ring and water used for agricultural purposes, is a significant issue with this planning application. It is a matter repeatedly cited in the observations from local residents and was a material consideration in the assessment of the licence application by the EPA under W0129-03.

Volume IV (Hydrogeological Assessment) of the EIAR

10.82. The information contained in chapter 9 e.g. baseline criteria and impact assessment, is supported by the Hydrogeological Assessment submitted as volume IV of the EIAR. It contains two primary appendices: appendix A (Hydrological Risk Assessment (HRA)) and appendix B (LandSim Report). Both of these appendices contain their own appendices.

10.83. The HRA 'has been prepared to support the Environmental Impact Assessment Report (EIAR) for the planning and licensing applications and to specifically address the hydrogeological concerns raised by the EPA in a 2016 Decision Notice for a similar application at the site. The report presents the detailed hydrogeological investigations that have been undertaken at the site to address the EPA concerns raised in 2016 and to present an updated conceptual site model for the proposed development based on the new information available' (page 1). The report states that an updated conceptual hydrogeological model has been produced using 'entirely new lines of evidence' (page 73). Further to updated groundwater hydrographs, new boreholes, a full pumping test, and evidence that the Bog of the Ring wellfield resides within a separate groundwater catchment and associated flow field the HRA concludes that 'the proposed

development at Hollywood Landfill may be operated with acceptable environmental impacts and be compliant with all appropriate waste management and environmental regulations'.

10.84. LandSim provides probabilistic quantitative risk assessments of the performance of specific landfill sites in relation to groundwater protection. The conclusion of the LandSim Report states that 'The engineering of the proposed landfill has been designed with the aim of preventing the discharge of hazardous substances and pollution by non-hazardous substances. The results of the risk assessments show that hazardous substances in leachate are highly likely to be prevented from discharging to groundwater directly surrounding the site and that non-hazardous substances released into groundwater will not lead to unacceptable impacts at the down gradient site boundary. Technical precautions have been outlined for the site, including leachate control measures, construction and maintenance of a low permeability cap and lining system. Requisite surveillance in the form of risk-based leachate and groundwater monitoring will be undertaken at the site, as part of an Environmental Monitoring Plan. This will ensure that any impact from the landfill will be detected and remedial action taken before any significant impact to groundwater can occur'.

10.85. Under W0129-03, the EPA considered that the proposed development would present 'an unacceptable risk of input of hazardous substances into groundwater'. I note in this application no hazardous waste material is to be imported unlike the previous SID application. The EPA also identified three other specific issues in its decision:

- The installation of the proposed activity in the geological setting, as proposed, is not generally acceptable – While a landfill is again proposed in this application there is no hazardous waste to be imported. In addition, I note the substantial history of granting planning permission for landfilling operations on this site and I consider that it would be entirely unreasonable to refuse permission on the basis of the principle of the landfilling operation given this history.
- Groundwater beneath the landfill site is vulnerable to contamination from the proposed activity – As outlined, there is no hazardous waste to be imported under the current application. There is an EPA licence (W0129-02) in effect for the existing inert landfill and only inert and non-hazardous waste is to be landfilled on site under the current application.

- Abstraction of groundwater at the Bog of the Ring (public water supply) may influence the groundwater levels beneath the landfill site. Consequently, if the water abstraction at the Bog of the Ring were to reduce significantly or cease altogether, this may result in a rebound of groundwater levels beneath the landfill site, as proposed. This scenario would present an unacceptable risk to groundwater because the rising groundwater levels would have the potential to undermine the integrity of the landfill – Volume IV provides evidence that, further to additional testing, there is no hydrogeological link between the site and the Bog of the Ring.

10.86. It should be noted that the EIAR has been compiled to satisfy the dual purpose of both the planning process and EPA licence process. The HRA 'specifically' addresses the hydrogeological concerns previously raised by the EPA in an earlier licence application. I note that the EPA refused to grant a licence under W0129-03 despite planning permission being granted by the Board and, should the Board grant this planning application, it is possible that this could occur again.

Observations

10.87. The issue of groundwater contamination is a primary concern among those who have made an observation on the application. They generally relate to impact on the public water supply and more general groundwater contamination. Many of the observations express broad, high-level concerns and do not generally go into any detail, with some exceptions. In relation to the public water supply, where observations do go into more detail, I do not consider that their content is robust enough or supported by a sufficient evidence base to contradict the HRA conclusion that the site is not connected to the Bog of the Ring public water supply.

10.88. Concerns about more general groundwater contamination issues such as IBA and leachate are also raised. These are addressed elsewhere in this inspector's report (section 9.5) and later in this assessment (paragraphs 10.104 – 10.106) and conclusion.

Prescribed Bodies / Consultees

10.89. A number of submissions received from these bodies mention the issue of geology / groundwater contamination / public water supply.

10.90. Though not directly addressing the issue, Fingal Co. Co. consider the proposed development to be reasonable and recommend conditions to be attached to a grant. The Council's Environment section, in its report, did not raise a concern and the Water Services department have no objection in relation to surface water.

10.91. The EPA submission is a brief, high-level submission and does not involve itself in the specifics of the proposed development. It notes that all matters to do with emissions to the environment will be considered and assessed by it should a licence review application be received.

10.92. The groundwater issue is noted by IFI. Bullet points in the submission relate to, inter alia, the necessity for implementation of comprehensive leachate management measures and discharge to groundwater to be compliant with regulations.

10.93. Comments in relation to groundwater and the public water supply are made by the HSE. It is stated that the HSE/EHS 'is satisfied that there is adequate protection of ground and surface water for the proposal', subject to implementation of the identified mitigation and only after an EPA licence review.

10.94. Having regard to the foregoing, I note that none of these consultees have recommended a refusal of permission or expressed any significant concern with the proposed development and its impact on groundwater.

10.95. While the GSI submission contains a 'groundwater' sub-heading it mainly provides generic information. The GSI cover letter states that the data presented should not be construed as 'support for or objection to' the proposed development. I note that, as part of the pre-application consultation, two separate letters were received by the applicant from the GSI. The letter dated 1st September 2022 is the same as that submitted to the Board for this application, as per paragraph 6.2.14 of this inspector's report. A second letter, dated 16th January 2020, from the GSI to the applicant is contained in volume III appendix B. The quarry site is also a County Geological Site (CGS). It is described in paragraph 6.2.15 of this inspector's report. The GSI letter states that, as part of the end of life plan of the quarry, GSI should be contacted 'to enable a discussion to identify and to recommend ways to promote the geology to the public or develop tourism or educational resources if appropriate'.

10.96. The structural deformation described by GSI is visible on the quarry rock faces surrounding the hardstanding yard area. While it would be beneficial in certain respects e.g. geological or educational, to retain these as part of an end-of-life plan,

the site has a history of permissions for landfilling. Infilling of the site as proposed would not affect the geological formation but would remove it from view. GSI should be facilitated in recording the geology should it so wish. However, restoring the original ground levels is the ultimate aim of the landfilling operation.

EPA

10.97. The 'responsibilities of the EPA' are outlined in paragraphs 9.6.1 – 9.6.3 of this inspector's report. However, I consider it useful to summarise relevant conditions attached to the current waste licence, W0129-02, to illustrate the extent of the EPA's authority in relation to the existing activity on site. The EPA's conditions are detailed and lengthy and I do not propose to outline them in any particular depth, just to give an indication as to their range and scope.

10.98. Condition 1 clarifies the scope of the licence and condition 2 the management of the facility, including the Environmental Management System (EMS). The EIAR refers to Specified Engineering Works (SEW) throughout. Condition 3.3 (Infrastructure and Operation) refers to this. Condition 3.5 is headed 'landfill lining' and references the landfill footprint, the construction detail of the landfill liner including thickness and hydraulic conductivity, boreholes, and the formation level of the basal liner.

10.99. Condition 5 relates to emissions. In particular, condition 5.6 relates to groundwater management. It contains the following two conditions.

'5.6.1 There shall be no direct emissions of polluting matter to groundwater.

5.6.2 Effective groundwater management infrastructure shall be maintained at the facility during construction, operation, restoration and aftercare of the facility. As a minimum, the infrastructure shall be capable of the following: (i) The protection of the groundwater resources from pollution by the waste activities; and (ii) The protection of other infrastructure, such as the liner, from any adverse effects caused by the groundwater.

Reason: To provide for the protection of the environment by way of control and limitation of emissions'.

10.100. Extensive monitoring is required by condition 6 (Control and Monitoring). Restoration and aftercare management is controlled by condition 10. Condition 10.8 requires a fully detailed and costed closure, restoration, and aftercare management plan (CRAMP) to include (condition 10.10), inter alia, 'Details of any proposed or required

aftercare supervision, monitoring, control, maintenance, and reporting requirements for the restored facility' and 'Details of the costings for the plan and the financial provisions to underwrite those costs'. Financial charges and provisions are set out in condition 12, the reason for which is 'To provide for adequate financing for monitoring and financial provisions for measures to protect the environment'. A number of schedules are also attached to the waste licence.

10.101. The conditions of the waste licence demonstrate that, although environmental protection is a consideration in a planning application and decision, the EPA are the competent authority with regard to emissions to the environment. A condition should be attached to any grant of permission that no development be commenced until such time as an appropriate EPA licence is in place.

Water Framework Directive (WFD)

10.102. In section 9.5.7.1 of the EIAR it is stated that the WFD status 2013-2018 of the Lusk – Bog of the Ring GWB is under review and is classified as not at risk of meeting its aim of a good status. It is stated the status of the Hynestown GWB is good and the risk is currently under review.

10.103. However, the EPA website, accessed on 6th November 2023, shows that both GWBs had a good status for the 2013-2018 period. Both waterbodies also had a good status for the 2016-2021 period. In terms of the risk of each GWB failing to meet their WFD objectives of achieving good status by 2027, the projection is that Lusk – Bog of the Ring is 'at risk', whereas Hynestown is 'not at risk'.

Leachate

10.104. An issue raised repeatedly in the observations received relates to leachate, which has the potential for adverse environmental impact. It is water that has come into contact with landfilled waste materials and in doing so has dissolved contaminants from the waste. It is proposed to tanker collected leachate off-site for transport to a suitably licensed wastewater treatment plant under agreement with Irish Water but future on-site treatment is envisaged and contained within the application, notwithstanding the provisions of paragraphs 9.6.7 – 9.6.10 of this inspector's report. The leachate management system is described in section 5.6.7 of the EIAR. Annual leachate production is expected to range as high as 37,240m^3 in 2033. The projected levels vary annually depending on the nature of the works and the extent of capping.

10.105. W0129-02 includes references to leachate. For example, condition 3.19 requires a minimum of one leachate monitoring borehole per two hectares of landfill which shall also be designed to facilitate landfill gas monitoring. Schedule C.2.2 requires leachate monitoring at a six-monthly frequency. The detail of the landfill lining is also dictated in the EPA licence conditions in order to 'provide for appropriate operation of the facility to ensure protection of the environment'. A mineral layer of a minimum thickness of 1 metre with a hydraulic conductivity less than or equal to 1.0×10^{-7} m/s, or similar with equivalent protection to the foregoing, is required for the base and side walls of the cells. Schedule A.4 (Limit Values for Pollutant Content for Inert Waste Landfills) outlines leaching limit values that apply for inert waste. No non-hazardous leaching limit values are provided because the landfill is currently only licenced to accept inert waste.

10.106. After the cessation of landfilling the site will continue to generate leachate at a rate of approximately 7,985m^3 per annum. The proposed restoration contours site layout plan shows that the holding tanks and attenuation pond are to be removed in the longer-term. As part of W0129-02 the applicant (licensee) is required to prepare for agreement by the EPA a CRAMP which is to include, inter alia, details of any proposed or required aftercare supervision, monitoring, control, maintenance and reporting requirements for the restored facility and details of the costings for the plan and the financial provisions to underwrite those costs. W0129-02 also requires an ELRA, every three years at a minimum, which addresses the liabilities from past and present activities. That the EPA takes environmental liabilities seriously is illustrated by the fact that the second reason for refusal of W0129-03 was that particulars provided were 'not sufficient to establish (the applicant's) ability to meet the financial commitments or liabilities arising under the ELRA and CRAMP that would be entered into or incurred in carrying on, or in consequence of ceasing to carry on, the proposed activity'.

Conclusion in Relation to Soils, Geology, and Hydrogeology

10.107. In my opinion the applicant's EIAR/HRA and conclusions reached are robust enough to satisfy the Board that planning permission should not be refused on the basis of hydrogeological impact. This recommendation is made in full acknowledgement that the EPA will undertake its own in-depth analysis of the groundwater protection issue and may come to a different conclusion as occurred with the previous SID application. This report is not intended to in any way influence the carrying out of the EPA's

procedures and should not be read as such. This report relates solely to the application for planning permission.

10.108. Though third-party observations expressed concern in relation to groundwater contamination I do not consider that the content of the relevant observations are sufficiently strong to override the applicant's submission in this regard. I also note that prescribed bodies / consultees such as the HSE and Fingal Co. Co. have raised no concern in relation to the impact on groundwater or the public water supply.

10.109. Further to the contents of chapter 9 and volume IV of the EIAR and the absence of concern from relevant prescribed bodies / consultees I consider that the impact of the proposed development on soils, geology, and hydrogeology, is acceptable and I am satisfied, for the purposes of this planning application, that the potential for impacts can be avoided, managed and/or mitigated by measures that form part of the proposed development. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts on soils, geology, and hydrogeology though this aspect of the proposed development will also be subject of a thorough examination from the EPA who are responsible for issuing licences to prevent and control pollution from industrial activities.

Chapter 10 – Water

10.110. Introduction – The chapter assesses the likely significant effects on the receiving water environment and is inter-related with the biodiversity and soil, geology, and hydrogeology chapters.

10.111. Baseline Conditions – These are outlined for a number of different elements.

- *Rainfall and climate* – Rainfall rates at Dublin Airport between 1981 and 2021 are outlined. Annual potential evapotranspiration and effective rainfall rates between 2015 and 2021 are also set out.
- *Existing site drainage* – The topography of the site varies between 148mAOD at the existing site entrance to the west and 92mAOD at the Ballough stream in the north east corner of the site. Surface water monitoring points (SW) and surface water discharge points (SWD) as per W0129-02 are illustrated on figure 10-1. Surface water discharge from the current yard and buildings area in the west discharges (SWD1) via a ditch immediately downstream of SW1. There are seven

SWD points from the landfill to the stream between SW1 and SW2, which is located approx. 1.6km downstream of SW1. SWD2-SWD7 were discharge points from surface water pumping associated with quarrying activities. Pumping has been suspended and any water/flow now observed at these locations is from surface water runoff from non-landfill areas though these are normally dry. The water table lies below or at the base of the quarry void. Rainwater infiltrates to the ground or runs off towards the deeper sections of the quarry pits. Some rainwater is collected and used for controlling dust on site.

At the filled cells (cells 1 to 5), rainwater percolates through the deposited material in the cells and is contained within the cells. If required, it may be pumped out and disposed of at a licensed facility as leachate. Leachate build up in the cells has not been a significant environmental impact given the high level of containment offered by the clay liner. At present, any leachate that builds up in the cells is recirculated back over the existing capped landfill cells which removes a large component of its aqueous content.

- *Water supply and waste water* – In 2020 45.9m^3 of mains drinking water was used. Collected rainwater is used for controlling dust.
- *Surface water catchment* – The site is located in the Nanny-Delvin river catchment. The stream that flows along the northern perimeter of the site is the Tooman Branch Stream, a tributary of the Ballough Stream. The Ballough Stream flows into Rogerstown Estuary. The Ballough Stream and its tributaries form part of the Water Framework Directive (WFD) Ballough Stream sub-catchment.
- *Surface water quality* – In terms of the regional baseline the biological quality of the Ballough Stream is assessed by the EPA at two monitoring stations whose locations are illustrated on figure 10-2. Its Q values between 1988 and 2020 (table 10-7) indicate predominantly moderate pollution within this surface waterbody.

  For the local baseline water samples from SW1 and SW2 are taken bi-annually and analysed for parameters as specified in W0129-02. Results between 2014 and 2021 are set out in tables 10-8 and 10-9 respectively. These show elevated levels of suspended solids commonly recorded at SW2 but compliant results between Q4 2019 to Q4 2021. These are 'likely to be unrelated to the operation of the facility and instead are associated with silt/run-off from streams [sic] bed/banks, and/or adjacent agricultural activities'.

To assess the water quality from the site, SWD1 to SWD7 are monitored bi-annually though not all are active on a continuous basis. Tables 10-10 to 10-15 summarise the quality results from the surface water discharge points SWD1 to SWD6. SWD7 is generally dry and not sampled. Suspended solids and sulphates are generally below the EPA trigger value and the limits in the Surface Water Regulations but there are periodic breaches of these levels likely as a result of rainfall levels.

- *Flood risk* – There are no flooding or surface water management issues.
- *Areas of conservation* – 17 nature conservation areas within 15km are listed, though none are in the immediate vicinity[4].
- *Other projects and facilities* – A number of similar-type activities are identified in section 10.4.8 with the locations of some of these illustrated on figure 10-4. It is considered that a soil recovery facility approx. 4km to the north west and a sand and gravel pit permitted by Meath Co. Co. approx. 4.5km to the north west 'have the greatest potential for cumulative impact to water quality. The other operations have a lower risk to water quality and flooding and are not considered further'.

10.112. Impact Assessment – A temporary, direct, slight potential adverse impact is considered to arise during the construction phase from surface water runoff and accidental spills and leaks.

10.113. Table 10-17 of the EIAR outlines potential impacts during the operational stage. These are sedimentation from works adjacent to the stream, surface water runoff from inactive or capped areas, surface water impact on active cells generating leachate, surface water runoff from the IBA maturation area, and accidental spills and leaks. The significance of the potential impact of each activity is considered to be slight, with the exception of the surface water runoff from the IBA maturation area which is considered to be imperceptible.

10.114. There are no likely cumulative significant impacts in terms of hydrology.

10.115. Mitigation Measures – Construction and operational stage mitigation measures are set out in sections 10.6.1 and 10.6.2 of the EIAR. Standard measures are proposed. Construction phase measures include topsoil stripping, buffers from watercourses,

[4] North West Irish Sea cSPA was published after the preparation of the EIAR

excavations left open for minimal periods, measures relating to concrete, covered skips, and appropriate treatment of hydrocarbons.

10.116. In addition to mitigation measures inherent in the project design, operational stage mitigation includes buffers from watercourses, discharge from the appropriately sized attenuation pond at greenfield runoff rates, the placement of the non-hazardous cells in the northern area which has 'much greater natural protection and lower vulnerability' than the southern area which has a locally important and extremely vulnerable underlying groundwater body, ongoing surface water monitoring, and appropriate treatment of hydrocarbons.

10.117. Residual Impact – Implementing the mitigation measures would result in a negligible impact to the water quality of the stream and surface water network.

10.118. Assessment and Conclusion – I have considered this chapter of the EIAR, the observations and submissions on file, and all supplementary information. This chapter is interlinked with other environmental factors, in particular biodiversity and hydrogeology, as well as having an impact on AA.

Observations

10.119. Groundwater is the water issue most commonly cited in observations received though there is concern expressed in relation to the amount of water to be used for proposed manufacturing activities and aggregate recovery, concern in relation to contamination of surface water/watercourses, and a query as to whether the EPA monitors water quality. The EIAR does not provide an estimate of the extent of water usage required in the manufacturing processes though section 10.5.4.2 states that it is proposed to re-use water in the attenuation pond for purposes including aggregate processing. The applicant stated that 45.9m^3 of public water was used on site in 2020. The Annual Environmental Reports (AERs) for 2021 and 2022 state 41.605m^3 and 40m^3 was used respectively. None of the three AERs gives any information in relation to the amount of surface water or recycled water that was used on site (table 4 of the 2020 AER and table 5 of both 2021 and 2022 AERs). Regarding the query in relation to EPA Monitoring there are two SW points and seven SWD points monitored twice a year under W0129-02.

Water Framework Directive (WFD)

10.120. The EPA website, accessed on 6th November 2023, showed a river waterbody WFD status for the Ballough Stream, including the Tooman, Knightstown and other branches, improved from 'poor' in the period 2013-2018 to 'moderate' in 2016-2021. As a fourth order stream downstream, south west of Lusk, on foot of other tributaries discharging into it, the EPA website shows that the Ballough Stream had a 'moderate' status in both 2013-2018 and 2016-2021. This information would imply that current operations on site have not had a demonstrable impact on surface water quality in recent years, notwithstanding that the projection is the watercourse is at risk of not meeting the WFD objective of reaching good status by 2027. Further to the inspection of the EPA website I note that no updated detail on Q-values more recent than those provided in table 10-7 of the EIAR are available.

Impact assessment

10.121. I consider that the construction and operational phase impacts set out in sections 10.5.3 and 10.5.4, and tables 10-16 and 10-17, adequately outline the impacts that would arise, notwithstanding the lack of detail on water usage as referenced in paragraph 10.119 of this inspector's report. I note that, should the circular economy manufacturing and related processes not be permitted as recommended in this inspector's report, the extent of water usage for these processes, and to what extent they would be supported by on-site water generation, would be a moot point.

Mitigation measures

10.122. One of the operational stage mitigation measures refers to providing an alarm to the foul water treatment system. It appears this may relate to the previous permission on site as there is no foul system proposed under this application and it therefore is not relevant to the current application. I note the terminology used in relation to the proposed mitigation measures is generally, though not always, 'shall' and 'will' etc. rather than 'should' and 'it is recommended' etc. A condition should be attached, should permission be granted, that all proposed mitigation measures are to be read as 'shall' and 'will' etc. unless otherwise agreed with the planning authority.

Cumulative impact

10.123. In section 10.4.8 of the EIAR, when considering the potential for cumulative impact, a sand and gravel pit in Co. Meath, approx. 4.5km to the north west of the site, is referenced (AA191263). However, this application, which is also identified in table 5-16 (Potential Development in the Area), was refused permission on appeal to the Board under ABP-308009-20 so it is not relevant to a cumulative assessment. Notwithstanding, as subsequently clarified in section 10.5.5, both that application and a soil recovery facility also mentioned in section 10.4.8 are located in different hydrological sub-catchments so there is no potential for cumulative adverse impact.

Submissions

10.124. I note the submissions from Fingal Co. Co. and the relevant prescribed bodies / consultees in so far as they relate to surface water/hydrology are supportive of the proposed development. These can be summarised as follows:

- The Council's Planning Report, after a brief summation of the surface water management provisions, states 'There are no objections to the proposed development in respect of surface water management'. One surface water condition is recommended.
- The Department/NPWS submission states, further to the mitigation measures in the EIAR and NIS to protect the stream, that these 'should prevent pollution arising from the proposed development and adversely affecting downstream biota and habitats …'
- The HSE EHS has considered chapter 10 and 'is satisfied that there is adequate protection of … surface water for the proposal' providing EIAR mitigation is implemented and that a condition is attached to a grant that the consented activities are not commenced prior to review of the EPA licence.
- IFI has made a number of observations relating to surface water and the water environment but has not recommended a refusal or otherwise indicated that permission should not be granted.

Conclusion

10.125. Overall I consider that there would not be any significant risk of surface water/hydrological contamination as a result of the proposed development. In this regard I note the historic and permitted uses of the site, recent water quality results, and the submissions received from Fingal Co. Co., NPWS, HSE, and IFI. I am satisfied

that the potential for impacts on surface water/hydrology can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts on surface water/hydrology.

Chapter 11 – Air Quality and Climate

Air Quality

10.126. Assessment Methodology – The site is located in the EPA's air quality zone D (rural Ireland) for baseline air quality data. Ambient air quality monitoring was also carried out at four locations within the landownership, as per figure 11-1. The EPA waste licence requires bi-annual monitoring and data from Q2 2015 to date is also employed in the assessment. Dust has the potential to cause nuisance to sensitive receptors and ecosystems. It can occur through importation, excavations, and backfilling, can depend on the nature of the dust e.g. soils or gravels, and depend on meteorological factors such as wind and rain. IBA has potential for generation of dusts with a greater air quality risk. A prediction of traffic derived pollution was carried out. In addition, 'This application seeks to continue the infilling of non-bio-degradable waste materials and hence, the odour risk at the site will remain very low'.

10.127. The assessment criteria for dust (350mg/m^2/day as an average as per a condition of W0129-02), metals (ambient air quality target values for certain metal compounds defined in legislation), odour (like dust there is no legislative limit and standard industry guidelines are typically applied), and combustion gases/particulates (such as from road traffic; various relevant detail is tabulated in tables 11-2 – 11.6), are outlined. Though there are two other projects in the wider area that have potential for cumulative impacts, given the distance there is negligible potential for cumulative dust impact and associated traffic will utilise a different haul route [inspector's note – as per paragraph 10.123 of this inspector's report one of the projects identified, the sand and gravel pit, was refused permission on appeal to the Board].

10.128. Existing Environment – The nearest sensitive receptors are houses. There is a primary school on the haul route approx. 3km to the east. There are a small number of commercial operations in the vicinity. The main existing sources of pollution in the vicinity are from traffic, dust dispersion, and odour (but unlikely from the subject site). Two other EPA licenced waste operations in the area are noted. Baseline national air

quality for the wider zone D area is detailed relating to nitrogen dioxide, particulate matter, sulphur dioxide, volatile organic compounds (VOCs) and metals. All are below relevant limits/guidelines. General dust records undertaken on site from 2016-2021 (deposition limit of 350mg/m^2/day) are outlined in table 11-13. Of 48 measurements the limit was exceeded on one occasion (877.4mg/m^2/day) in 2017). The six-year period average level equates to 79mg/m^2/day indicating dust is not causing any adverse impact.

10.129. Impact Assessment – Both construction and operation phase dust is assessed cumulatively. One of the principal factors affecting dust relates to moisture content. Moisture increases the mass of a particle meaning they are less prone to dispersion and therefore the principle means of suppression is through maintaining a high moisture level on dust particles. The site is considered a 'major' site and therefore properties within 100 metres have the potential for adverse effects. However, existing dust management will remain in place for the infilling operation. Dust impact is predicted to continue as negligible.

10.130. Metal dusts i.e. IBA, can also be controlled at source by good working practices. The procedure for infilling IBA is outlined e.g. covered trailers for importation, temporary storage for maturation in stockpiles within the storage enclosure where they may be artificially wetted, collection of drain water to be tankered off-site or reused to humidify the stockpiles, turning of stockpiles which typically reside for 6-10 weeks, and infilling into an active non-hazardous cell where active faces will be maintained to the smallest areas and subject to daily cover. There would be a negligible risk to sensitive receptors.

10.131. No odour impact has been recorded during the operation of the current waste licence. The application only proposes acceptance of non-biodegradable wastes. There will be a negligible odour impact.

10.132. Traffic will increase from baseline as a result of infilling, tankering of leachate, and export of aggregates. The nearest residential property (R1) along the L1080 is used as the location to assess local impact to air quality as a result of traffic. '(A)ll levels of pollutants are predicted to remain within the limits for the protection of human health … the predicted increases associated with the proposed development relative to the baseline scenario is classed as 'imperceptible''.

10.133. Mitigation Measures – Measures relating to dust and metals, odour, and road traffic are considered separately. Standard dust and metals mitigation is outlined e.g. bi-annual monitoring, active tipping areas to be restricted, road sweeper, wheel wash, and watering of site roads. The applicant notes in-built mitigation in that the site itself acts as a natural barrier as the dust is contained within the void. No odour mitigation is required. Mitigation of road traffic is mainly by legislation driven improvements to technology reducing emissions. Traffic on site will be controlled, including the use of a wheel wash. '(T)here will be a contribution towards potential deterioration of surrounding pavement conditions'.

10.134. Residual Impacts – There are no residual impacts predicted.

10.135. Assessment and Conclusion – I have considered the air quality section of this chapter of the EIAR, the observations on file, and all supplementary information. The issue of air quality is interlinked with the broader issue of human health as per chapter 7 of the EIAR.

10.136. Air quality as a result of the proposed development is a concern expressed in some of the observations received and I acknowledge these concerns. Issues of concern include general air pollution and IBA and toxic dust.

10.137. The EPA submission received on this planning application states, inter alia, that in considering any licence review application that may be received, the licence application will be subject of EIA and appropriate consultation. Should a licence review application be received 'all matters to do with emissions to the environment from the activities proposed, the licence review application documentation and EIAR will be considered and assessed by the Agency. Where the Agency is of the opinion that the activities, as proposed, cannot be carried on, or cannot be effectively regulated under a licence then the Agency cannot grant a licence for such an activity'.

10.138. Notwithstanding, in terms of general planning considerations relating to dust and air quality, I consider that the proposed development is acceptable. Quarrying at this location and infilling of the quarry void has long been carried out and the landfilling operations would not introduce a new use to the site or area. The environmental measures being carried out such as dust suppression, road sweeper, wheel wash etc. would apply equally to additional works. One of the issues raised in observations is the extent of additional traffic generation in addition to importation of landfill material and tankering of leachate. In this regard I note the content of table 11-16 of the EIAR

which illustrates local impact to air quality as a result of road traffic at residential property R1. The very limited incremental increases that this table outlines shows that any further traffic movements above those captured within the table would still not breach World Health Organisation guidelines, let alone come anywhere near statutory limits. While an increase in traffic may increase traffic and noise nuisance in the vicinity, it would not result in a health risk.

10.139. I note the applicant points to the below ground character of the site acting as a natural barrier containing dust within the void. However, as infilling progresses and ground levels increase the void will become less capable of containing dust. Notwithstanding, in the short-term at least this is natural, in-built mitigation and other mitigation measures would apply once this becomes less effective.

10.140. The applicant has used residential property R1 as the location to assess local impact to air quality, however its location has not been illustrated. There are two houses within the blue line boundary i.e. the overall landholding. One house is west of the permitted but not yet built vehicular entrance and therefore would not experience the majority of traffic going to the site because it would no longer be on the dominant haul route from the east. It is assumed that R1 is the house to the east of the permitted vehicular entrance which would remain most affected by traffic to the site.

10.141. I note that the HSE submission received specifically refers to emissions to air, dust, and odour but does not express any particular concern about these issues.

10.142. Having regard to the foregoing, I am satisfied that the potential for impacts on air quality can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, noting that this will be controlled by an EPA licence. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts on air quality.

Climate

10.143. Assessment Criteria – It is difficult to assess the scale and significance of any adverse changes in carbon dioxide (CO_2) emissions resulting from the proposed development in a similar way to other impacts within the EIAR. The waste sector currently contributes 1.5% of national greenhouse gas (GHG) emissions but this is projected to decrease in future.

10.144. Existing Climate – The climate in relation to temperature, wind, rainfall, weather events, and carbon footprint is outlined. The 30-year averages (1981-2010) for Dublin Airport, the closest meteorological station, are outlined for the first four factors. In terms of carbon footprint, the applicant publishes an AER for the EPA to report and track progress on the site's resource uses and energy efficiency. The 2015-2020 footprint is set out in figure 11-23. The continued use of the site will result in annual emissions in the order of 300-400 tonnes of CO_2 per annum but there is no correlation with waste throughput i.e. emissions from the site are decoupled from the waste throughput. This does not include material transport which is estimated at 2,801 tonnes of CO_2 annually.

10.145. Impact Assessment – The existing operation is not considered to have a significant impact. During the construction phase (leachate and attenuation pond) GHG can be generated through embodied carbon in materials and construction activity. However, a proportion of construction materials will be site won and reuse eliminates the embodied carbon of virgin aggregates. The operation phase will be similar to the existing scale.

10.146. Mitigation Measures – Measures to minimise CO_2 emissions include turning off plant and engines and use of sensors and low energy lighting.

10.147. Residual Impacts – Ongoing energy/electricity use and road transport will result in slight adverse impacts similar to existing which is not considered to be significant.

10.148. Assessment and Conclusion – I have considered the climate section of this chapter, the observations on file, and all supplementary information. The application proposes a continuation of a previously permitted development in terms of landfilling and it is supported by the relevant planning framework. Overall, I am satisfied that the potential for impact on climate can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts on climate.

Chapter 12 – Noise and Vibration

10.149. Assessment Criteria – Construction and operational noise are addressed as a single phase because they will be similar in nature i.e. the principal sources will be mobile plant, material handling, and road traffic. Typical EPA noise limits will apply during

both construction and operation. W0129-02 sets noise limits of 55dB(A) L_{Aeq} (30 minutes) for daytime and 45dB(A) L_{Aeq} (30 minutes) for nighttime at the nearest noise sensitive location, notwithstanding that no operations will be undertaken at night. There are no vibration limits in W0129-02 as no major sources of vibration exists. None are proposed.

10.150. Baseline Conditions – Noise surveys have been undertaken annually as required by W0129-02. Results from 2015 to 2020 are outlined in tables 12-3 and 12-4 to provide a baseline. There are survey results for five locations which are illustrated on figure 12-2 and these are along the L1080 to the south of the site as well as to the north and west.

10.151. The main sources of noise are road traffic, occasional aircraft noise, and rustling foliage. 'The 2020 report indicated that site operations at the IMS facility were not subjectively audible at any of the monitoring locations'.

10.152. Impact Assessment – Construction phase (attenuation pond and leachate handling areas) noise will be negligible relative to the baseline due to the use of site won material, the anticipated low volume of construction traffic, and the proposed structures being a minimum 350 metres to the nearest sensitive receptor. Operational phase noise has two main sources; on-site operations and mobile plant, and traffic noise.

10.153. The results of the indicative calculations for the on-site sources 'show that the resultant L_{Aeq} (1 hour) noise values … would all be below the daytime limit of 55dBA set in the IE licence … Cumulatively, all sources operating simultaneously would generate 55 dB L_{Aeq} and therefore not above the day time ambient limit of 55 dB L_{Aeq} listed in the existing Waste Licence …' at the nearest sensitive receptor.

10.154. Existing noise along the L1080 east of the permitted new access at noise monitoring locations N7 and N8 illustrate levels of approximately 60-65dB(A) during the daytime. At full capacity there will be approximately 240 vehicular movements on the local road network. 'It is anticipated that relative to the existing baseline, as there is no additional road traffic noise attributable to the development, there will be no significant increase in the baseline noise environment for the properties located along the LP-1080 with other receptors further from the road network experiencing a lower impact'.

10.155. Mitigation Measures – Measures include attempting to double-up on HGV trips in the initial phase, HGVs only during operational hours, switching off engines, compliance with relevant standards etc.

10.156. Residual Impact – Once the site reverts to alternative use there will be a net positive permanent residual impact in relation to noise.

10.157. Assessment and Conclusion – I have considered this chapter of the EIAR, the submissions and observations on file, and all supplementary information. The site has been operated as a quarry and a landfill for a substantial period of time so there is some degree of habituation to this activity in the vicinity.

10.158. Noise specifically from the on-site operations itself is not a matter raised to any great extent in the observations received. I consider, having regard to the detail submitted, that this element of the proposed development would not have any undue adverse impact on the residential amenity of properties in the area. I note the HSE report specifically references chapter 12 of the EIAR and expresses no concern from on-site operations.

10.159. The issue of noise relating to traffic is a concern. The applicant states in section 12.4.3.2 (Traffic Noise) that noise monitoring at locations N7 and N8 'illustrate levels at circa 60-65dB(A) during the daytime'. However, table 12-3 cites daytime $L_{Aeq, 30mins}$ values of 69-89 for N7 and N8, notwithstanding that a value of 80 was recorded for location N5 which is to the west of the L1090 and is a location that would not be on the main haul route to the site. Although there are many contributors to noise in rural areas, these values seem to be very high.

10.160. Some of the assessment elsewhere in section 12.4.3.2 is confusing. Table 12-7 outlines predicted changes in road traffic noise on the L1080. It shows that there will be no change in any year between the existing annual average daily traffic (AADT) (presumably the 'do-nothing' scenario) and proposed operational peak AADT i.e. noise levels will be identical in either scenario. However, the commentary states that there 'will be no significant increase' to properties along the L1080, with other receptors 'experiencing a lower impact'. If the predicted change in noise level is non-existent then no property should experience any change.

10.161. Having regard to the foregoing, I am satisfied that the potential for noise impacts as a result of on-site operations can be avoided, managed and/or mitigated by measures that form part of the proposed scheme and once the ground levels are restored and

on-site operations cease a notable reduction in noise levels is likely to result. I am satisfied that the on-site development would not have any unacceptable direct, indirect, or cumulative noise impacts. Noise as a result of traffic associated with the proposed development should be considered as part of the traffic and transportation chapter (chapter 13) and should be read in conjunction with same.

Chapter 13 – Traffic and Transportation

10.162. Assessment Criteria – Traffic surveys were undertaken in January 2020 and May 2022 along the L1080. Peak period traffic counts (three morning and three evening hours) were also undertaken at the junction of the L1080/L1090 and the junctions off the regional road R132 to the east.

10.163. Baseline Conditions – The L1090 (along the western boundary) and L1080 (along the southern boundary) are described. The current site access is from the L1090 but F19A/0077 permits a new site access from the L1080 for all site related traffic with the existing access point becoming an emergency access. Two pronounced bends approx. 2.4km east of the permitted entrance on the L1080 do not cause obstructions. The R132 connects the L1080 to the M1.

10.164. The location of the data counter on the L1080 is set out in figure 13-5 and it was in place between Monday 27th January and Sunday 2nd February 2020. Survey data is set out in table 13-1. The average daily movements over the week were 912 vehicles; 694 (76%) light vehicles and 218 (24%) heavy vehicles. 24% is 'significantly higher than the national average … given the number of vehicles operating at the existing Hollywood operation, local farming and other operations in the area that require heavy vehicle movements'. TII data from the M1 between junctions 4 and 5 show HGV percentages between 2018 and 2022 ranging between 6.6% and 8.5%. To validate local traffic volumes a one day traffic survey was carried out on Tuesday 31st May 2022. The data has been corrected for the weekday factor in line with TII procedures and therefore represents a typical average daily traffic volume over a typical week to allow for a comparison with the 2020 data, rather than citing the specific movements that actually occurred. This is presented in table 13-3. HGV volumes are largely unchanged but light vehicles have significantly increased.

10.165. Tables 13-1 and 13-3 show weekly average daily traffic (WADT). The data was expanded in accordance with TII procedures to derive the AADT for the L1080 and

these results are shown in table 13-4. The 2020 AADT figure is 1,003 and the 2022 figure is 1,150. The 2022 baseline is used in the analysis of impact.

10.166. The site is licenced to accept 500,000tpa of infilling waste. At full capacity this equates to approx. 120 HGV deliveries (240 movements) per day. Weighbridge records record the number of trucks. The site was operating at full capacity during the 2020 survey. In relation to the number of HGVs noted in the 2020 survey (Monday to Friday HGV average of 150 per day in both directions) 'It is estimated that circa 80% of these HGVs (120) are those transporting material to and from the site while the remaining 20% (30) is other background HGV traffic in the area unrelated to the existing operation'. Site records show 79 HGV deliveries to the site on 31st May 2022 which accounts for the majority of HGVs on the road during the survey. However, at full capacity the site would generate an additional 41 HGV trips (120-79 = 41) therefore 82 HGV trips (both way movements) are added to the 1,150 2022 AADT giving a revised AADT of 1,232.

10.167. Impact Assessment – Medium TII growth factors have been applied to the expanded AADT data for the L1080. Forecast AADT is 1,232 (base year), 1,257 (opening year; 2023), 1,389 (+5 years; 2028), and 1,536 (+15 years; 2038).

10.168. Future traffic projections for the site are considered in section 13.5.3. These are:

- *Imported construction material* – The amount of construction traffic is expected to be less than 1% of existing AADT given the extent of site won material to be used. Importation will be limited to specialist materials.
- *Imported waste material* – The proposed development retains the 500,000tpa of waste material. The baseline has been corrected to account for full capacity operations in 2022. The haul route is the R132 – L1080. Additional impact over the baseline will be negligible.
- *Leachate tankering* – A maximum of 102m^3 of leachate will be generated per day as a worst case. It will be stored prior to transport off-site. With a 23m^3 truck this would be 4-5 trips per day (10 movements). This would be <1% of current traffic movements and would have a negligible impact.
- *Material export* – Potentially there will be a requirement to export processed aggregate from the site that is not required for cell construction or capping. A predicted maximum volume of 568,898 tonnes (299,420m^3) may be exported i.e. the equivalent of 22,756 tonnes each year on average. In addition, IMS has

consent from the EPA to use recovered aggregates from waste concrete as Article 28 end of waste for use as engineering fill at off-site locations. In 2020 54,531 tonnes of concrete (plus brick and gypsum) was processed. 'IMS are not limited on the volume of concrete that may be recovered but an estimated 50,000 tonnes per annum has been applied for the purposes of this assessment'. It is also stated that 'for operational and environmental efficiencies, where possible the above material [recovered aggregates from waste concrete] will be exported in the same haulage vehicles to those employed for material import resulting in no net increase in vehicle numbers. Once the waste material has been deposited at the site empty vehicles will be used to transport aggregates or by-products as required from the site'.

10.169. Predicted Impact – There will be no additional traffic impact on the L1080 as the site will remain working in line with consented levels of waste importation. An interpretation of a TII publication implies a theoretical AADT capacity on the L1080 of 5,000. The EIAR does not outline any concern with the characteristics of the L1080 or the L1080/R132 junction.

10.170. Mitigation Measures – There is no construction phase mitigation as impacts are negligible. A traffic management plan will be prepared for the operational stage.

10.171. Residual Impact – None predicted.

10.172. Assessment and Conclusion – I have considered this chapter of the EIAR, the submissions and observations on file, and all supplementary information. The broad issue of traffic and transport is one of the most common issues raised in the observations received. Road-related concerns include Hedgestown national school, the absence of a footpath/cyclepath, the size and speed of the trucks, the quality of the L1080, the damage to the road surface and its condition as a result of the existing development, transportation of IBA, and the general amount of HGV traffic, both existing and as a result of the proposed development.

10.173. I note initially that planning permission has been granted for a new vehicular access point along the L1080 and that a waste intake of 500,000tpa has been established on site under previous permissions. The L1080 is in reasonable condition in terms of its width and standard and the nature of the original development i.e. a quarry and subsequent infilling of that quarry void, is such that it is not a footloose development. By its nature it must be located at this location.

10.174. One of the issues brought up in a number of observations relates to Hedgestown national school. The school is to be relocated from the opposite side of the R132. The new school building and grounds were under construction at the time of my site inspection immediately adjacent to the roundabout further to the east of the quarry site which facilitates access to the R132. The proximity of the vehicular entrance to the roundabout has caused concern in relation to existing and additional truck movements, the potential for traffic hazard, and the safety of vulnerable road users in the absence of footpaths or cycle paths. (I note that a footpath does exist in the vicinity of the new school site). The issue of the adequacy or otherwise of the vehicular entrance, facilities for vulnerable road users at this location, or the creation of a traffic hazard as a result of the school's entrance is not a matter for this planning application. The decision to grant permission at that location was made by Fingal County Council who considered it acceptable.

10.175. The condition of the road, its width and alignment etc. is the responsibility of the local authority. While conditions can be included in grants of planning permission relating to the cleaning of roads, provision of a bond etc. it is the responsibility of the planning authority to ensure compliance with these conditions. With specific reference to this site I acknowledge that planning permission has been granted for certain works that require a significant amount of HGV movement and even if permission was refused for the current application that permission would remain valid.

10.176. The applicant suggests, in section 13.6.2 of the EIAR, that the L1080 has a theoretical capacity of 5,000 AADT because it has a road width of between 6.2 metres and 6.4 metres; slightly wider than the 2 x 3 metres single carriageways required for a type 3 single carriageway road as cited in the TII publication 'Rural Road Link Design' DN-GEO-03031 (April 2017). However, a type 3 single carriageway requires certain geometric standards which the L1080 (notwithstanding that it is not a national road) does not have and therefore an AADT of 5,000 on this road is not a reasonable capacity, notwithstanding the impact traffic numbers on this level would have on the general amenity of the area.

10.177. In relation to the amenity of the area I note the content of table 12-3 of the EIAR which sets out the daytime $L_{Aeq,\ 30\ mins}$ results for five locations, N4 to N8, between 2015 and 2020. Two of these locations (N7 and N8) are to the east of the permitted vehicular entrance and therefore would remain on the relevant haul route. The values recorded were as high as 89dB(A) at N8 in 2020. Though there are other likely sources of noise,

vehicular traffic would seem likely to be the most dominant contributor. It could be expected that noise levels would reduce at N6 once the new entrance is in place as, although also on the L1080, it would be away from the HGV traffic associated with the site. However, I note the location of N5 which is approx. 450 metres west of the junction of the L1080 and L1090 and which recorded a value of 80dB(A) in 2020 even though it is away from the L1080/R132 haul route. These results imply that this is a very noisy environment, despite its rural setting.

10.178. In assessing the future growth in traffic volumes (section 13.5.1 of the EIAR) the applicant uses the Project Appraisal Guidelines for National Roads Unit 5.3, Travel Demand Projections, May 2019. Although this document was superseded in October 2021 the figures cited in table 13-5 remain as per the 2019 document.

10.179. I consider that the traffic survey carried out the week of 27th January 2020 is robust and provides a solid baseline for the WADT and AADT figures. It is the number of heavy vehicles that is of particular interest in this planning application given the nature of site operations. Having regard to the results, excluding the weekend, I note that the highest number of HGVs recorded was 354, in both directions, on Thursday January 30th. The lowest number of HGVs recorded was 260, in both directions, on Monday January 27th. The applicant has not provided an explanation as to why a similar week-long survey was not carried out in 2022 but instead only a one-day survey was undertaken which is clearly less robust. However, I am satisfied that the TII's Project Appraisal Guidelines for National Roads Unit 16.1 (Expansion Factors for Short Period Traffic Counts), notwithstanding its application for national roads, can extrapolate an estimated WADT/AADT from a twenty four hour survey. I note that the results of the traffic counts at the junction of the L1080/L1090 and the junctions off the R132 which are described in section 13.3 of the EIAR have not been provided. In addition, it is stated that the volume, types, and speeds of vehicles were recorded in the week long survey but the speeds of the vehicles are not provided.

10.180. The applicant states, in section 13.4.4 of the EIAR, 'The existing operation at the site is licenced to accept up to 500,000 tonnes per annum of waste for infilling the former quarry. When operating at full capacity this equates to circa 120 HGV deliveries per day (240 HGV movements) on the LP-1080'. Condition 18 of F19A/0077 effectively permitted operations on site six days a week (excluding Sundays and bank holidays). Given that the lowest weekday HGV numbers recorded on the L1080 during the 2020 survey was 260 (on Monday 27th) and the highest number recorded was 354 (on

Thursday 30th) this would imply that the 240 average provided by the applicant is spread over a seven-day period, there are additional HGVs visiting the site rather than just solely for infilling purposes, or this is a high intensity HGV road environment (and in this regard I note from my site inspection the extent of agricultural machinery that was on the L1080 as well as other HGV activity not associated with the quarry site such as a chilled food products truck).

10.181. One observation has raised a concern about the transportation of IBA. It is stated that IBA is classified as hazardous under the ADR Regulations (Agreement Concerning the International Carriage of Dangerous Goods by Road). I note that section 11.1.5.3 of the EIAR states, inter alia, that transport of IBA from source will be undertaken in covered HGVs. In my view, it is not necessary for the planning code to involve itself in minutiae of such particular transportation specifics and these are better regulated by other statutes. As noted in the Development Management Guidelines 2007, 'the existence of a planning condition, or its omission, will not free a developer from his or her responsibilities under other codes …'

10.182. In my opinion, the main concern with the development in terms of traffic and transportation is the difficulty in robustly estimating future HGV movements associated with the proposed development and, in particular, the import of material that will not be landfilled but processed and then exported from the site. The EIAR refers to 240 daily HGV truck movements, but that solely relates to importation of material for landfilling i.e. the 500,000tpa. The EIAR states in section 5.6 that 'The primary focus of the site will move from disposal to recovery with any suitable materials undergoing processing to extract any recoverable materials (e.g. aggregates and sand) prior to disposal'. It is this aspect of the proposed development in particular that could result in an open-ended increase in HGV movements on site. 54,531 tonnes of concrete was processed in 2020 according to section 13.5.3.4 of the EIAR (61,494 tonnes in 2021 and 34,444 tonnes in 2022 according to the respective AERs) yet the applicant has used a lower volume of 50,000tpa 'for the purposes of this assessment' even though 'IMS are not limited on the volume of concrete that may be recovered …'

10.183. The calculation of the predicted impact on the L1080, as per section 13.6.1 of the EIAR, is not, in my opinion, realistic. It concludes, following consideration of the different streams of future traffic projections in section 13.5.3, 'that there will be 0% additional traffic impact on the LP-1080 over existing traffic levels …' Apart from the absence of quantified construction material importation and the inclusion of ongoing

leachate transportation volumes, there is the issue of adequately quantifying the number of HGVs importing material that would be processed as article 28 end of waste material and exported out of the site, in addition to the up to 500,000tpa landfill material. The EPA has not limited the volume of concrete that may be recovered. That the applicant aims to export processed material, plus the 299,420m^3/568,898 tonnes of surplus material already on site, in the same vehicles as those used for import, 'where possible', is noted, and it is acknowledged that for economic reasons it is preferable to have loaded trucks travelling rather than empty trucks, but I do not consider that the practicalities of this have been illustrated in any sufficient detail other than a vague objective, particularly when HGV operators are not directly employed by IMS.

10.184. Therefore, in so far as it relates to future traffic projections, I am not satisfied that the figures provided are sufficiently robust and consider that a 0% additional traffic impact on the L1080 as a result of the proposed development is not likely to be an accurate reflection of the impact. The application proposes an 80% recovery and 20% disposal operation split which implies that possibly 2 million tonnes could be imported for processing with an additional 500,000 tonnes being landfilled. While I consider the local primary road to be in reasonably good condition, notwithstanding the planning authority's position that it has not been designed and constructed to take such high volumes of HGVs, in the absence of a more robust projection of HGV movements, I consider it difficult to ascertain the impact the proposed development may have on the local road network where it is proposed to, inter alia, expand waste treatment activities by enhancing aggregate recovery processing and manufacturing secondary materials.

10.185. I note that Fingal County Council's submission does not object to the proposed development and recommends the inclusion of conditions such as the implementation of a Stage 3 Road Safety Audit, payment of a special contribution of €10,000 for signing and lining in the vicinity of the proposed entrance, submission of a Construction Management Traffic Plan, and, following the carrying out by the applicant of a full road condition survey, lodgement of a cash bond to cover the cost of repairs and/or upgrades to the L1080 over the duration of the permission. However, the planning authority's Transportation Planning Section report would appear to have misunderstood the exportation of material from the site. The report refers to the export of 299,420m^3 / 568,898 tonnes as the predicted maximum volume to be exported over the lifetime of the development, approx. 25 truck movements daily out of the site.

However, this is the volume of surplus material that is already on site (as per section 5.6.6 of the EIAR) and it is not relevant to, and does not take into account, any processing or exporting of imported material.

10.186. In conclusion, I consider that the application is deficient in terms of robust projections of future traffic movements on the L1080.

Chapter 14 – Material Assets

10.187. Introduction – The chapter examines the material assets of human and natural origin which could be impacted. A number of other chapters are relevant to material assets and this chapter only addresses items and issues not covered elsewhere.

10.188. Methodology – The assessment focused on a 3km radius study area but notable material assets outside this e.g. nearest clustered settlements, are also considered.

10.189. Baseline Conditions – These are set out under the separate headings as follows:

- *Land use and property* – The surrounding area is a mix of commercial properties, agricultural and undeveloped lands, and one-off houses. There are approx. 346 residential and 72 commercial properties in a 3km radius. Some of these commercial properties are described. Much of the land surrounding the site is used for various agricultural practices.
- *Utilities* – ESB lines in the area are illustrated on figure 14-1. There is no gas connection available. There are telecoms lines in the area and there are several telecommunications masts immediately west of the site boundary. The site is connected to the public water mains. In 2020 a total of $45m^3$ was used on site. There is a local authority service reservoir immediately west of the site along the L1090 (on the same side of the road as the subject site). Rainwater is collected and used on site for controlling dust and mud. Foul water is serviced by a septic tank which is emptied and collected regularly.
- *Roads and traffic* – The road network is briefly described.
- *Air Traffic* – Dublin Airport is 14km to the south and there is a flight path approx. 1km to the west of the site.
- *Waste management* – Waste generated on site (mixed municipal waste) is collected by a permitted waste collector.

10.190. Impact Assessment – There are limited construction phase works and the impact for material assets is negligible. Operational phase impact to land use and property is set out in table 14-4. Impacts of traffic, air quality and odour, and noise are outlined, which are addressed in the relevant EIAR chapters. No significant impact is expected on property or landholdings. Operational activities will not result in a significant impact on the electricity network, on the broadband, mobile, and telecoms network, on the local water infrastructure and supply (as intensification of water use on site is not expected), and there will be no significant change to traffic volumes. The absence of mixed municipal waste will mean there is no potential for avian strike to aircraft.

10.191. Mitigation Measures – No mitigation is considered to be necessary during construction. Mitigation relevant to dust, traffic, and noise management are outlined in the relevant chapters.

10.192. Residual Impact – There will be a significant positive impact by providing a site of substantial volume to accept wastes generated primarily by the construction sector.

10.193. Assessment and Conclusion – I have considered this chapter of the EIAR, the submissions and observations on file, and all supplementary information. I note that 'material assets' is interlinked with other environmental factors in the EIAR which are assessed in more detail elsewhere in this inspector's report.

10.194. I am satisfied that the potential for impacts on material assets can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts on material assets.

Chapter 15 – Cultural Heritage

10.195. Methodology – In addition to a desk study, a site visit was undertaken on 15th November 2018.

10.196. Baseline Conditions – An archaeological background to the wider area is provided. There are no recorded archaeological monuments within the site. The nearest are a mound (DU0040-21) and a medieval church and graveyard (DU004-023001 and 003002) approximately 70 metres west and south west of the site respectively, on the opposite sides of the L1080 and L1090. Both of these are also protected structures, RPS 1062 (possible barrow) and 1061 (church and graveyard). A further 32 sites are

recorded within an approximate 1.5km radius of the site. All 34 sites are set out in table 15-1. A cartographic analysis of the site is also outlined. Placenames and townland boundaries are investigated and it is stated that there have been no previous archaeological investigations within the development site. Aerial photographs illustrating the development of the quarry between 1995 and 2021 are included as figures 15-8 to 15-10. Apart from RPSs 1061 and 1062 there are no other notable structures within an approximate 1.5km radius, either in the record of protected structures (RPS) or on the national inventory of architectural heritage (NIAH). No undesignated sites of cultural or industrial heritage interest were identified.

10.197. Impact Assessment – There will be no impact on the recorded monuments/protected structures. Both are well screened and will not be negatively affected by the works. There is negligible potential for impacts to archaeological features as the development is entirely situated within a former quarry.

10.198. Mitigation Measures – None required.

10.199. Residual Impact – None identified in relation to cultural heritage.

10.200. Assessment and Conclusion – I have considered this chapter of the EIAR and all supplementary information. Though the site inspection and much of the detail contained within the chapter is reproduced from the EIAR submitted with F19A/0077, I consider it remains relevant and valid insofar as it relates to the proposed development. I note that the protected structures retain the same reference numbers and descriptions in the 2023-2029 Fingal Development Plan which has been updated since the EIAR chapter was prepared.

10.201. I am satisfied that the potential for impacts on cultural heritage can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts on cultural heritage.

Chapter 16 – Landscape and Visual Amenity

10.202. Methodology – Landscape impact assessment (LIA) assesses how the proposed development would impact directly on any landscape features and resources. Visual impact assessment (VIA) is an assessment of how the introduction of the proposal will

affect views. On the basis of a desktop study and site inspection ten viewpoints were selected. Their locations are illustrated in figure 16-1.

10.203. Baseline Conditions – A general overview of the site is outlined. The site is elevated on low hills that are noticeable from across the surrounding lower lying and generally very gently undulating landscape. Agriculture is the dominant land use. Due to the elevated nature of the landscape immediately surrounding and proximity to low lying ground to the east there are long distance views available. The landscape character assessment, objectives, and landscape designations of the Fingal Development Plan 2017-2023 are summarised. The site is in an area designated as a high lying landscape character type. It is also located within Naul highly sensitive landscape. There are a number of protected views within the study area.

10.204. Impact Assessment – No significant impact is predicted at construction stage.

Operational Phase

10.205. Operational stage works, particularly when capping reaches original surface levels, will have potential to be visible to the wider surrounding landscape to the east though much activity will take place within the quarry void which has restricted views into it.

10.206. In terms of the high lying landscape character type the proposed development will not noticeably alter the local topography in views from the south and east until the final restoration stage. Operational stage activities will be locally prominent e.g. traffic and machinery, though they are already currently active. The landscape has potential at a local level to absorb any slight changes particularly to the west, east, and south. The predicted significance of landscape effect during the operational phase at a local scale will be minor to moderate adverse in the long term with the remaining high lying landscape character area predicted to experience a negligible impact.

10.207. In terms of the highly sensitive landscape designation the impact is considered in section 16.4.3.2 of the EIAR. The predicted significance of impact is the same as that set out for landscape character type. Of seven protected views in the study area, up to approx. 5km away, five views will have no change and two will have a minor to moderate visual effect.

10.208. Commentary is provided on the impact on the ten viewpoints referred to in paragraph 10.202 of this inspector's report. The significance of effects are none (viewpoints 4, 5, and 7), minor, long-term and not significant (viewpoints 1-3), minor to moderate and

not significant (viewpoints 8-10), and moderate to major and no significant long-term effects (viewpoint 6). Photomontages have been submitted as appendix K to illustrate some existing viewpoints and their future vistas.

Restoration Phase

10.209. Restoration phase impacts are set out in section 16.4.4 of the EIAR in terms of the landscape character type and the highly sensitive landscape designation. The predicted impact of landscape effect to both designations, at a local level, will be minor to moderate adverse and temporary, with the remaining portions predicted to experience a negligible impact. Similar to the operational stage activities, of seven protected views in the study area, five views will have no change and two will have a minor to moderate visual effect. A visual impact assessment is also made on the ten viewpoints illustrated on figure 16-1. The significance of effects of the restoration phase visual impact assessment are none (viewpoints 1, 2, 4, 5, and 7), minor and not significant temporary effect (viewpoint 10), minor and not significant (viewpoints 8 and 9), minor adverse and temporary (viewpoint 3), and minor to moderate and not significant temporary effect (viewpoint 6). Photomontages have been submitted as appendix K to illustrate some existing viewpoints and their future vistas.

10.210. Mitigation Measures – None are proposed at construction stage. During the operational phase some measures are proposed e.g. capping heights of temporary storage heaps to 2 metres and protecting/reinforcing existing boundary vegetation. Restoration phase mitigation for visual quality and landscape character includes planting of appropriate species, a maximum topographical height of 149m AOD, and removal of all site infrastructure and equipment.

10.211. Residual Impact – Within the wider landscape the site will blend with the existing agricultural landscape with a moderate to major beneficial permanent residual landscape character impact. Beneficial impact on existing views will occur.

10.212. Assessment and Conclusion – I have considered this chapter of the EIAR, the submissions and observations on file, and all supplementary information. The landscape and visual impact of the proposed development is an important consideration with this application, given the nature of the site location in a sensitive locally upland area. Though the quarry is an established use in the area it is largely hidden from the public view with only partial views available, generally from north of

the site and along the site entrance. Stockpiles of material are more visible from public areas than the main quarry void or informal internal vehicle routes are.

10.213. I note initially that the Fingal Development Plan 2017-2023 referenced in the EIAR chapter has been superseded by the Fingal Development Plan 2023-2029. In the current Plan, the site is zoned 'HA – High Amenity' with a zoning objective to 'Protect and enhance high amenity areas'. It is located in a 'high lying agricultural' landscape character area and remains located in a highly sensitive landscape as identified on Green Infrastructure 1, Sheet No. 14. The objective to 'preserve views' also applies to the same roads in the vicinity of the site, including along the western (L1090) and southern (L1080) boundaries of the site. Similar relevant policies and objectives to those set out in the EIAR chapter apply e.g. policy GINHP25 and objectives GINHO57, GINHO58, and GINHO59.

10.214. I am satisfied with the viewpoints selected in the EIAR chapter and the commentary related to them in terms of the operational and restoration phases of the proposed development. The scenic routes designated in the Plan are in place despite the existing presence of the quarry and landfilling operation. The proposed development would have negligible additional impact on the scenic routes during the construction and operational stages and, when the project is completed, would blend in with the rural character of the wider area.

10.215. I consider that the eventual infilling of the existing quarry site and the restoration of ground levels to blend in with the existing topography of the area would benefit the visual amenity of the area, would remove an unsightly current use (albeit with existing views of the quarry site largely restricted), would remove a significant amount of HGV traffic, would restore a more rural ambience to the immediate vicinity, and it would be consistent with the aims and objectives of the zoning objective and landscape designations. I also consider the proposed development would be consistent with certain objectives of the Plan such as:

- Objective GINHO58 (Sensitive Areas) – Resist development such as houses, forestry, masts, extractive operations, landfills, caravan parks, and campsites, and large agricultural/horticulture units which would interfere with the character of highly sensitive areas or with a view or prospect of special amenity value, which it is necessary to preserve.

- Objective GINHO59 (Development and Sensitive Areas) – Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area. New development in highly sensitive areas shall not be permitted if it:
    - Causes unacceptable visual harm.
    - Introduces incongruous landscape elements.
    - Causes the disturbance or loss of (i) landscape elements that contribute to local distinctiveness, (ii) historic elements that contribute significantly to landscape character and quality such as field or road patterns, (iii) vegetation which is a characteristic of that landscape type and (iv) the visual condition of landscape elements.

10.216. Overall, I am satisfied that the potential for impacts on landscape and visual amenity during the construction and operational stages can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. Once the site operations are finished and the site fully capped and restored to a rural use there would be a positive, beneficial impact on the landscape and visual amenity of the area.

Chapter 17 – Interactions

10.217. Chapter 17 identifies the inter-relationships of impacts identified in the EIAR. A matrix has been provided in table 17-1. Brief commentary on these is provided in section 17.3.

Reasoned Conclusion

10.218. I consider that the EIAR and supplementary information is sufficient to identify, describe, and assess the likely significant effects of the project on the environment. Having regard to the examination of environmental information contained above, as set out in the EIAR and supplementary information provided by the applicant, and the submissions from the prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development are, and will be mitigated as follows where relevant:

- Traffic and Transportation – The figures provided are not sufficiently robust and a 0% additional traffic impact on the L1080 as a result of the proposed development is not likely to be an accurate reflection of the actual impact. Notwithstanding the planning authority's recommendation, in the absence of a more robust projection of HGV movements, it is not possible to sufficiently understand the traffic and transportation impact on the environment.
- Soils, Geology, and Hydrogeology – Hydrogeological concerns were the primary refusal reason for the EPA licence W0129-03 after planning permission had been granted by the Board under PL06F.PA0018 for an integrated waste management facility. The applicant has carried out substantial investigative studies since the refusal and I consider that it has been demonstrated that there would be no undue adverse impact on the public water supply or the underlying aquifer. Notwithstanding, the applicant requires an EPA review licence in addition to a planning permission to carry out the proposed development.
- Landscape and Visual Amenity – The potential for impacts on landscape and visual amenity during the construction and operational stages are relatively limited. Once the site operations are finished and the site fully capped and restored to a rural use there would be a positive, beneficial impact on the landscape and visual amenity of the area.
- Noise and Vibration – Noise specifically from the on-site operations would not have any undue adverse impact on the residential amenity of properties in the area. Though recorded noise levels in the vicinity are very high, they are also high at locations that would not be on the main haul route to the site.
- Biodiversity – It is acknowledged that adverse effects on peregrine falcons cannot all be mitigated. Conflicting objectives of maintenance of the peregrine habitat and infilling the quarry void cannot both be achieved at this location. Notwithstanding, appropriate mitigation in relation to this species is proposed.

11.0 Appropriate Assessment (AA)

11.1. Appropriate Assessment (AA) Screening

Compliance with Article 6(3) of the Habitats Directive

11.1.1. The requirements of article 6(3), as related to screening the need for AA of a project under part XAB, section 177U of the Planning and Development Act, 2000 (as amended) are considered fully in this section.

Background on the Application

11.1.2. The applicant has not submitted a stand-alone AA screening report, instead the screening stage is included as chapter 5 in the Natura Impact Statement (NIS). The screening chapter outlines the legislative background and the European sites within a 15km zone of influence (ZoI), identifies pathways to European sites, outlines the construction and operational phase works that could give rise to impact on European sites, and sets out other relevant operations in the area to determine the potential for cumulative impacts.

11.1.3. The screening chapter concludes 'RPS considers that the proposed development should be 'screened in' to the requirement for AA … due to potentially significant pollution effects on the Rogerstown Estuary SAC and Rogerstown SPA [sic], during construction and operation of the proposed development; which could not be excluded on the basis of objective information, individually or in combination with other plans or projects'.

11.1.4. Having reviewed the documents and submissions I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development alone, or in combination with other plans and projects, on European sites.

Screening for AA – Test of Likely Significant Effects

11.1.5. The project is not directly connected with or necessary to the management of a European site and therefore it needs to be determined if the development is likely to have significant effects on a European site.

11.1.6. The proposed development is examined in relation to any possible interaction with European sites designated Special Areas of Conservation (SAC) and Special

Protection Areas (SPA) to assess whether it may give rise to significant effects on any European site(s).

Brief Description of the Development

11.1.7. The proposed development is described in section 3 of this inspector's report. It is also detailed in chapter 2 of the applicant's NIS.

11.1.8. The development site is described in chapter 4 of the NIS. The site is located within a predominantly agricultural landscape. The site itself is dominated by artificial habitats resulting from quarrying activity and consequently recolonising bare ground is found throughout the site. There is an area of infilled and capped restored land in the western area. None of the habitats are qualifying interests (QIs) of an SAC. Aquatic habitats are dominated by artificial lakes and ponds. The Ballough stream is along the northern boundary with a riparian woodland. A habitat map is attached as appendix A.2 of the NIS.

European Sites

11.1.9. The development site is not located in or immediately adjacent to a European site. The closest European site is North West Irish Sea candidate SPA (cSPA) (site code 004236) approx. 6.8km to the north east.

11.1.10. European sites within the ZoI of a proposed development must be evaluated on a case by case basis. Appendix C to the NIS tabulates eight European sites (three SACs and five SPAs) within a 15km radius of the site and these are illustrated in appendix A.1. It should be noted that the NIS does not reference North West Irish Sea cSPA despite its location within the 15km radius. However, the planning application was received by the Board on 21st October 2022 and the cSPA was only designated in July 2023. The locations of these nine European sites relative to the closest part of the proposed site boundary (as the crow flies) are:

- North West Irish Sea cSPA (site code 004236) – approx. 6.8km to the north east.
- Rogerstown Estuary SAC (site code 000208) – approx. 6.9km to the south east.
- Rogerstown Estuary SPA (site code 004015) – approx. 7.5km to the south east.
- Malahide Estuary SAC (site code 000205) – approx. 9.9km to the south east.
- River Nanny Estuary and Shore SPA (site code 004158) – approx. 10km to the north.

- Malahide Estuary SPA (site code 004025) – approx. 10.2km to the south east.
- Skerries Islands SPA (site code 004122) – approx. 10km to the east.
- Rockabill to Dalkey Island SAC (site code 003000) – approx. 11.8km to the east.
- Rockabill SPA (site code 004014) – approx. 12.4km to the east.

11.1.11. The applicant has considered whether there is a source-pathway-receptor link between the proposed development site and these European sites (apart from North West Irish Sea cSPA). This is set out in table C.1 (appendix C) of the NIS. It is considered that there is a hydrological pathway link between the development site and both Rogerstown Estuary SAC and Rogerstown Estuary SPA.

11.1.12. The other European sites are not considered to have any connection with the proposed development because there is no direct hydrological connectivity and the site does not have suitable wetland features to support special conservation interests (SCIs) of the SPAs.

11.1.13. In relation to North West Irish Sea cSPA, it has 21 SCIs. Six of these are also SCIs of other SPAs within the 15km radius. I have assessed the other 15 species in the context of Birdwatch Ireland information and I am satisfied that the subject quarry/site would generally not be suitable wintering, roosting, breeding, or foraging habitat for these species. The NIS states, on page 42, in relation to 'a series of habitat and protected species surveys of the proposed development site in 2022' that the 'Presence of bird species was recorded if incidental during walkover surveys, but a dedicated bird survey was not carried out in respect of the proposed development given there is no change to overall operational phase of the site'. Bird surveys were scoped out of the EIAR biodiversity chapter for the following reasons:

- Breeding bird surveys – 'A change in waste accepted on site, and subsequently buried underground, and an expansion of waste treatment activities onsite will not alter disturbance levels to breeding birds and are not going to result in any breeding habitat loss'.
- Peregrine surveys (a SPA SCI but not of any SPA in the vicinity) – 'The results of the peregrine falcon monitoring program have shown the previously nesting pair have left the site (no birds observed in 2022) and as such no peregrine specific surveys (other than the 2022 routine monitoring survey) were undertaken'.

- Wintering bird surveys – ‘Habitats found within the study area are not considered suitable to support any significant wintering bird populations due to their distance from any designated, coastal or wetland bird habitats, and the absence of potential winter roosting habitats (e.g. reed beds, moorland)’.

11.1.14. I agree with the applicant that the only European sites within the ZoI of the proposed development are Rogerstown Estuary SAC and Rogerstown Estuary SPA. Though there is a hydrological link to other European sites e.g. North West Irish Sea cSPA and Rockabill to Dalkey Island SAC, it is an indirect link, beyond Rogerstown Estuary, and as a result of both the distance and volume of seawater likely to have diluted any polluted discharge from the site I do not consider that it would be likely to have any significant impact on these, or any other, European sites. Notwithstanding, I note that water quality is not cited in the attributes, measures, or targets for the two QIs (reefs and harbour porpoise) of Rockabill to Dalkey Island SAC.

11.1.15. **Table 1: Summary Table of European Sites Within the Zone of Influence of the Proposed Development to be Brought Forward to Stage 2 AA**

European Site	**List of QIs / SCIs**	**Distance from Proposed Development**	**Connection (source – pathway – receptor link**
Rogerstown Estuary SAC (site code 000208)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows [1330] Mediterranean salt meadows [1410] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]	Approx 6.9km to the south east as the crow flies and approx. 10.1km hydrologically	Hydrological

	Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]		
Rogerstown Estuary SPA (site code 004015)	Greylag goose [A043] Light-bellied brent goose [A046] Shelduck [A048] Shoveler [A056] Oystercatcher [A130] Ringed plover [A137] Grey plover [A141] Knot [A143] Dunlin [A149] Black-tailed godwit [A156] Redshank [A162] Wetland and waterbirds [A999]	Approx 7.5km to the south east as the crow flies and approx. 11km hydrologically	Hydrological

Mitigation Measures

11.1.16. No measures designed or intended to avoid or reduce any harmful effects of the project on a European site have been relied upon in this screening exercise.

Screening Determination

Significant effects cannot be excluded, and Appropriate Assessment required

11.1.17. The proposed development was considered in light of the requirements of section 177U of the Planning & Development Act, 2000 (as amended). Having carried out screening for AA of the project, I conclude that the project individually (or in combination with other plans or projects) could have a significant effect on European sites Rogerstown Estuary SAC (site code 000208) and Rogerstown Estuary SPA (site code 004015) in view of the sites' conservation objectives, and AA (and submission of a NIS) is therefore required.

11.2. **Appropriate Assessment (AA)**

The requirements of article 6(3) as related to AA of a project under Part XAB, section 177V of the Planning & Development Act, 2000 (as amended) are considered fully in this section.

The Natura Impact Statement (NIS)

11.2.1. A Natura Impact Statement (NIS) prepared by RPS and dated 21st October 2022 is submitted as part of the application. The introduction of the NIS notes that it 'has been prepared to accompany … twin applications for the planning consent application to ABP and environmental licensing application to the EPA. The NIS assesses whether the proposed development at Hollywood, alone or in combination with other plans and projects, is likely to have adverse effects on the integrity of any European site(s) … in view of best scientific knowledge and the conservation objectives of the site(s). In terms of studies and surveys undertaken I note that the application is accompanied by an EIAR. Sections 3.4.1 and 3.4.2 of the NIS outline the desk and field studies that informed the NIS. Relevant ecological organisations were also consulted.

11.2.2. The submitted NIS is a lengthy document. It includes, inter alia, the legislative context, a detailed description of the proposed development, the methodology, AA screening as described in paragraphs 11.1.2 and 11.1.3 of this inspector's report, an AA of impacts on the two identified European sites within the ZoI, proposed mitigation measures, and a conclusion.

11.2.3. The NIS concludes that 'it is the opinion of RPS that in view of best scientific knowledge and applying the precautionary principle, and in light of the conservation objectives of relevant European sites, the proposed development, either individually or in combination with other plans or projects, will not have adverse effect on any European site'.

11.2.4. Having reviewed the documents and submissions etc., I am satisfied that the information allows for a complete assessment of any adverse effects of the development on the conservation objectives of the relevant European sites alone, or in combination with other plans and projects.

Submissions and Observations

11.2.5. AA and impact on European sites were not matters raised in any great detail in submissions and observations, with no significant issues generally outlined.

11.2.6. The submission of the Department of Housing, Local Government and Heritage (NPWS) is the most relevant and detailed submission in relation to AA. It is summarised in paragraphs 6.2.8 and 6.2.9 of this inspector's report. No concern was raised in relation to the two European sites brought forward to stage 2 AA subject to EIAR and NIS mitigation measures being implemented. The peregrine falcon was mentioned. Though an annex I species in the Birds Directive it is not an SCI of any European site within approx. 35km and that European site (Wicklow Mountains SPA) is on the opposite side of Dublin city. The Department recommends a Peregrine Falcon Management Plan is submitted to the local authority including provision for an artificial nest site. Given the use of the site by the species and its status as an annex I species, and notwithstanding the permitted use to remove the cliff-face by way of landfilling, I consider it reasonable to include this recommended condition. No other submissions relate specifically to AA.

11.2.7. The peregrine falcon was also referenced in some of the third party observations e.g. Hollywood & District Conservation Group and Louth Environmental Group. As with the Department's submission these relate more to the impact on the species itself, as opposed to an AA / European site SCI concern.

Appropriate Assessment of Implications of the Proposed Development

11.2.8. The following is a summary of the objective scientific assessment of the implications of the project on the QI and SCI features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

European Sites

11.2.9. Rogerstown Estuary SAC and Rogerstown Estuary SPA are the only two European sites subject to AA. Their conservation objectives are as follows:

- Rogerstown Estuary SAC – Conservation objectives are set out in the 'Conservation Objectives Series Rogerstown Estuary SAC 000208' published by the NPWS. They are to maintain the favourable conservation condition of estuaries, mudflats and sandflats … , Salicornia and other annuals … , and Mediterranean salt meadows, and to restore the favourable conservation condition of Atlantic salt meadows, shifting dunes … , and fixed coastal dunes …

- Rogerstown Estuary SPA – Conservation objectives are set out in the 'Conservation Objectives Series Rogerstown Estuary SPA 004015' published by the NPWS. They are to maintain the favourable conservation condition of all eleven SCI bird species and the wetland habitat.

11.2.10. Rogerstown Estuary SAC has seven QI habitats. Table 6-2 of the applicant's NIS considers that two of these QI habitats, shifting dunes and fixed coastal dunes, can be excluded from further consideration as no source-pathway-receptor link is identified due to the mapping of these habitats approx. 10km downstream of the proposed development. Having regard to this mapping (map 7 of the Conservation Objectives Series document), distances, and terrestrial nature of the habitat I agree that they can be excluded from further consideration.

11.2.11. The attributes, measures, and targets of each QI and SCI species and habitat are set out in the respective NPWS Conservation Objective Series document. They are not specifically reproduced in the NIS.

Aspects of the Proposed Development that could affect Conservation Objectives

11.2.12. According to the NIS (table 6-1) there is potential for impacts on the QIs and SCIs as a result of:

- Surface water run-off carrying suspended silt or contaminants into local watercourses during the construction period. During the operational phase surface water could be contaminated through run-off from the landfill body, the IBA maturation process, the new access road (though the new access road was granted under a previous planning application and therefore I do not consider it relevant to the current application), and operational works to the northern area of the site e.g. cell construction, infilling, capping, and restoration;
- Invasive species entering the site via machinery during the construction and operational phases; and,
- Changes of groundwater quality, yield, and/or flow paths associated with earthworks during construction. Similarly at the operational stage where any leachate discharge to ground has the potential to impact groundwater, or to the Ballough Stream which has known connectivity to the groundwater body.

11.2.13. Apart from the new access road, because it is not subject of this specific planning application though it can be considered in an in-combination context, I agree that these

are the issues that could affect the QIs and SCIs of the two Rogerstown Estuary European sites. I consider that these are indirect impacts and no direct impacts would occur. A degradation of water quality could affect the quality and/or amount of prey availability or feeding or breeding areas etc. for the SCI species even though I note that water quality is not specifically cited in the relevant attributes, measures, or targets. Therefore, the potential adverse effects outlined in the previous paragraph are common to both the SAC QIs and the SPA SCIs. The mitigation measures contained within the NIS are therefore also applicable to both European sites.

11.2.14. Tables 2 and 3, below, summarise the AA and site integrity tests for the two European sites. The tables are based on the NIS and NPWS data etc. The relevant conservation objectives for the European sites have been examined and assessed with regard to the identified potential significant effects and all aspects of the project both alone and in-combination with other plans and projects. Mitigation measures proposed to avoid and reduce impacts to a non-significant level have been assessed and clear, precise, and definitive conclusions reached in terms of adverse effects on the integrity of the European sites.

Tables 2 and 3: Summary of Appropriate Assessment of implications of the proposed development on the integrity of the European sites alone and in-combination with other plans and projects in view of the sites' conservation objectives

Table 2 – Rogerstown Estuary SAC (site code 000208)

Summary of key issues that could give rise to adverse effects:

- **Surface water run-off**
- **Invasive species**
- **Groundwater**

Conservation objectives: see http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000208.pdf

Summary of Appropriate Assessment

Qualifying interest (QI) feature	Conservation objectives	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Estuaries [1130]	To maintain the favourable conservation condition of estuaries	Surface water - Run-off carrying suspended silt or contaminants into local watercourses during the construction period. During the operational phase surface water could be contaminated through run-off from the landfill body, the IBA maturation process, and operational works to the northern area of the site;	Surface water – Measures include: • Buffer zone between the landfill body and Ballough Stream • Surface water drainage system to collect and attenuate prior to discharge • Construction phase measures include topsoil, excavations, concrete, dewatering, and hydrocarbons • Operational phase measures include	The NIS considers that no significant in-combination effects are predicted to affect Rogerstown Estuary SAC. I agree with this consideration of in-combination effects.	Yes. The NIS concludes that 'in view of best scientific knowledge and applying the precautionary principle, and in light of the conservation objectives … the proposed development, either individually or in combination with other plans or projects, will not have

			buffers, technical designs, and cell layout. Invasive species – Preparation of an Invasive Species Management Plan during construction, pre-construction survey, vehicles free from contamination Monitoring during operation, vehicles free from contamination, and exclusion zones should any contamination be found. Groundwater – Measures include: • An engineered basal liner to prevent a pathway to ground and an engineered cap to prevent rainwater ingress in the first instance • A leachate collection system and storage tanks prior to transportation off-site in the initial period		adverse effect on any European site'. I agree with this conclusion.
		Invasive species - Entering the site via machinery during the construction and operational phases; Groundwater - Changes of quality, yield, and/or flow paths associated with earthworks during construction. Similarly at the operational stage where any leachate discharge to ground has the potential to impact groundwater, or to the Ballough Stream which has known connectivity to the groundwater body			

Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition of mudflats and sandflats …	As above	As above	As above	As above
Salicornia and other annuals colonising mud and sand [1310]	To maintain the favourable conservation condition of Salicornia …	As above	As above	As above	As above
Atlantic salt meadows [1330]	To restore the favourable conservation condition of Atlantic salt meadows	As above	As above	As above	As above
Mediterranean salt meadows [1410]	To maintain the favourable conservation condition of Mediterranean salt meadows	As above	As above	As above	As above
For shifting dunes [2120] and fixed coastal dunes [2130] please see paragraph 11.2.10 of this inspector's report.	N/A	N/A	N/A	N/A	N/A

Overall Conclusion: Integrity Test
Following the implementation of mitigation, I am able to ascertain with confidence that the construction and operation of the proposed development would not adversely affect the integrity of Rogerstown Estuary SAC in light of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.

Table 3 – Rogerstown Estuary SPA (site code 004015)

Summary of key issues that could give rise to adverse effects:

- **Surface water run-off**
- **Invasive species**
- **Groundwater**

Conservation objectives: see http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004015.pdf

Summary of Appropriate Assessment

Qualifying interest (QI) feature	Conservation objectives	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Greylag goose [A043]	To maintain the favourable conservation condition of greylag goose	Surface water - Run-off carrying suspended silt or contaminants into local watercourses during the construction period. During the operational phase surface water could be contaminated through run-off from the landfill body, the IBA maturation process, and operational works to the northern area of the site;	Surface water – Measures include: • Buffer zone between the landfill body and Ballough Stream • Surface water drainage system to collect and attenuate prior to discharge • Construction phase measures include	The NIS considers that no significant in-combination effects are predicted to affect Rogerstown Estuary SPA. I agree with this consideration of	Yes. The NIS concludes that 'in view of best scientific knowledge and applying the precautionary principle, and in light of the conservation objectives … the proposed development, either individually or in

			topsoil, excavations, concrete, dewatering, and hydrocarbons • Operational phase measures include buffers, technical designs, and cell layout.	in-combination effects.	combination with other plans or projects, will not have adverse effect on any European site'. I agree with this conclusion.
		Invasive species - Entering the site via machinery during the construction and operational phases;	Invasive species – Preparation of an Invasive Species Management Plan during construction, pre-construction survey, vehicles free from contamination Monitoring during operation, vehicles free from contamination, and exclusion zones should any contamination be found.		
		Groundwater - Changes of quality, yield, and/or flow paths associated with earthworks during construction. Similarly at the operational stage where any leachate discharge to ground has the potential to impact groundwater, or to the Ballough Stream which has known connectivity to the groundwater body	Groundwater – Measures include: • An engineered basal liner to prevent a pathway to ground and an engineered cap to prevent rainwater ingress in the first instance • A leachate collection system and storage tanks prior to transportation		

			off-site in the initial period		
Light-bellied Brent goose [A046]	To maintain the favourable conservation condition of light-bellied Brent goose	As above	As above	As above	As above
Shelduck [A48]	To maintain the favourable conservation condition shelduck	As above	As above	As above	As above
Shoveler [A056]	To maintain the favourable conservation condition of shoveler	As above	As above	As above	As above
Oystercatcher [A130]	To maintain the favourable conservation condition of oystercatcher	As above	As above	As above	As above
Ringed plover [A137]	To maintain the favourable conservation condition of ringed plover	As above	As above	As above	As above

Grey plover [A141]	To maintain the favourable conservation condition of grey plover	As above	As above	As above	As above
Knot [A143]	To maintain the favourable conservation condition of knot	As above	As above	As above	As above
Dunlin [A149]	To maintain the favourable conservation condition of dunlin	As above	As above	As above	As above
Black-tailed godwit [A156]	To maintain the favourable conservation condition of black-tailed godwit	As above	As above	As above	As above
Redshank [A162]	To maintain the favourable conservation condition of redshank	As above	As above	As above	As above
Wetlands [A999]	To maintain the favourable conservation condition of	As above	As above	As above	As above

	wetland habitat				

Overall Conclusion: Integrity Test

Following the implementation of mitigation, I am able to ascertain with confidence that the construction and operation of the proposed development would not adversely affect the integrity of Rogerstown Estuary SPA in light of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.

11.2.15. Full and detailed mitigation measures are set out in section 7 of the NIS from pages 78 – 83. The measures outlined in tables 2 and 3 above are very brief summations of some of the measures proposed and are not an exhaustive list of the measures contained within the NIS. Various plans are referenced within the NIS's mitigation measures including an Invasive Species Management Plan and an Emergency Response Plan, and the Environmental Management System (EMS) is also referenced which defines and co-ordinates the environmental protection practices. Reference is made in the mitigation measures to a suitably qualified ecologist/invasive species specialist.

11.2.16. I consider that the proposed mitigation measures related to the proposed development are standard, well-proven, good practice measures. I consider that the proposed measures are suitably detailed regarding potential adverse effects and that they are capable of being successfully implemented. I note that the EPA would also impose conditions on a revised licence, should it decide to grant permission.

In-Combination Effects

11.2.17. Further to a consideration of plans and projects (which comprised a search of the local authority and Board's databases), Section 6.3.5.3 of the NIS considers that no significant in-combination effects are predicted to affect either the SAC or SPA.

11.2.18. I agree with the NIS finding that no adverse in-combination impacts are foreseen with any other plan or project, and I also note that there is a history of grants of planning permission for similar development types on site, notwithstanding the specific issues subject of the current application. As I do not consider the proposed development will have any undue adverse effects on the Rogerstown Estuary SAC or Rogerstown Estuary SPA I do not consider that it would have any in-combination effects.

11.3. Appropriate Assessment (AA) Conclusion

11.3.1. The proposed waste and recovery operation has been considered in light of the assessment requirements of sections 177U and 177V of the Planning & Development Act, 2000 (as amended).

11.3.2. Having carried out screening for AA of the project, it was concluded that it may have a significant effect on Rogerstown Estuary SAC (site code 000208) and Rogerstown Estuary SPA (site code 004015). Consequently, AA was required of the implications

of the project on the qualifying features of those sites in light of their conservation objectives. The possibility for significant effects was excluded for other European sites.

11.3.3. Following AA, it has been ascertained that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of Rogerstown Estuary SAC or Rogerstown Estuary SPA, or any other European site, in view of the site's conservation objectives.

11.3.4. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

12.0 **Overall Conclusion**

12.1. Having regard to the planning assessment, environmental impact assessment (EIA), and appropriate assessment (AA) the proposed development, broadly speaking, is supported in principle by the planning framework in place at local, regional, and national levels. The submissions received from prescribed bodies and consultees do not outline any significant concern with the proposed development, though there are a number of objections to it as set out in observations from local residents and groups.

12.2. There is a long planning history of grants of permission for the landfilling of the quarry void and I have no objection to that element of the proposed development, or the broadening of the waste intake types to include non-hazardous waste, including IBA.

12.3. In addition to planning permissions, the site activities are also regulated by the EPA. Certain practices allowed under the waste licence have not been permitted under the planning code and the applicant appears to be conflating both codes to justify the carrying out of certain circular economy activities, notwithstanding the historic use of the site.

12.4. The submitted application is somewhat ambiguous in terms of the longer-term use of the site. While it is stated that the aim is to restore the site to natural ground levels it also states that the yard and access road may be retained and waste infilling ceased once cell 12 has been fully capped. This suggests that it is intended to indefinitely continue with circular economy activities which would, in my opinion, be contrary to the zoning objective of the site.

12.5. In my opinion, continued or enhanced use of the site for the recycling of construction materials, as well as being contrary to the zoning objective of the site, would introduce/regularise a new heavy industry to the site, would further prolong the lifetime of the quarry void at the expense of infilling and returning it to original ground levels, and would result in an unpredictable additional amount of HGV traffic on the local road network.

12.6. Therefore, in my opinion a split decision is appropriate for the proposed development. A grant of permission is reasonable for the continued landfilling of the quarry void with a broadening of waste type intake. However, I do not consider that the expanded waste treatment activities are appropriate.

12.7. I note that a revised EPA licence may be required for the activities proposed on site. This report is independent of any decision the EPA may make and a grant of permission does not release the applicant from any other obligations or responsibilities under other codes or relevant legislation.

13.0 Recommendation

13.1. That permission is granted for the continued landfilling of the quarry void with a broadening of waste type intake and permission is refused for the expanded waste treatment activities.

14.0 Reasons and Considerations

1. Refuse Permission

That permission be refused for the following elements of the development:

- Expanded waste treatment activities including:
    - Enhancement of the existing aggregate recovery processing on site which includes upgrading the aggregate recovery operations which produces low carbon, recovered sands and aggregates from various granular wastes by removing residues and other trace contaminants and separating the resulting aggregates into various size fractions;

- Manufacture of secondary materials including enhanced soils and low-energy bound materials (e.g. concrete); and
- Additional waste recovery activities including soil/concrete batching and blending.

- Repurposing of an existing storage structure on site as a testing laboratory unit for the research, development and testing of recovered materials

For the reasons and considerations set out below.

1. The site is in an area zoned 'HA – High Amenity' in the Fingal Development Plan 2023-2029 and it has a zoning objective to 'Protect and enhance high amenity areas'. The 'vision' of this zoning objective is 'Protect these highly sensitive and scenic locations from inappropriate development and reinforce their character, distinctiveness and sense of place'.

   There is no planning permission in place for material to be imported onto the site, processed, and then exported from the site, and the extent of heavy goods traffic associated with the proposed expansion of the development has not been adequately outlined. The proposed activity would result in an additional heavy industry in this high amenity area and would further prolong the stated aim of this and previous applications to restore the site to natural ground levels.

   Therefore, the continued or enhanced use of the site for carrying out this type of activity would materially contravene the zoning objective of the site as set out in the Fingal Development Plan 2023-2029, would seriously injure the amenities, or depreciate the value, of property in the vicinity, and would be contrary to the proper planning and sustainable development of the area.

2. Grant Permission

That permission be granted for the following:

- Broader waste acceptance types to include non-biodegradable, non-hazardous and inert wastes generated by a range of sectors (construction, commercial, industrial and waste processing);
- Development and re-profiling of the landfill void to accommodate specially engineered landfill cells for non-hazardous wastes in addition to the existing engineered inert cells;
- A leachate management system including a leachate collection system and a set of twin 532m^3 storage tanks prior to removal from site by tanker for treatment off-site at a suitably licensed wastewater treatment plant with provision for a future on-site leachate treatment facility;
- Surface water management infrastructure for the landfill to capture, attenuate and treat storm water prior to discharge;
- A mobile enclosure for the maturation of Incinerator Bottom Ash (IBA);
- An internal un-paved road network serving the deposition areas from the reception area which will be modified throughout the development phasing;
- Relocation of the existing artificial Peregrine Falcon nesting box to a proposed elevated pole-mounted location to the south west of the site;
- Restoration of the site to natural ground levels; and.
- All ancillary site works and landscaping

for the reasons and considerations and subject to the conditions set out below.

In coming to its decision the Board has had regard to the following:

(a) The nature, scale, and extent of the proposed development,

(b) The provisions of the Project Ireland 2040 National Planning Framework,

(c) The provisions of the Climate Action Plan 2023 – Changing Ireland for the Better,

(d) The provisions of the Eastern and Midland Regional Assembly Regional Spatial & Economic Strategy (RSES) 2019-2031,

(e) The provisions of the Eastern and Midland Region Waste Management Plan 2015-2021,

(f) The provisions of the Fingal Development Plan 2023-2029,

(g) The documentation submitted with the planning application, such as the environmental impact assessment report (EIAR) and Natura Impact Statement (NIS), plus the applicant's response to submissions,

(h) The submissions and observations received on file including from the planning authority, prescribed bodies, and third parties,

(i) The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects on European sites,

(j) The planning history of the site, and,

(k) The report of the Inspector.

Appropriate Assessment: Stage 1

The Board agreed with and adopted the screening assessment and conclusions carried out in the Inspector's report that the only European sites in respect of which the proposed development has the potential to have a significant effect are Rogerstown Estuary SAC (site code 000208) and Rogerstown Estuary SPA (site code 004015).

Appropriate Assessment: Stage 2

The Board considered the Natura Impact Statement (NIS) and associated documentation submitted with the application including the applicant's response to submissions, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an Appropriate Assessment of the implications of the proposed development on the two European sites: Rogerstown Estuary SAC (site code 000208) and Rogerstown Estuary SPA (site code 004015), in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Board considered, in particular, the following:

(a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,

(b) the mitigation measures which are included as part of the current proposal, and,

(c) the conservation objectives for the European sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European sites, in view of the sites' conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment of the proposed development taking account of:

(a) the nature, scale, location, and extent of the proposed development,

(b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,

(c) the submissions received from the applicant, planning authority, prescribed bodies, and observers/submitters in the course of the application, and,

(d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development, and identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application.

Reasoned conclusion on the significant effects

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated where relevant, as follows:

- Soils, Geology, and Hydrogeology – Hydrogeological concerns were the primary refusal reason for the EPA licence W0129-03 after planning permission had been granted by the Board under PL06F.PA0018 for an integrated waste management facility. Substantial investigative studies carried out since the refusal have demonstrated that there would be no undue adverse impact on the public water supply or the underlying aquifer.
- Landscape and Visual Amenity – The potential for impacts on landscape and visual amenity during the construction and operational stages are relatively limited. Once the site operations are finished and the site fully capped and restored to a rural use there would be a positive, beneficial impact on the landscape and visual amenity of the area.
- Noise and Vibration – Noise specifically from the on-site operations would not have any undue adverse impact on the residential amenity of properties in the area.
- Biodiversity – It is acknowledged that adverse effects on peregrine falcons cannot all be mitigated. Conflicting objectives of maintenance of the peregrine habitat and infilling the quarry void cannot both be achieved at this location. However, appropriate mitigation in relation to this species is proposed.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects of the proposed continuation and enhancement of the current waste acceptance / landfilling development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Overall the Board is satisfied that the proposed development would not have any unacceptable effects on the environment.

Proper Planning and Sustainable Development

The Board considered that the continuation and enhancement of the current waste acceptance / landfilling development, subject to compliance with the conditions set out below, would be in accordance with national, regional, and local planning policy including the relevant provisions of the Fingal Development Plan 2023-2029, would be acceptable in terms of impact on the visual amenities and landscape character of the area given the objective of the development to restore the site to natural ground levels, which would also be consistent with the 'high amenity' zoning objective of the area within which the site is located, would not seriously injure the amenities of properties in the vicinity, would not be prejudicial to public health, would not pose a risk to water quality or affect the natural or built heritage of the area, would not adversely impact the road network in the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

15.0 Conditions

1. This grant of permission relates to the development described in the application documentation received by the Board on 26th October 2022 comprising:

    - Broader waste acceptance types to include non-biodegradable, non-hazardous and inert wastes generated by a range of sectors (construction, commercial, industrial and waste processing);
    - Development and re-profiling of the landfill void to accommodate specially engineered landfill cells for non-hazardous wastes in addition to the existing engineered inert cells;
    - A leachate management system including a leachate collection system and a set of twin 532m^3 storage tanks prior to removal from site by tanker for treatment off-site at a suitably licensed wastewater treatment plant with provision for a future on-site leachate treatment facility;
    - Surface water management infrastructure for the landfill to capture, attenuate and treat storm water prior to discharge;
    - A mobile enclosure for the maturation of Incinerator Bottom Ash (IBA);

- An internal un-paved road network serving the deposition areas from the reception area which will be modified throughout the development phasing;
- Relocation of the existing artificial Peregrine Falcon nesting box to a proposed elevated pole-mounted location to the south west of the site;
- Restoration of the site to natural ground levels; and.
- All ancillary site works and landscaping.

For clarity, this grant of permission does not include:

- Expanded waste treatment activities including:
  - Enhancement of the existing aggregate recovery processing on site which includes upgrading the aggregate recovery operations which produces low carbon, recovered sands and aggregates from various granular wastes by removing residues and other trace contaminants and separating the resulting aggregates into various size fractions;
  - Manufacture of secondary materials including enhanced soils and low-energy bound materials (e.g. concrete); and
  - Additional waste recovery activities including soil/concrete batching and blending.
- Repurposing of an existing storage structure on site as a testing laboratory unit for the research, development and testing of recovered materials.

Reason: In the interest of clarity.

2. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further particulars received on 9th October 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

3. The period during which the proposed development hereby permitted may be constructed shall be five years from the date of this Order.

Reason: In the interest of clarity.

4. The period during which the development hereby permitted may be carried out shall be 25 years from the date of this Order.

Reason: In the interest of clarity.

5. Prior to the commencement of any development associated with this permission, the developer shall obtain/be in receipt of an appropriate licence from the Environmental Protection Agency for the operation of the facility and the development shall operate under the terms of that licence in so far as it relates to environmental emissions and practices.

Reason: In the interests of the protection of the environment and the proper planning and sustainable development of the area.

6. (a) The mitigation measures and monitoring commitments identified and contained within the Environmental Impact Assessment Report and the Natura Impact Statement, and other plans and particulars submitted with the application, shall be implemented in full.

   (b) Any measures or commitments stating ‘should’ or ‘may’ etc. shall be read as ‘shall’ or ‘will’ etc. unless otherwise agreed in writing with the planning authority.

Reason: In the interests of clarity, the protection of the environment and European sites, and the proper planning and sustainable development of the area.

7. The future on-site leachate treatment facility is not permitted under this permission. Any future on-site leachate treatment facility shall only be authorised by a separate grant of planning permission.

Reason: In the interests of clarity, public health, and the proper planning and sustainable development of the area.

8. (a) Incinerator bottom ash shall be accepted on-site for disposal and landfilling for a period not exceeding ten years, unless otherwise agreed in writing with the planning authority.

   (b) The developer shall agree in writing with the planning authority a method that facilitates the future extraction of incinerator bottom ash from the landfill for reuse. Any processing of extracted incinerator bottom ash shall take place off-site.

Reason: To comply with circular economy principles, to facilitate the future re-use of incinerator bottom ash should end-of-waste be established for this material in Ireland, and in the interest of the proper planning and sustainable development of the area.

9. The annual waste intake at the facility shall be limited to a maximum of 500,000 tonnes.

Reason: To control the scale of the development in the interest of the amenities of the area and the proper planning and sustainable development of the area.

10. (a) Within six months of the date of grant of this Order, or as otherwise agreed in writing with the planning authority, an environmental monitoring committee shall be established. Details of the members of the committee shall be agreed in writing with the planning authority and shall include two public representatives, two officials from Fingal County Council, two members of the local community, and two representatives of the developer. The environmental monitoring committee shall monitor the development permitted by this consent and shall meet at least four times per annum or at such intervals as the environmental monitoring committee members agree.

(b) The developer shall pay a sum of money to the planning authority, either annually or in such manner as may be agreed, towards the cost of the provision of environmental improvement and recreational or community amenities in the locality. The identification of such projects shall be decided by the planning authority having consulted with the environmental monitoring committee. The amount of the contribution and the arrangements for payment shall be agreed between the developer and the planning authority or, in default of such agreement, shall be referred to the Board for determination. The amount shall be index linked in the case of phased payment. The developer shall consult with the planning authority in this regard within six months of the date of grant of this Order, or as otherwise agreed in writing with the planning authority.

Reason: It is considered reasonable that the developer should contribute towards the cost of environmental, recreational, or community amenities which would constitute a substantial gain to the local community.

11. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interests of environmental protection and orderly development.

12. (a) The site shall be restored in accordance with the plans and particulars lodged with the application. The final contours shall be as indicated on the 'Proposed Restoration Contours Sheet 1 of 9' drawing. Upon restoration the lands shall be used for agricultural / rural use purposes.

    (b) All structures, hardstandings and associated areas shall be removed not later than six months from the expiration of the permission. The vehicular entrances shall be blocked up and reinstated with native hedgerow.

Reason: To ensure that the development shall be in accordance with the permission and to comply with the zoning objective of the area.

13. The periods of operation for the landfilling of the quarry void, including the arrival and exit of heavy goods vehicles associated with same, shall be restricted to:

    (i) Between 0700 to 1900 Mondays to Fridays and 0700 to 1700 on Saturdays, unless otherwise agreed in writing with the planning authority, and,

    (ii) No activity shall take place on Sundays or bank holidays.

Reason: To safeguard the amenity of property in the vicinity.

14. Only clean, uncontaminated water shall be discharged from the site to the surface water network.

Reason: To protect water quality and ecological habitats and in the interests of public health and the proper planning and sustainable development of the area.

15. Prior to the next peregrine falcon breeding season following the date of this Order, a Peregrine Falcon Management Plan shall be submitted to and agreed in writing with the local authority. This Plan shall include details of the usage of the site since 2019, a timeline for the provision of an artificial nest site suitable for use by peregrine falcons in or in the vicinity of the site, provision for annual monitoring of the nesting of this species in the vicinity of the site over the lifetime of the permission, and the submission of an annual report regarding the nesting performance of peregrine falcons at the end of each breeding season.

Reason: To conserve a species listed in Annex I of the Birds Directive (2009/147 EC) as a nesting species in the vicinity of the site.

16. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority within six months

of the grant of a revised EPA licence, if applicable, or as otherwise agreed with the planning authority. This shall include the following:

(a) Proposals for the suppression of on-site noise.

(b) Proposals for the on-going monitoring of sound emissions at dwellings in the vicinity.

(c) Proposals for the suppression of dust on site.

(d) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.

(e) Details of safety measures for the land above the quarry void, to include warning signs and stock proof fencing.

(f) Management of all landscaping.

(g) Monitoring of ground and surface water quality, levels, and discharges.

(h) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

Reason: In order to safeguard local amenities.

17. The developer shall facilitate the preservation, recording and protection of any archaeological materials or features that may exist within the site related to the construction of the attenuation pond or the leachate holding tanks area. In this regard, the developer shall –

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the attenuation pond or the leachate holding tanks area,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

18. All loads of incinerator bottom ash (IBA) shall be covered/sheeted en route to or from the site.

Reason: In order to prevent dust emissions, and in the interests of amenity and traffic safety.

19. A wheel-wash facility shall be provided adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety and convenience, and to protect the amenities of the area.

20. The developer shall submit annually, for the lifetime of the permission, an aerial photograph which adequately enables the planning authority to assess the progress of the landfilling.

Reason: In order to facilitate monitoring and control of the development by the planning authority.

21. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged during the lifetime of the development by associated vehicles, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area

22. The developer shall pay a financial contribution of €10,000 (ten thousand euro) to the planning authority as a special contribution under Section 48(2)(c) of the Planning & Development Act, 2000 (as amended), in respect of road signing and road lining in the vicinity of the proposed access to the site, which benefits the proposed development. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Anthony Kelly
Planning Inspector
14th November 2023