



An
Bord
Pleanála

Inspector's Report

ABP-318100-23

Development

Proposed alterations to the terms of the permitted development granted under reference number ABP-307433-20.

Location

Carranstown, Duleek, Co. Meath.

Planning Authority

Meath County Council

Requester

Indaver Ireland Ltd

Type of Application

Application under Section 146B of the Planning and Development Act, 2000 (as amended) to alter previously approved Strategic Infrastructure Development.

Inspector

Deirdre MacGabhann

Date of site inspection

13th August 2024

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Appendix 1 – Form 1: EIA Pre-Screening and Screening Determination

1.0 Introduction

- 1.1. On the 3rd March 2022, the Board under ref. no. PA17.307433, granted permission under section 37E of the Planning and Development Act 2000, as amended (the Act), to Indaver Ireland Limited for the following development at the company's waste to energy (WtE) facility, established at Carranstown in County Meath in 2011:

Increase in annual total waste for treatment from currently permitted 235,000 tonnes to 250,000 tonnes, increase in annual amount of hazardous waste from currently permitted 10,000 tonnes to 25,000 tonnes, development of a[n] aqueous waste tank farm, hydrogen generation unit, bottom ash storage building, development of a single storage warehouse, new concrete yard, weather canopy, demolition and rebuilding of an existing single storey modular office and ancillary site works.

- 1.2. The application for the development included an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS). The WtE facility is subject to an Industrial Emissions Licence no. W0167-03. Permission was granted subject to conditions. The subject application to the Board is for alterations to this permission, under section 146B of the Act.

2.0 Site Location and Description

- 2.1. The subject site is situated c.1.8km to the south-west of the M1 and directly north of the R152 from which it takes access. Platin cement works and quarry, lie to the north and north-east of the site and Donore village c.2km to the north-west. Duleek is c.1.2km to the south-west.
- 2.2. The site is rural in character, with substantial planting alongside the R152 and around the perimeter of the site. The R152 is heavily trafficked, and the wider area of the site is dominated by the tall structures associated with Plating Cement works.
- 2.3. The proposed alterations are made within the existing c.9.9ha Indaver site. At the time of site inspection, the development permitted under ABP-307433, to be altered, had not been implemented. The internal layout of the site comprises two main zones, one to the north and one to the south of the 110kV exclusion zone which bisects the site. This exclusion zone is one of three wayleaves within the site. The

other wayleaves comprise a 2m wide wayleave along the north-eastern boundary for a 38kV line and a 14m wide wayleave for the high-pressure gas main that cuts through the southern half of the site (see submitted plans).

- 2.4. The northern portion of the site contains the main process building and to the east of this a maintenance shed, concrete yard and grassed bund. The southern part of the site contains the site entrance, weighbridge, security hut, car park and site offices.
- 2.5. There is a major landscaped berm in the eastern corner beyond which is the closest residential dwellinghouse. The site drainage is by way of a stormwater drainage system based on SuDS principles. This includes an open pond in the western site corner adjacent to the vehicular entry point to the process building.

3.0 Proposed Changes

- 3.1. The applicant is seeking to alter the terms of the development, subject of the permission granted under PA17.307433, as follows:
 - Relocation and redesign of previously permitted office building,
 - Relocation and redesign of previously permitted warehouse/workshop/ERT building,
 - Relocation of truck parking area,
 - Relocation of previously permitted percolation area,
 - Removal of previously permitted bottom ash storage building, and
 - Demolition of existing warehouse/workshop structure.
- 3.2. Submitted in support of the alteration request are the following:
 - 2023 EIA Screening report (including photomontages), describing the reasoning for the proposed alteration and prepared with reference to the EIAR submitted under PA17.307433.
 - 2023 AA Screening report, prepared with reference to the NIS submitted under PA17.307433.
 - Drawing schedule and drawings.
- 3.3. The proposed development, to which the alteration relates, is subject to an Industrial Emissions Directive Licence review process.

4.0 Requesters Submission

- 4.1. The requester considers that the proposed alterations would not constitute the making of a material alteration of the terms of the development and it is stated that the 2023 Screening Report confirms that the requested alteration is (a) not likely to have significant effects on the environment and (b) it can be concluded, on the basis of objective information, that the requested alteration, individually or in combination with other plans or projects, will not have a significant effect on a European site. It is requested therefore that the alteration does not require preparation of an environmental impact assessment report or natura impact statement.

5.0 Preliminary Assessment

- 5.1. On the 6th November 2023, the proposed alterations were considered in an Inspector's memo to the Assistant Director of Planning (ADP). The report considered that the following alterations would not be material:

- Relocation of the permitted warehouse/workshop/ERT/office building,
- Relocation of truck parking area,
- Relocation of permitted percolation area,
- Demolition of existing warehouse and workshop, and demolition of office building.

- 5.2. The reasons cited for this conclusion were:

- The main change in the northern corner of the site is the relocation of the warehouse/workshop/ERT/office building, which would now be positioned at the location of the previously permitted bottom ash building, which will now not be developed.
- The amendment sought at the northern corner would result in a reduction in site coverage compared with the previously permitted development.
- The revised development layout would not encroach on the reservation area for the 110kV OHL and would not have any significant effects in terms of visual amenities and no likely significant noise and air impacts on nearby residents.

- 5.3. The Inspector was consequentially satisfied that, having regard to the applicant's submissions and the planning history of the site, there would be no material change in the nature or terms of the permitted development as a result of these amendments.
- 5.4. The Inspector considered that the following alterations would be material, for the reasons stated below:
- Redesign of the permitted warehouse/workshop/office/ERT building – Significant increase in the warehouse/workshop/ERT/office building permitted under ABP-307433 (ground floor area increased from 535m² to 950m²) and an increase in the area devoted to uses other than warehouse/workshop, notably offices/worker facilities.
 - Relocation and redesign of permitted office building – Material change to the location of the office building which would be situated close to the entrance to the facility (desk spaces to remain at 23 no.), materially different specification in terms of external appearance and introduction of what appeared to be public reception areas and increase in gross floor area by 10% (555m² to 621m²).
 - Removal of previously permitted bottom ash storage building – Loss environmental benefits that would arise with the reuse of bottom ash and resultant environmental effects of alternative arrangements.
- 5.5. It was also considered that the information presented by the applicant did not make clear the rationale for the proposed changes. The Inspector's memo therefore recommended that (a) the applicant be notified that the proposed alterations would constitute the making of a material alteration of the terms of the development concerned, (b) in accordance with section 146B(8) of the Act, the requester notify prescribed bodies, erect site notices and publish a newspaper notice notifying the public of the proposed alterations, (c) invite submissions or observations in relation to the request, and (d) provide a report to the Board setting out the rational for making the amendments to the workshop/warehouse/office/ERT building, revised location of office building and for omission of the bottom ash building.
- 5.6. On foot of the recommendation, as agreed by the ADP, on the 9th November 2023, the Board advised the requester that it had decided that the proposed alterations

would constitute a material alteration to the terms of the permission and requested the applicant to furnish a report to address the matters raised in the preliminary examination. Further, on the 16th January, 2024, the Board advised the applicant to carry out statutory requirements under section 146B(8) of the Act in respect of depositing information relating to the request with the planning authority, notifying prescribed bodies, publishing newspaper and erecting site notices.

6.0 Requesters Response

6.1. On the 9th January 2024, the requester made the following submission to the Board:

- Workshop/warehouse/office/ERT building. The relocation opportunity was identified with the omission of bottom ash storage building and reduces the extent of earthworks required. The alterations would provide a suitably sized purpose-built facility to consolidate the activities currently being undertaken in temporary structures, including the temporary storage of material and equipment used during shut down activities (typically stored in 40-foot box containers on site). The alterations also include welfare facilities for third party contractors, some of whom are on site for a significant part of the year, provide improved locker space for Indaver operators, eliminate congestion in the ERT (emergency response team) area associated with donning, doffing and storage of breathing apparatus equipment, provide a more suitable location for the first aid room (near the main plant) and improve the capacity for routine maintenance of the facility.
- Office building relocation. The relocation would separate administrative functions from industrial operations, improve facilities for visitors and would streamline the evacuation of the site for these staff/visitors in the case of emergency.
- Bottom ash storage building. The need for a bottom ash storage building was identified in 2019, when there was limited capacity for offsite acceptance and treatment of bottom ash. This represented a business risk. Any interruption in this capacity would have required exported with storage pending shipment (exporting requires a large build-up of stocks). Since then, the risk is largely

mitigated with the statutory approval of additional capacity at a local offtake facility. Temporary storage is no longer required.

- The resulting environmental effects. An assessment of the potential environmental effects of the proposed alterations has been completed and reported in the EIA and AA screening reports submitted to the Board. No alteration to this reporting is necessitated arising from the response document.

6.2. On the 9th February 2024, the applicant advised the Board that information relating to the alteration request had been deposited with the PA, notice of the request had been sent to prescribed bodies and site and newspaper notices had been erected/placed in two newspapers circulating in the area.

7.0 Submissions and Observations

7.1. There is one submission on file in respect of the proposed alterations from Meath County Council. It refers to the internal reports and raises a number of issues in its Planning Assessment. These are summarised below:

- Transportation Report - No objections.
- Environment Report - Applicant to provide outline CEMP, C&D Waste Management Plan, including proposals for offsite removal of material, due to pressures on authorised sites, extreme weather to be addressed in CEMP.
- Archaeology Report – Original permission subject to archaeological monitoring condition. Topsoil stripping was monitored under Licence 08E670. Applicant to provide details to show that areas of proposed works were archaeologically monitored. Applicant should confirm that the works will not be visible from key sites within Brú na Bóinne World Heritage Site.
- Principle of development. The current proposal is a material alteration of a permitted development on the site. Policy ED POL 26 in the Meath County Development Plan 2021-2027 (MCDP) positively considers and assesses development proposals for the expansion of existing authorised industrial enterprises in the countryside subject the absence of negative impacts on the character and amenity of the surrounding area.

- Design and Layout. The proposed warehouse/workshop structure and offices building (over 3 floors, maximum height 9.75m, side elevations 18.1m x 52.26m wide) is in the northeast of the site, in the location of the permitted bottom ash storage building, removed from the R152, beyond existing buildings where there is existing screen planting and berms. Proposed main office building is in the southwestern corner of the site.
- Landscape and visual impact. Site lies in the Central Lowlands Landscape Character Area (LCA), of '*high value*' and '*moderate sensitivity*', 600m from the Coastal Plains LCA, with '*moderate value*' and '*high sensitivity*' and 1.7km east of the Boyne Valley River Corridor and Estuary LCA, with '*exceptional value*' and '*high sensitivity*'. The site is c.1.55km southeast of Brú na Bóinne World Heritage Site (WHS) buffer zone. No Protected Views in the immediate surrounds, many in the vicinity of Brú na Bóinne that need to be considered (including no. 66 and 88). Refers to MCC Archaeologist report and recommends that the Board confirm that the proposed works will not be visible from key sites within the WHS and, in this regard, may wish to engage services of a WHS expert. In the context of existing development/screening considers that the alterations will not have any additional negative effect on the local landscape and will blend in with the existing use of the site. Due to the shape of the topography, views are likely to be contained in the area. Considers the proposed finishes to office are acceptable but should be agreed in writing with the PA prior to construction.
- Cultural heritage – As above for potential impacts on Brú na Bóinne and recommendations of MCC Archaeologist re archaeological monitoring.
- Traffic and transportation – Development is acceptable subject to adherence to previous conditions.
- Surface water drainage/flood risk assessment – Application site not located in Flood zone A or B, but c.140m east of Flood Zone A. Environment section had no objection to parent permission.
- Water services/wastewater treatment – The Board may wish to consider the need for a site-suitability assessment to support the consideration of the revised location of on-site drainage. The site is in a regionally Important

Aquifer – karstified (diffuse) and groundwater vulnerability is ‘moderate’. The Board may wish to consider any observations of Irish Water.

- Environmental Impact Assessment – The applicant has not considered the cumulative impact of any adjoining development in its Screening report. The PA recommend that the Board consider such permitted developments in its EIA Screening.
- Appropriate Assessment – Note that a Site Characterisation form and Percolation test, cross-sectional drawing for the proposed wastewater treatment system including percolation area, proposed maintenance details etc. has not been provided and it is recommended that the Board seek such information. Recommend conditions that require removal of existing tanks (if not required), management and maintenance of any on-site wastewater treatment system off-site transportation of wastewater collected in holding tanks for treatment by licenced operator, buffer from all construction activities from on-site drainage ditch, and exclusion of existing percolation area adjoining the proposed warehouse/ workshop etc. from the construction compound. It is also recommended that the Board consider the cumulative impact of any adjoining developments in its screening for AA (not considered by the requester).
- Fire safety – Refers to (a) the consultant’s report on fire safety, under the parent permission, and its recommendations in respect of safety measures for the then new tank farm, and (b) to the AA screening report which refers to fire water being retained in an existing fire water retention tank and stored for removal from site for disposal or transfer to the tank farm for treatment in the furnace.

N.B. It is unclear what point is being made here by the PA. However, the ‘tank farm’ referred to in the consultant’s report, under 307433, is the then proposed additional tanks for the storage and processing of aqueous liquid. The consultant’s remarks are made in the context of fire risk and the need for appropriate fire safety measures. The tank farm is not the subject of the current alterations and fire safety is a matter which is controlled by another code. Further, the proposed alterations do not include any change to the

arrangements for the retention of fire water. I consider therefore that this matter is outside the scope of the subject request.

- Development contributions – Invite the Board to amend the development contributions in respect of warehouse, office space to be provided and to condition a cash deposit/bond to ensure satisfactory reinstatement of the site on cessation of the project, or any damage to the local road network.
- Conclusion and recommendation – The report concludes that the development is acceptable in principle but that further information may be required to address the matters raised in respect of potential for effects on Brú na Bóinne, archaeological monitoring, site suitability assessment and cumulative effects (EIA and AA screening). The report also sets out a schedule of recommended conditions.

8.0 Further Responses

8.1. On the 11th June 2024, the Board sought observations from the requester on the submission by Meath County Council. The requester's response dated the 9th August 2024, responds to the four suggested requests for further information and provides a site suitability assessment for the proposed relocation of the percolation area. This response is summarised below.

- Potential impact on protected views. The LVIA for the permitted development concluded that the development would have no impact of the Brú na Bóinne WHS or protected views in the area of the site. The review of the EIAR for the proposed alterations clearly indicates that in most instances amendments would reduce any potential impacts relative to the permitted development, with imperceptible or not significant effects on all 5 verified view locations.
- Potential on archaeological heritage. There is no development proposed in undisturbed areas of the site, and no additional impact on cultural heritage associated with the proposed alterations. The proposed alterations related to the consented application which has not yet been constructed. The archaeological assessment is focused on the potential change to the predicted archaeological impact associated with the alterations. The

mitigation measures will be the same as those required for the permitted development.

- Site suitability assessment. The revised site assessment considers the site to be suitable for wastewater treatment.
- Cumulative impacts in AA and EIAR screening reports. Cumulative impacts are considered in section 8.6 and 5.14 of the AA and EIAR screening reports respectively. The response document provides an updated review of other permitted developments close to the site. These include a live application for an upgrade of the Gorman to Platin 110kV OHL that traverses the site (ABP-317568, not decided), permission for a 110kV substation on a site across the R152 (ABP-303678), an application for a turbine power plant at the same site (ABP-319278, not decided) and other permitted development in the wider area which are either domestic in scale or sufficiently distant to not give rise to cumulative effects. The proposed alterations do not materially increase any environmental effects already documented and permitted for the parent permission, and they are such that there is no potential for significant cumulative effects, including with the one permitted development close to the site, the 110kV substation across the R152. The conclusions of the screening report for AA and EIA, that there are no significant in-combination or cumulative effects, are still correct.

- 8.2. It is also stated by the requester states that they have no objection to or make comments on the PAs recommended conditions.

9.0 Legislative Provisions

- 9.1. Section 146B(1) of the Planning and Development Act 2000 (as amended) (the Act), provides that, subject to subsections (2) to (8) and to section 146C, upon request of any person who is carrying out or intending to carry out a strategic infrastructure development, the Board may alter the terms of the development the subject of planning permission, approval or other consent granted.
- 9.2. Under sub-section 2(a), as soon as practicable after making such a request, the Board is required to make a decision as to whether the making of the development would constitute a material alteration to the development concerned.

- 9.3. Under sub-section (2)(b), before making its decision under sub-section 146B(1), the Board may invite submissions as it considers appropriate and is required to have regard to any submission made to it on foot of the invitation.
- 9.4. Under sub-section (3)(a), if the Board decide that the making of the alteration would not constitute a material alteration, it is required to alter the planning permission/approval/consent accordingly and to notify the requester and the planning authority of the alteration.
- 9.5. Under subsection (3)(b), if the Board decide that the making of the alteration would constitute the making of a material alteration, the Board is required to:
- Request the information specified in Schedule 7A, unless it or an EIAR has already been provided by the requester (sub-section (3)(b)(i)). This information is required to be accompanied by any further relevant information on the characteristics of the alteration and its likely significant effects on the environment including, where relevant, how environmental effects pertaining to EU legislation other than the EIA Directive have been taken into account (sub-section (3A)) and can include mitigation measures (sub-section (3B)).
 - Following receipt of such information, determine whether to make the alteration, make an alteration of the terms of the development which differs from the proposed alteration (subject to it not representing a more significant alteration), or refuse to make the alteration (sub-section (3)(b)(ii)).
- 9.6. Under subsection (4), before making a determination under sub-section (3)(b)(ii), the Board is required to determine whether the extent and character of the alteration being requested, or being considered by the Board, would be likely to have significant effects on the environment.
- 9.7. Under subsection (5), if the Board determine that no significant environmental effects will arise, they proceed to make a determination under subsection (3)(b)(ii). If the Board determines that significant effects will arise, the provisions of section 146C apply. These provisions relate to the preparation of an environmental impact assessment report.
- 9.8. Under subsection (7)(a), in making their determination, the Board is required to have regard to:

- The criteria for the purposes of determining which classes of development are likely to have significant effects on the environment set out in any regulations made under section 176,
- The criteria set out in Schedule 7 to the Planning and Development Regulations 2001,
- The Schedule 7A submitted by the requester,
- The further relevant information, if any, referred to in subsection (3A) and the description, if any, referred to in subsection (3B) (summarised above),
- The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive, and
- Whether the development is situated in or would have potential to impact on a European site, or a recognised or protected area of natural heritage,

9.9. Under subsection (7)(b), the Board is required to include in its determination, the main reasons and considerations, with reference to the relevant criteria listed in Schedule 7 to the Planning and Development Regulations 2001, on which the determination is based.

9.10. Under subsection (8)(a) before making a determination under subsection (3)(b)(ii) or (4) the Board is required to require the requester to make information about the alteration available for inspection, notify appropriate persons that the information is available and invite submissions or observations from these persons. Further under subsection 8(b) the Board is required to have regard to these submissions in its determination.

10.0 **Assessment**

10.1. **Consideration of Materiality**

10.2. The materiality of the proposed alterations has been considered in the Inspectors preliminary assessment dated 6th November 2023. Materiality is re-examined here based on the FI submitted by the applicant and by the submission by the PA.

Northern part of site

- 10.3. In the proposed alterations, the permitted bottom ash storage building is removed and it is proposed to demolish the existing maintenance building. This allows for the northern part of the site to be reconfigured, with the proposed warehouse/ workshop/ ERT/ office building relocated to the site of the bottom ash storage building and the truck parking area relocated to the location of the maintenance building. There is no change to the permitted location of the surface water attenuation facility. The overall effect of the reconfiguration is a smaller built footprint and a reduction in the earthworks required.
- 10.4. The proposed warehouse/ ERT/ office building has a maximum height of 10m (c.41mOD) and an area of $18\text{m} \times 53\text{m} = 954\text{m}^2$. This compares to the permitted ash storage building with a maximum height of 14.5m (c.45mOD) and area of $61\text{m} \times 25\text{m} = 1,525\text{m}^2$ (drawings 29043CD501 to 506, ABP 307433). The proposed warehouse/ workshop/ ERT/ office building is therefore smaller, in height and bulk, than that the proposed bottom ash storage building and is further removed from its original location from nearest sensitive receptors to the east of the site.
- 10.5. Notwithstanding the foregoing, the proposed warehouse/ ERT/ office building is larger than the permitted warehouse building ($18\text{m} \times 32\text{m}$ in plan = 576m^2 , 10m high, c.41mOD). In the permitted building, accommodation is provided at ground floor (warehouse, workshop, toilets, plant room and ERT) and partly at first floor (offices and meeting room) (Drawings 29043CD501 to 406, ABP 307433). In the proposed alterations, accommodation is provided (in part) over three floors with increased space for ERT, lockers, staff welfare, storage and drying rooms. In response to the request for further information, the requester clarified that the resized warehouse building provides a purpose-built facility to consolidate activities which are currently being carried out on site and associated welfare facilities.
- 10.6. Having regard to the foregoing, I consider that the following elements of the development are not material:
- Relocation and redesign of previously permitted warehouse/workshop/ ERT building.
 - Relocation of truck parking area.
 - Demolition of existing warehouse/ workshop structure.

- 10.7. In coming to this view, I am satisfied that the alterations to the warehouse building will not alter the character of the permitted development, in terms of the uses proposed, the pattern or scale of development. Further, with relocation within the site further from nearest receptors (to the east) the potential for adverse environmental effects, e.g. by way of noise, is reduced.
- 10.8. With regard to the omission of the bottom ash storage building, I consider that the omission of this structure is significant in that there is a change to 'downstream' disposal routes for a key output from the facility, with the potential for environmental effects. It is therefore a material change.

Southern part of the site

- 10.9. At the southern part of the site the proposed alterations comprise the relocation and redesign of the permitted office building and the relocation of the permitted percolation area to serve the wastewater treatment system for the relocated office building.
- 10.10. As considered by the Inspector in the preliminary examination, the proposed office building is brought close to the entrance to the facility, it is materially different in external appearance and provides public reception areas and is larger in size than the permitted office building (+10%). Given the visibility of the site of the offices from the public road, I consider that these changes will alter the character of the development and are material.
- 10.11. As indicated by the PA, the relocated percolation area, to serve the offices, are situated on land for which there has been no site assessment. This aspect of the development I would also consider therefore to be a material change to the permitted development.
- 10.12. If the Board accept the conclusions, above, in respect of materiality, it is incumbent on them to examine the potential for environmental effects. This matter is considered below.

10.13. The Potential for Significant Environmental Effects

- 10.14. In order to determine the potential for significant environmental effects, the Planning and Development Act 2000, as amended, requires the Board to give consideration to

the factors listed in section 146B(7)(a), as summarised in section 9.8 of this report. These are considered below.

Section 176

- 10.15. Section 176 of the Act enables the Minister to give effect to the EIA Directive including by making regulations which identify classes of development which may have significant effects on the environment, the establishment of thresholds and criteria to determine the likelihood of significant effects and for carrying out screening for EIA.
- 10.16. Schedule 5 of the Planning and Development Regulations, 2001, as amended, provides classes of, and thresholds for, development which require EIA. The permission granted by the Board under ABP-307433, which the applicant seeks to be altered, comprises an increase in the treatment of waste, at the waste to energy facility, including hazardous waste. It would therefore fall within Class 9 of Part 1, *‘Waste disposal installations for the incineration, chemical treatment as defined in Annex IIA to Directive 75/442/EEC3 under heading D9, or landfill of hazardous waste (i.e. waste to which Directive 91/689/EEC4 applies)’*.
- 10.17. The following classes of development in Part 1 and Part 2 of Schedule 5 of the Regulations therefore have to be considered:
- Class 22, Part 1 *‘Any change to or extension of projects listed in this Annex where such a change or extension in itself meets the thresholds, if any, set out in this Annex’*.
 - Class 13(a), Part 2 *‘Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:- (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and (ii) result in an increase in size greater than – - 25 per cent, or - an amount equal to 50 per cent of the appropriate threshold, whichever is the greater’*.
 - Class 13(c), Part 2 *‘Any change or extension of development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, which would result in the demolition of structures, the demolition of which had not*

previously been authorised, and where such demolition would be likely to have significant effects on the environment, having regard to the criteria set out under Schedule 7’.

- Class 14, Part 2 ‘*Works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7’.*
- Class 15, Part 2 ‘*Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7’.*

10.18. Class 9 of Part 1 provides no threshold for waste disposal installations treating hazardous waste by combustion. I would infer from this that any waste disposal installation treating hazardous waste by combustion, would need EIA, regardless of size i.e. the trigger for EIA is the nature of the development.

10.19. In this instance, there are no proposals to alter the volume, type or treatment of waste (including hazardous) and the thresholds in Class 22, Part 1, Class 13(a), Class 13 (c), Part 2 and Class 15, Part 2 do not apply. This includes the omission of the bottom ash storage building on the grounds that the requester states that the building has been omitted as there is no longer a need to stockpile the material on site for export, as statutory approval has been obtained at a local offtake facility. I am satisfied that there are no consequences for the volume, type or treatment of waste on site, with the omission of the bottom ash building.

10.20. The proposed alterations include demolition of an existing warehouse/workshop which is required ‘*to facilitate a project listed in Part 1*’ (Class 14, Part 2). Class 14, Part 2, requires EIA of demolition works, where such works are likely to have significant effects on the environment. In this instance, the warehouse/workshop building is situated within an existing industrial complex, it is a relatively modest structure in terms of its size and its demolition is highly unlikely to cause significant environmental effects to warrant EIA. Notwithstanding this, the proposed alterations, which include demolition, become a sub-threshold development, by virtue of works falling within this Class and require screening for EIA.

Schedule 7

10.21. Schedule 7 of the Regulations sets out criteria for determining whether sub-threshold development listed in Part 2 of Schedule 5 should be subject to EIA. These are examined below in respect of the proposed alterations.

Schedule 7 Criteria and Assessment
Characteristics of the proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).
Assessment <p>The proposed alterations largely comprise the reconfiguration of a permitted development, including the relocation, redesign and relatively modest increase in floor area of warehouse/ workshop/ ERT building and office building. With the modest increase in size of structures, there will be an increase in the use of natural resources, however these will be offset by the omission of the bottom ash storage building.</p> <p>The proposed workshop/warehouse to be demolished is a small structure within the site. The parent permission requires implementation of a Construction Environmental Management Plan which includes arrangements for the management of construction waste, including demolition waste, with disposal in accordance with the European waste hierarchy and Waste Management Regulations. I am satisfied therefore, that the demolition of the existing workshop/warehouse is not likely to result in any potential for significant environmental effects.</p> <p>With the omission of the bottom ash storage building, bottom ash will no longer be stored on site, pending shipping for onward acceptance and treatment. Instead, it will be accepted and possible treatment at a local offtake facility, which is stated to have statutory approval. The proposed alterations make no change to the volume or treatment of waste at the Indaver facility or therefore to the quantity of bottom ash to be generated or removed from the site under either scenario (although the pattern of vehicle movements may change). Further, the proposed arrangements will continue to provide for the disposal or re-use of bottom ash and will be carried out in accordance with the Waste Management Regulations. I am satisfied therefore that the proposed alterations give rise to no significant loss of environmental benefits or result in any significant environmental effects, over and above those already considered by the Board in their determination of the parent permission.</p> <p>There is no significant change in the application documents to the arrangements for construction management, management of surface water or as stated, to arrangements for waste treatment. There is no potential therefore for significant environmental effects arising from pollution and nuisance, risk of accidents/disasters or to human health as a consequence of the development.</p>
Location of proposed development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).
Assessment <p>The permitted development and proposed alterations are situated in an existing industrial site which is removed from sensitive locations. The site operates, and will continue to</p>

operate, under an Industrial Emissions licence. Land uses affected by the permitted development and alterations are mostly man made with small areas of improved grassland and hedgerows affected.

At the northern side of the site, the proposed alterations result in reduced land take, with less removal of the existing wooded screening bund to the east of the site. To the south, the relocated offices will be largely situated in the location of existing buildings and hard surfaces. The proposed relocated percolation area will not result in any significant loss of improved grassland.

The proposed development lies within the Central Lowlands Landscape Character Area (LCA), with '*high value*' and '*moderate sensitivity*'. Approximately 600m to the northeast the LCA changes to 'Coastal Plains', of '*moderate value*' and '*high sensitivity*' and c.1.7km to the west, to the 'Boyne Valley' LCA, of '*exceptional value*' and '*high sensitivity*'. In addition, the subject site is situated c.6km to the southeast of Newgrange. It lies outside of the Core Area of the UNESCO World Heritage Site Brú na Bóinne and the associated buffer zone. Protected views around the site include no. 66, views southwest, west, north west and north from county road between Duleek and Carnes East, and those in the area of Brú na Bóinne, including panoramic views from no. 88 Dowth Passage Tomb.

I have inspected the subject site and the protected views around the site, including no. 66 and those in the location of Brú na Bóinne, including no. 88 at Dowth. The existing site is heavily landscaped with a combination of external hedgerows and treelines and perimeter bunds (see photographs). The proposed alterations will be most visible from the R152, for a short distance passing the site, with clear views of the relocated single storey offices. These will be seen in the context of the existing and more substantial structures on site and have no visual or landscape effects. From the south, along the county road west of Bellewstown (vicinity of protected view no. 66), there are very limited views of the site, and the proposed alterations will not be visible within the context of existing or permitted structures. From the north, Brú na Bóinne and Dowth, the towers from Platin Cement Works are most visible in any views that are available of the location of the subject site. Having regard to the much smaller scale of the proposed structures to be altered, none of the proposed alterations will be visible in views of the development site from Brú na Bóinne or Dowth or from any of the protected views identified in the County Development Plan.

There are no designated features of archaeological or cultural heritage importance on the application site. Nearest features lie in agricultural land on the eastern side of the R152, including ME027-078 Embanked enclosure and ME027-109 Ringfort - rath. The PAs internal archaeology report refers to a planning condition in the original permission requiring archaeological monitoring, and to monitoring of topsoil stripping under Licence 08E0670. It is stated that the location of the monitoring is not known, or therefore whether it coincides with the soil stripping and monitoring was carried out. The Database of Irish Excavation Reports indicates that this licence refers to excavations on land c.800m to the west of the subject site and I would infer from this that it is not related to the subject site or alterations. Further, the permission granted under ABP-307433 required archaeological monitoring of all site investigations and other excavation works. I note that works have not commenced on site and that this condition would apply, if the alterations are permitted, to the subject alterations. There is no potential therefore for the subject alterations to significantly impact on features of archaeological or cultural heritage.

The relocated percolation area will be situated on improved grassland to the north of the revised location of the offices, c.20m south of the hedgerow and ditch which runs through the middle of the site (in an east/west direction). The site lies above a Regionally Important Aquifer – Karstified (diffuse), of Moderate vulnerability, outside a Source Protection Area, with Groundwater Protection Response R1 i.e. the site is suitable for the treatment of wastewater subject to normal good practice. The applicant's Site Suitability

Assessment indicates that the location of the altered percolation area is removed from karst features, wells, dwelling houses, stream etc. (as per EPA guidelines, Table 6.2). Soils on site are sandy gravelly CLAY, no bedrock or water ingress encountered in the 2.7m trial hole. The subsoil percolation test indicated a value of 17 indicating that soils on site are capable of providing satisfactory retention time of final effluent. The applicant proposes a secondary treatment system and soil polishing filter (capacity for 20 persons), to be constructed in accordance with the EPA Code of Practice 2021 (cross sectional drawing provided in PF1 of Site Characterisation). It is not clear why reference is made to a Code of Practice for domestic WWT (<PE 10). However, I am satisfied that in principle the soils on site are capable for accommodating a wastewater treatment system.

Having regard to the foregoing, I am satisfied in principle, that the proposed alterations will not give rise to significant environmental effects by virtue of the location of the development.

Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).

Assessment

Having regard to the foregoing, I am satisfied that the proposed alterations, which essentially comprise the reconfiguration of elements of a permitted development, will not result in any significant effects on the environmental parameters considered in the original application and EIAR, over and above those already assessed and considered to be acceptable in the parent permission (ABP-703433).

Since the Board determined the parent permission, other developments have been proposed or permitted in the area of the site, including the upgrading of the 110kV OHL which traverses the subject site (ABP-317568, not decided), 110kV substation opposite the site to the east of the R152 (ABP-303678, permitted) and also opposite the site, proposals for an Open Cycle Gas Turbine Power Plan (ABP-319678, not decided). However, given the modest nature of the proposed alterations and absence of likely significant environmental effects arising from these, I am satisfied that there is no potential for significant cumulative, in-combination or interactive effects as a consequence of the proposed alterations.

Schedule 7A

10.22. Schedule 7A of the Regulations sets out information to be provided by the applicant for the purposes of screening sub-threshold development for EIA. This is provided by the applicant in alteration request and a Screening Determination is therefore appended to this report.

Further relevant information (3A and 3B)

10.23. Section 146(3A) requires the requester when submitting information under subsection (3)(b)(i), which refers to Schedule 7A information and/or an EIAR, to provide any further relevant information on the characteristics of the alteration and its likely significant effects on the environment, including where relevant, information on how the available results of other relevant assessments of the effects on the

environment carried out pursuant to EU legislation, other than the EIA Directive, have been taken into account.

10.24. In this instance, the requester provided Schedule 7A information with the request and no additional information has been provided on other relevant assessments under EU legislation. Notwithstanding this, the EIAR for the permitted parent permission examined the likely effects of the development on all parameters required under the EIA Directive, with reference, where relevant to other EU legislation, for example in respect of waste, water, noise, industrial emissions etc. The proposed alterations essentially provide for the reconfiguration of the structures permitted under the parent permission, with no potential for significant environmental effects on the parameters considered in the EIAR or its conclusions.

10.25. Section 146(3B) requires the requester, when submitting information under subsection (3)(b)(i), to provide any a description of mitigation measures to avoid or prevent significant adverse effects. In this instance, the requester provided Schedule 7A information with the request. There is no description of the proposed mitigation measures. However, the request is for alterations to a permitted development which includes a suite of mitigation measures set out in the original project documentation under ABP-307433 and which are required to be implemented by conditions of the permission granted. The proposed development comprises relatively modest reconfiguration and alterations to elements of the permitted development and, if permitted, would operate within the same environmental mitigation measures.

Natural Heritage

10.26. As stated, the proposed development is not located in or near any European site or site of natural heritage interest (listed in section 146(7)(vi)(I) to (VII)). Effects on European sites are considered in the appropriate assessment section of this report below.

10.27. Appropriate Assessment - Screening

10.28. The parent permission for the subject development, ABP-307433, was subject to Appropriate Assessment (Stage 1 and Stage 2) and the Board was satisfied that the development, by itself or in combination with other plans and projects would not

adversely affect the integrity of any European site, in view of the site's Conservation Objectives. This section of the report examines the potential for effects on the integrity of European sites by virtue of the proposed alterations, alone and in combination with other plans and projects, including the permitted development. The requirements of Article 6(3) as related to appropriate assessment of a project under Part XAB, section 177U of the Planning and Development Act, 2000 (as amended) are, therefore, fully considered in this section in respect of the proposed alterations.

Compliance with Article 6(3) of the EU Habitats Directive.

10.29. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

Screening

10.30. The applicant has submitted a 'Report in Support of Appropriate Assessment Screening' (DixonBrosnan, 2023). The report has been prepared having regard to best practice guidelines. It describes the receiving environment in terms of the existing site, proposed alterations and the existing arrangements for stormwater management and foul water (which will not change as a consequence of the development). It identifies European sites within the possible zone of influence of the development and concludes that on the basis of objective information, the proposed alteration, either individually or in combination with other plans or projects, will not have a significant effect on a European site and a Stage 2 appropriate assessment is not required.

10.31. Having reviewed the documents, and submissions on file, 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.

Brief Description of the Development

10.32. The proposed alterations are made in respect of the permitted development, under ABP-307433, which provided for an increase in total waste, and hazardous waste, at Indaver's waste to energy facility, the development of aqueous waste tank farm, hydrogen generation unit, bottom ash storage building, single storey warehouse, new concrete yard, weather canopy and the demolition and rebuilding of an existing single storey modular office building and ancillary site works. Ancillary site works included for the provision of a wastewater treatment system to serve the rebuilt single storey office building, with a septic tank, Puraflow system and percolation area situated to the west of the permitted office building.

10.33. The subject alterations relate to the following.

- Relocation and redesign of previously permitted office building,
- Relocation and redesign of previously permitted warehouse/workshop/ERT building,
- Relocation of truck parking area,
- Relocation of previously permitted percolation area,
- Removal of previously permitted bottom ash storage building, and
- Demolition of existing warehouse/workshop structure.

10.34. The Screening Report describes the current arrangements for the management of stormwater and disposal of domestic sewage at the Indaver site, as follows:

- Stormwater from the Indaver facility currently passes through a Class 1 petrol interceptor before being collected in an attenuation pond. The pond discharges via pump to an external drainage ditch which leads to Cruicerath Stream, c.130m to the west of the Indaver facility and River Nanny c.2km downstream. Two continuous monitoring points in the system measures TOC, pH and conductivity, prior to the attenuation pond and at the outfall of the attenuation pond. Stormwater must be below set trigger levels before it can enter the pond or before it can be discharged at the outfall. Monitoring of stormwater emissions is carried out under EPA IE licence W0167-03. If concentrations exceed licence limits at the first monitoring point, storm water is diverted to an underground storage (firewater) tank and collected for disposal at an authorised facility. Should this tank be full, the surface water overflow is diverted to an attenuation pond. If concentrations exceed licence

limits at the second monitoring point, the discharge pumps shut down and water cannot be discharged and is disposed of via licenced contractor. Otherwise, the undeveloped area of the site drains naturally through field boundary and ditches and eventually reaches the River Nanny. These arrangements do not change with the permitted development i.e. surface water continues to be collected on site, pass through a petrol interceptor for controlled and monitored discharge to Cruicerath stream via the on-site attenuation pond. Similarly, stormwater arising from the altered structures/hard surfaces will be collected, managed and discharged via the permitted infrastructure, under an Industrial Emissions licence.

- Domestic sewage, from the existing process building and warehouse/workshop structure to be demolished, is currently collected in an onsite effluent treatment system which passes through a septic tank and secondary treatment before being discharged to an engineered percolation area to ground, located adjacent to the 38kV substation to the north of the site. A second smaller effluent collection and discharge system is provided at the site security hut (see Drawing Existing Drainage Layout, No. 29043/CD/001, ABP-307433). Two effluent holding tanks are also used on site, one for the modular offices in the contractors' compound and one for the temporary portacabins which are used during the annual maintenance shutdown. The contents of these holdings are transported off site for treatment.

The permitted development under ABP-307433 provides for (i) discharge of domestic sewage from the proposed warehouse/ workshop/ ERT building, to the existing septic tank system to the north of the site and (ii) and discharge of domestic sewage from the permitted replacement offices to a new effluent treatment system with percolation area.

In the proposed alterations, the subject of this report, the proposed relocated warehouse/ workshop/ ERT building, albeit relocated, will continue to discharge domestic sewage from the to the existing septic tank system to the north of the site and the permitted offices will discharge to the permitted wastewater treatment system, with the percolation area relocated to the north of the relocated offices.

The Development Site

- 10.35. The development site comprises the existing Indaver industrial complex at Carranstown, with proposed alterations are situated to the north and south of the site.
- 10.36. The development site is situated in the Nanny-Devlin river basin catchment (WFD Code 08). The River Nanny is situated c.2km to the south of the site. It discharges to the River Nanny and Estuary and Shore SPA c.11.3km downstream of the Indaver facility. The nearest surface waterbodies to the site are Cruicerath Stream, c.130m to the west of the site, and Platin Stream, c.500m to the east of the site. Both waterbodies drain to the River Nanny (Figure 6). For the period 2016 to 2021, Cruicerath Stream and Platin Stream (both Nanny (Meath)_050, are recorded as having Poor status under the WFD and At risk of not meeting water quality objectives (Good status) by 2027. Pressures on the waterbodies include hydromorphology and agriculture. Pressures on waterbody immediately upstream of the site, Nanny (Meath)_050, include urban wastewater (WFD Cycle 2 Report).
- 10.37. The requester's Report in Support of AA Screening refers to a site walkover survey carried out in July 2023. It included classification of habitats on site, survey of all potential nesting features within 50m of the development site, and general mammal survey. Results of the survey are set out in Table 6 and Figure 8, with habitats including small areas of amenity grassland, dry meadows/grassy verges, buildings and hard surfaces, hedgerows, drainage ditch and mixed broadleaf woodland. The drainage ditch referred to is situated in the centre of the facility, to the north of the existing car park (and site of relocated offices). It runs alongside a hedgerow, passes through a culvert under the entrance road to the facility and underground to Cruicerath Stream. At the time of the site survey, and during inspection the site, there was no water in the ditch.
- 10.38. The Screening Report states that managed habitats within the alteration site have limited value for nesting birds and boundary hedgerows within the larger Indaver facility having the most valuable habitat for nesting birds. No wetland features suitable for Kingfishers were identified and no grasslands at the site provide critical habitat for wading birds and/or waterfowl. No invasive or rare floral species were recorded during the survey and there was no evidence of Otter. It is stated that

Cruicerath Stream does not support permanent fish populations which could provide a source of prey for Otter.

Implications for European sites

- 10.39. The proposed development site is substantially removed from any European site, with no potential therefore for direct effects. The site survey identifies common habitats on site, with no high value habitats in the context of European sites and no habitats listed on Annex I of the Habitats Directive. Consequently, there will be no direct effects or habitat fragmentation in Natura 2000 sites.
- 10.40. Surface water within the Indaver facility drains into the River Nanny via Cruicerath stream (Figure 6). There is therefore hydrological connectivity with downstream European sites and potential for indirect effects and cumulative effects (with other pressures on water quality) on the QI/SCI of this and other European sites, for example, arising from the discharge of polluted surface water during construction and/or operation and effects on water quality dependent habitats and species which utilise downstream waters. Further, there is potential for indirect effects, during construction and/or operation, on habitats and species by virtue of disturbance, should habitats on or near the site comprise those used by mobile species of conservation interest (SCI/Qis). Impacts on QIs/SCIs could also arise from the spread of invasive species during construction and/or operation.

Submissions and Observations

- 10.41. In their submission to the Board, the PA refer to the absence of a Site Characterisation form, Percolation test and cross-sectional drawing for the proposed wastewater treatment system (these are now submitted to the Board). Further the PA recommend conditions in respect of the treatment of wastewater should permission be granted (summarised in section 7.0 above). It is also recommended that the Board consider the cumulative impact of any adjoining developments in its screening.

European sites

- 10.42. The requesters Screening Report identifies the five European sites in the potential zone of influence of the proposed alterations (Table 1 and Figures 4 and 5). Having regard to the location of the site relative to European sites, connectivity between the

subject site and European sites and the nature of the proposed alterations, this approach is reasonable. Potential for effects is considered in Table AA1 below.

Table AA1. Summary Table of European Sites within a possible zone of influence of the proposed development.

European site (code)	Qualifying Interest/ Special Conservation Interest	Distance (km)	Connections (S-P-R)	Considered Further in Screening
River Boyne and River Blackwater SAC (002299)	<p>Alkaline fens [7230]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>	3.2km (NW)	<p>No hydrological connection.</p> <p>No loss of ex situ habitat.</p> <p>Potential disturbance to mobile QIs during construction or operation.</p>	Yes
Boyne Coast and Estuary SAC (001957)	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p><i>Salicornia</i> and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>	7.2km (NE)	<p>No hydrological connection, no mobile QIs.</p> <p>No loss of ex situ habitat.</p>	No.

River Blackwater and River Boyne SPA (004232)	Kingfisher (<i>Alcedo atthis</i>) [A229]	3.4km (NNW)	Potential disturbance to QIs during construction or operation.	Yes.
Boyne Estuary SPA (004080)	Shelduck (<i>Tadorna tadorna</i>) [A048] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Redshank (<i>Tringa totanus</i>) [A162] Turnstone (<i>Arenaria interpres</i>) [A169] Little Tern (<i>Sterna albifrons</i>) [A195] Wetland and Waterbirds [A999]	6.1km (NE)	No hydrological connectivity (situated in a separate sub-catchment). Potential for SCIs to forage inland on terrestrial habitats near/on development site. Grassland habitats on site are small and would not provide critical foraging habitat for wading/ wintering waterfowl. If species are using habitat in wider area (intensively farmed land), they would already be habituated to noise/disturbance associated with active industrial site (construction and operation).	No.
River Nanny Estuary and Shore SPA (004158)	Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Herring Gull (<i>Larus argentatus</i>) [A184]	8.1km E (11.3km downstream)	Hydrological pathway, with potential for effects on water quality, and spread of invasive species during construction and operation. Potential for SCIs to forage inland on terrestrial habitats near/on development site. Grassland habitats on site are small	Yes.

	Wetland and Waterbirds [A999]		and would not provide critical foraging habitat for wading/ wintering waterfowl. If species are using habitat in wider area (intensively farmed land), they would already be habituated to noise/disturbance associated with active industrial site (construction and operation).	
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Identification of Likely Effects

10.43. European sites carried forward for further consideration (screening) are considered below.

River Boyne and River Blackwater SAC

10.44. This European site is situated c.3.2km to the north-west of the subject development. It lies in the Boyne_SC_130 sub-catchment and the subject development in a separate sub-catchment, the Nanny[Meath]_SC_020. At significant distance from the development site, there is no potential for disturbance effects during construction or operation. Further, there is therefore no hydrological connectivity between the sites or therefore for potential indirect effects on habitats or species of QI within the site (e.g. decline in water quality).

10.45. The Report in Support of AA Screening states that mobile species such as Otter may use freshwater habitats in the vicinity of the site. However, there are no watercourses within the alteration site boundary with no potential for effects on foraging habitat. Further, the nearest watercourse, Cruicerath stream is c.130m to the west of the site and it does not support permanent fish populations and is therefore of negligible value to Otter. Having regard to these factors and to the absence of any evidence of Otter in the vicinity of the site survey, I am satisfied that there is no potential for significant effects on Otter species by virtue of the proposed alterations, alone or in combination with the permitted development.

River Boyne and River Blackwater SPA

10.46. Again, this site is situated c.3.4km to the north-west of the subject site and is situated in a separate sub-catchment. There is therefore no potential for disturbance effects on the SPA and, with no hydrological connectivity, no potential indirect effects on habitats or species of QI within the site, for example, by virtue of effects on water quality (Kingfisher). The Report in Support of AA Screening states that mobile species such as Kingfisher may use freshwater habitats in the vicinity of the site. As stated, there are no watercourses within the alteration site boundary and the nearest watercourse, Cruicerath stream is c.130m to the west of the site, does not support permanent fish populations and is therefore of negligible value to Kingfisher. I am satisfied therefore that there is no potential for significant effects on the conservation interest of this European site, alone, or in combination with the parent permission.

River Nanny Estuary and Shore SPA

10.47. This European site is situated downstream of the subject site. Surface water emissions associated with construction and operation could impact on aquatic habitats via increased silt levels and/ or inadvertent spillage of hydrocarbons, cement etc. It is stated in the Screening Report that this is only likely to take place where works are in proximity to seasonal drainage ditches and when drainage ditches/Cruicerath Stream are wet. I note from the information on file that the proposed alterations do not take place in proximity to any seasonal drainage ditches. This includes the proposed revised location of the proposed percolation area which is situated c.20m from ditch which runs across the centre of the site and which I observed as being dry at the time of site inspection (otherwise percolation is to ground, with attenuation and breakdown of contaminants, and no potential for adverse effects on the downstream European sites >11km from the subject site). Notwithstanding this, and taking a cautionary approach, the Screening Report also states:

- Estuarine habitats in the River Nanny Estuary and Shores SPA are robust and unlikely to be affected by small fluctuations in silt levels,
- Any minor hydrocarbon spillage or surface water runoff will be captured by the existing stormwater drainage system,

- The River Nanny Estuary and Shores SPA is >11.3km from the Indaver Facility.

10.48. Having regard to the foregoing, I am satisfied that the proposed alterations alone, or in conjunction with the parent permission, would have no significant effect on water quality in the River Nanny Estuary and Shores SPA or on SCIs species within the Natura 2000 site.

10.49. During operation, storm water from relocated and redesigned structures and hard surfaces will runoff to the existing storm water system for attenuation, monitoring and controlled discharge to Cruicerath Stream. There is no significant increase in built structures/hard surfaces and volume of runoff will not increase significantly. There is no potential therefore for the operational phase of the proposed alterations alone, or in combination with the permitted development, to have a significant effect on water quality within the River Nanny Estuary and Shores SPA or on SCI species within the Natura 2000 site.

Invasive Species

10.50. I note that no invasive species were identified on the proposed alteration site. There is therefore no risk to Natura 2000 sites via impacts from the spread of invasive species from the proposed alterations.

In combination Effects

10.51. The Screening Report refers to the River Basin Management Plan 2022-2027, Inland Fisheries Ireland Corporate Plan 2021-2025, the Irish Water Capital Investment Plan 2020-2024, Water Services Strategic Plan (WSSP, 2015). Each of the policy documents set out objectives to improve water quality or fish populations in the State or Region. It is unlikely therefore, that the proposed alterations, alone or in conjunction with the parent permission, in combination with the implementation of these policy documents would have any adverse in combination effects on European sites connected to the development.

10.52. I note that existing water courses in the area of the site have poor water quality and are subject to pressures, including urban wastewater, agriculture and hydromorphology. The subject alterations, for the reasons stated above, are not

likely to have significant adverse effects on water quality and will not add to these pressures. No risk therefore of cumulative effects.

10.53. In response documents, the requester refers to development that is proposed or permitted in the area of the site, including the upgrading of the 110kV OHL which traverses the subject site (ABP-317568), 110kV substation opposite the site to the east of the R152 (ABP-303678) and also opposite the site, proposals for an Open Cycle Gas Turbine Power Plan (ABP-319678). The proposed alterations, of themselves are not likely to give rise to adverse effects on any European sites. Further, the alterations are very modest in the context of the permitted parent permission and in the context of development that is proposed or permitted in the area of the site. In addition, each development that has been permitted or proposed, cannot be authorised if significant effects on European sites are predicted. It is highly unlikely therefore, that the subject alterations, which do not give rise to the risk of significant effects, would give rise to significant cumulative effects with such development.

10.54. Mitigation Measures

10.55. The mitigation measures that form part of the permitted parent permission, will apply to the subject development. Notwithstanding this, 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.

10.56. Screening Determination

10.57. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) would not be likely to have a significant effect on European Site Nos. 002299, 004232 or 004158 in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

11.0 Conditions of the Permission

- 11.1. The PA recommend conditions to be attached to any decision by the Board to alter the terms of the permitted development. However, I note that section 146B makes no provision for the making of alterations subject to conditions. Notwithstanding this, I am satisfied that the subject alterations, if approved, will be subject to the conditions associated with the parent permission and which will address the matters raised by the PA, including development contribution, construction management (which includes all environmental commitments), protection of archaeological heritage, surface water, external finishes and implementation of all mitigation measures.

12.0 Recommendation

- 12.1. I recommend that the Board decides that (a) the proposed modifications subject of this request do constitute the making of a material alteration of the terms of the development as permitted under ABP 307433, and (b) the proposed modifications will not give rise to significant environmental effects or significant effects on the integrity of any European site, for the reasons stated below.

DRAFT ORDER

REQUEST received by An Bord Pleanála on the 22nd day of September 2023 from Indaver Ireland under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a strategic infrastructure development, granted under ABP-307433-20 for increase in annual total waste for treatment from currently permitted 235,000 tonnes to 250,000 tonnes, increase in annual amount of hazardous waste from currently permitted 10,000 tonnes to 25,000 tonnes, development of aqueous waste tank farm, hydrogen generation unit, bottom ash storage building, development of a single storage warehouse, new concrete yard, weather canopy, demolition and rebuilding of an existing single storey modular office and ancillary site works at Indaver Waste to Energy Facility, Carranstown, County Meath.

WHEREAS the Board made a decision to grant the proposed development, subject to conditions, for the above-mentioned development by order dated the 3rd day of March, 2022.

AND WHEREAS the proposed alteration is described as follows:

- Relocation and redesign of previously permitted office building,
- Relocation and redesign of previously permitted warehouse/workshop/ERT building,
- Relocation of truck parking area,
- Relocation of previously permitted percolation area,
- Removal of previously permitted bottom ash storage building, and
- Demolition of existing warehouse/workshop structure.

AND WHEREAS the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alterations would result in a material alteration to the terms of the development, the subject of the approval,

AND WHEREAS having regard to the issues involved, the Board decided, in accordance with section 146B(8)(a) of the Planning and Development Act 2000, as amended, to invite submissions or observations from the public in relation to the matter,

AND WHEREAS having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alteration would not be likely to have significant effects on the environment or on any European Site,

NOW THEREFORE in accordance with section 146B(3)(b)(ii)(I) of the Planning and Development Act, 2000, as amended, the Board hereby alters the abovementioned decision so that the approved development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on the 22nd day of September 2023, for the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard.

REASONS AND CONSIDERATIONS

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

- (a) The nature and scale of the proposed alteration,
- (b) The documentation and submissions on file, including submissions in response to the public notices, and
- (c) The report of the Inspector.

The Board was satisfied that the information before it was adequate to undertake a screening for appropriate assessment and a screening for environmental impact assessment in respect of the proposed alteration.

Appropriate Assessment Screening

In conducting a screening exercise for appropriate assessment, the Board considered the nature, scale and context of the proposed alteration, the documentation on file including the Report in Support of AA Screening submitted with the application, the submissions on file, and the assessment of the Inspector in relation to the potential for effects on European Sites. In undertaking the screening exercise, the Board accepted the analysis and conclusions of the Inspector. The Board concluded that, by itself and in combination with other development in the vicinity, the proposed alteration would not be likely to have significant effects on any other European Site in view of their conservation objectives. A Stage 2 Appropriate Assessment (and submission of an NIS) is not, therefore, required. In reaching this conclusion, the Board took no account of mitigation measures intending to avoid or reduce the potentially harmful effects of the development on any European site.

Environmental Impact Assessment Screening:

The Board considered the potential environmental impacts that might arise due to the proposed alteration, both by itself and in combination with other development in the vicinity. Having regard to the characteristics of the receiving environment, the

characteristics of the proposed alteration, and the submissions on file, the Board is satisfied that the proposed alteration would not be likely to have significant effects on the environment. The Board concurred with the analysis and conclusions of the Inspector in this matter. The Board, therefore, concluded that the preparation of an environmental impact statement is not required, either by means of any mandatory requirement or following sub-threshold analysis.

Conclusions on Proper Planning and Sustainable Development:

Having regard to:

- the nature and details of the parent permission, ABP-307433-20,
- the character of the alterations, including their scale and form,
- the location of the proposed alterations, within the footprint of the existing industrial site,
- the additional capacity locally for the acceptance and treatment of bottom ash,
- the limited visibility of the relocated structures outside the confines of the site,
- the operation of the parent permission, and proposed alterations, under the existing Industrial Emissions licence (IE W0167-03),
- the absence of any significant new or additional environmental impacts arising as a result of the proposed alterations, including landscape or visual effects or effects on archaeology, and
- the report of the Board's inspector, which is adopted,

The Board concluded that the making of the proposed alteration would be in accordance with the proper planning and sustainable development of the area.

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.

Deirdre MacGabhann
Senior Planning Inspector
9th September 2024

Appendix 1 - Form 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference	318100			
Proposed Development Summary	Proposed alterations to the terms of the permitted development granted under reference number ABP-307433-20			
Development Address	Carranstown, County Meath			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	YES	
		No		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes			EIA Mandatory EIAR required	
No	X	Class 14, Part 2.	Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	X	Class 14, Part 2.	See report.	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes	Yes	Screening Determination required

Inspector: _____ Date: _____

EIA – Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference - 318100		
Development Summary	Proposed alterations to the terms of the permitted development granted under reference number ABP-307433-20.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	N/A	
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	No	AA and NIS with parent permission ABP-307433. Report in Support of AA submitted with application for alterations.
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	In parent permission, ABP-307433.

EIA – Screening Determination

B. EXAMINATION	Where relevant, briefly describe the characteristics of impacts (i.e. the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No. Alterations are proposed to a permitted development within the footprint of an existing industrial site.	No
1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	No. Works confined to existing industrial site.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	No. Works are confined to an existing industrial site. Materials required likely to be similar, with removal of bottom ash storage building, and modest increase in size of others.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	No. Alterations do not modify the permitted quantity or treatment of waste at the facility. No significant increase in built footprint, no significant change to area of hard standing, or arrangements for the discharge of surface water or foul water (over permitted development).	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	No. No change to waste type, volume or treatment at the site.	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No. No change to waste type, volume or treatment at the site, no significant increase in hard surface, no change to surface water management measures, means to control	No

EIA – Screening Determination

	effects during construction (e.g. CEMP in parent permission to apply). Bottom ash to be disposed of at an offsite licenced facility.	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	No. No change to onsite processes. Means to control effects during construction as set out in parent permission, to apply.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No. As above.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No. As above.	No
1.10 Will the project affect the social environment (population, employment)	No.	No
1.11 Is the project part of a wider large-scale change that could result in cumulative effects on the environment?	The subject alterations form part of a larger permitted development. The nature and scale of the proposed alterations, which effectively provide for the re configuration of the site, will not result in cumulative effects on the environment. The proposed alterations will be subject to the same environmental controls/limit values as the parent permission.	No
2. Location of proposed development		
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an	No. The development is removed from sites of nature conservation interest. Connectivity to downstream European sites is considered in the Appropriate Assessment section of this report.	No

EIA – Screening Determination

objective of a development plan/ LAP/ draft plan or variation of a plan		
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?	No habitats or species of conservation significance identified within the site or in the immediate environs. The proposed development would not result in significant impacts to protected, important or sensitive species	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	<p>Given the location of the development within an existing industrial site, the relatively modest scale of the proposed structures, the screening provided by topography and existing mature vegetation, no significant effects on any landscape feature of importance will occur.</p> <p>The proposed alterations take place within the footprint of the permitted development. Conditions of the parent permission require archaeological monitoring of all site investigations and other excavation works.</p>	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No. Alterations are confined to existing site footprint with no potential for significant effects outside of the site.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	The proposed alterations will operate within the surface water management system and CEMP for the permitted development, where it was considered that the development would have no significant effects on any water resources.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No
2.7 Are there any key transport routes(e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	The proposed alterations include the omission of the bottom ash storage building. However, no change to volume of bottom ash material to leave the site, or overall vehicle movements. Trip patterns may change, but no	No

EIA – Screening Determination

	significant effects on emissions/impacts. Conditions of parent permission precludes HGVs through Duleek.	
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	No. The subject alterations take place within the existing industrial site which is largely removed from sensitive land uses. Nearest residential dwellings are separated from the site by substantial bunds and landscaping.	No
3. Any other factors that should be considered which could lead to environmental impacts		
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	By virtue of the modest nature of the proposed alterations, there is no potential for significant cumulative effects during construction or operational phases.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No
3.3 Are there any other relevant considerations?	No	No
C. CONCLUSION		
No real likelihood of significant effects on the environment.	<div style="display: inline-block; border: 1px solid black; padding: 2px 10px;">Agreed</div> <div style="display: inline-block; border: 1px solid black; padding: 2px 10px; margin-left: 10px;">Yes</div>	EIAR Not Required
Real likelihood of significant effects on the environment.	<div style="display: inline-block; border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>	
D. MAIN REASONS AND CONSIDERATIONS		

EIA – Screening Determination

Having regard to

- The parent permission granted under ABP-307433, which the subject alterations seek to amend,
- The modest nature and scale of the proposed alterations,
- The location of the proposed alterations, within the footprint of the permitted development and within an existing industrial site,
- The pattern of development in the surrounding area,
- The location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as revised,
- The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised,

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____