



An
Bord
Pleanála

Inspector's Report ABP-318984-24

Development

Alterations to previously granted PA0050 to facilitate further replacement of fossil fuels with alternative fuels for the introduction of alternative raw materials in the manufacturing of cement at Platin Cement Works

Location

Platin, Duleek, County Meath

Planning Authority

Meath County Council

Requester

Irish Cement Limited

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

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1.0 Introduction

- 1.1. On the 11th April 2018, the Board granted permission under section 37E of the Planning and Development Act 2000, as amended (the Act), to facilitate further replacement of fossil fuels with alternative fuels and allow for the introduction of alternative raw materials in the manufacture of cement at Platin Cement Works, Platin, Duleek, County Meath (ABP 17.PA0050). The subject application to the Board is for alterations to this permission, under section 146B of the Act.

2.0 Planning History

- 2.1. The following planning applications are relevant to the subject application:
- PA ref SA803066 (as varied under SA120301) – Permission granted for the use of up to 120,000 tonnes per annum of lower carbon alternative fuels in Kiln 3.
 - ABP 17.PA0050 - Permission granted for a period of 10-years, provided for on-site handling, storage, and introduction of up to an additional 480,000 tonnes per annum of alternative fuels and alternative raw materials, including the use of non-hazardous and hazardous wastes. The permitted development comprised the following elements:
 - (i) Extension to the existing Kiln 3 fine solids storage building (gross floor area of circa 493 square metres) with truck unloading station and connecting covered bridge over.
 - (ii) Three number pumpable fluids storage and handling tanks for Kiln 2 and Kiln 3 which are located within a concrete bunded area.
 - (iii) Fine solids storage building for Kiln 2 (gross floor area of circa 1,287 square metres).
 - (iv) Fine solids introduction and metering building for Kiln 2 (gross floor area circa 45 square metres) with two number associated truck offloading stations (circa 30 square metres) and associated conveyor.
 - (v) Coarse solids storage and handling building for Kiln 2 and Kiln 3 (gross floor area of circa 4,875 square metres).

- (vi) Coarse solids offloading, buffer storage and conveying building for Kiln 2 (gross floor area of circa 288 square metres) with a proposed transfer station (gross floor area of circa 47 square metres) and associated conveyors.
- (vii) Coarse solids conveying building for Kiln 3 (gross floor area circa 288 square metres) and associated conveyor.
- (viii) Two number silos for storage and introduction of free-flowing solids for Kiln 2.
- (ix) *Two number silos for storage and introduction of free-flowing solids for Kiln 3.*
- (x) Tyre storage and handling area (circa 835 square metres), tyre intake station (circa 288 square metres), transfer station (circa 288 square metres) and conveyors.
- (xi) Alternative raw materials storage building (gross floor area of 2,846 square metres).
- (xii) Bypass filter for Kiln 2 comprising a bag filter and cooling tower with truck loading point.
- (xiii) Demolition of one existing firewater water retention tank.
- (xiv) Provision of five new firewater retention tanks.
- (xv) Provision of a range of associated mechanical plant and equipment and ancillary works, including sections of conveyors, sections of internal roadway and pavement, fencing and landscape works.

2.2. Conditions of the permission included:

- C2 - That the development be carried out for a period of 7 years from the date of the Board's.
- C3 – Alternative fuels/raw materials to be used should not exceed 465,000 tonnes per annum (Residual Solid Recovered Fuel 100,000 tonnes per annum, Hazardous waste 50,000 tonnes per annum, Other waste 75,000 tonnes per annum and alternative raw materials 120,000 tonnes per annum).

- C4 – Limited the use of alternative fuels and raw materials to the certain waste types.

2.3. The development was subject to an Industrial Emissions Licence No. P0030-06.

3.0 Proposed Changes

3.1. The proposed alterations relate to a single aspect of the permitted development, the '*Free flowing solids silos for kiln 3*' (no. ix above) and comprise:

- Relocation of free-flowing solids silos for kiln 3 element of development from its current permitted location within the cement works to an alternative location more directly adjacent to kiln 3 within the cement works.
- A reduction in height of the 2 silos of 5.123m from 70.323m above ordnance datum (AOD) to 65.20m AOD.
- A reduction in the overall height of the development of 3.373m from 71.423m AOD to 68.05m AOD.
- Replacement of steel access stairs located on the bund wall, with steel access tower (2.4m x 5.5m x 20.1m high, i.e. up to 65m AOD), fixed to one of the silos and facilitating access to the top of the silos.
- Change in size of the containment bund from internal dimensions 13.5m x 8.6m x 4m high, to 11.8m x 8.6m x 4.5m high, taking account of slightly lower, smaller silos.
- Minor alterations to the associated plant and structure.

3.2. It is stated by the requester that there is no change required to the existing IE Licence (P0030-06).

4.0 Requester's Submission

4.1. The requester's submission submits the following:

- The permitted use of alternative fuels/ raw materials is regulated under the terms of an Industrial Emissions (IE) Licence (No. P0030-06) issued by the EPA.

- To date the increase in use of alternative fuels has been achieved through the existing fine solids infrastructure (at location 1, Figure 2 of submission, permitted context), and the introduction of tanks and plant required for the storage, handling and introduction of 'Pumpable Fluids to Kiln 2 & 3', project element no. (ii) above (location no. 2 on Figure 2).
- The request for alterations under section 146B relate solely to project element no. (ix) above, *Two number silos for storage and introduction of free-flowing solids at Kiln 3* (location 3, Figure 2, permitted context).
- In reviewing the infrastructure required, Irish Cement concluded that the optimum position for the development is in closer proximity to Kiln 3 and that the detail of the structure of the silos can be provided more effectively and efficiently.
- The permitted location of the free-flowing solids silos for kiln 3 is centrally within the extensive development of Platin Cement Works. The location for the proposed relocation is c.110m to the east, but still centrally within the cement works.
- The review of environmental effects (section 5) considers the individual factors considered in the original EIAR and AA. It is considered that given the limited extent and nature of the proposed alterations, the conclusions original EIAR and AA, Inspector's report, and the Board, in respect of the parent permission, remain valid and are not changed in any way.
 - Relocated silos are within the existing development footprint of the extensive cement works, with no direct or indirect effects on *population or human health, biodiversity, land or soil, material assets or cultural heritage*.
 - The entire footprint of the cement works, including the subject location of the proposed alterations, is within the drainage catchment for the overall cement works. All surface water from the drainage catchment is collected and treated prior to discharge in accordance with the IE licence, and no *water* features will be directly or indirectly affected by the proposed alterations.

- All emissions from the cement works, including any emissions as a result of alternative fuels/ raw materials development are subject to control under IE licence that applies to the cement works.
Nevertheless, no *air or climate* aspects will be affected either directly or indirectly by the proposed alterations.
- The development, as permitted or as proposed, is not visible from any locations outside the boundary of the cement works and no *landscape* features will be affected either directly or indirectly by the proposed alterations.
- No impacts are envisaged as a result of potential *interactions* or as a result of *cumulative effects* arising from the proposed alterations.
- The alterations relate primarily to a localised relocation of free-flowing solids silos to kiln 3 development within the existing footprint of the cement works. As such no likely *major accidents or risk* arise either directly or indirectly from the proposed alterations.
- Given the extent and nature of the proposed alterations, it can be concluded that there is no possibility of any significant effects on any European site, and a stage 2 AA is not required.
- The proposed alterations are not considered to be material and will not have a significant effect on the environment given the following:
 - The limited extent and nature of alterations proposed.
 - The localised relocation centrally within the context of the major existing cement works development.
 - The lack of any change to the findings of environmental assessments carried out as part of the consenting of the parent permission (under ABP-PA0050).
 - The avoidance of any impact on adjoining landowners, residents, or other receptors.

5.0 Legislative Provisions

- 5.1. 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.
- 5.2. Under sub-section (2)(a), before making its decision, the Board may invite submissions as it considers appropriate and is required to have regard to any submission made to it of foot of the invitation.
- 5.3. 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.
- 5.4. 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 request certain information on the likely effects of the development on the environment and to determine whether significant effects on the environment would arise as a consequence of the alteration. Matters to be considered in making this determination are set out in section 146B(7)(a) and include criteria for determining which classes of development are likely to have significant effects on the environment (section 176 of the regulations), the criteria set out in Schedule 7 and 7A to the Act, the further information submitted, and the sensitivity of the location of the development e.g. European site, national site of natural heritage interest.
- 5.5. If the Board determine that no significant environmental effects will arise, they proceed to making a determination under subsection (3)(b)(ii). If the Board determines that significant effects will arise, the provisions of section 146C apply. Prior to making their determination, under subsection 3(b), the Board must comply with certain requirements for public notification.

6.0 Assessment

6.1. In the following assessment I consider the issue of materiality, and the potential for significant effects on the environment and European sites.

6.2. Consideration of Materiality

6.3. Section 2(1) of the Act, refers to the term material in its definition of ‘alteration’ and states that, with reference to certain physical alterations to a building, it includes alterations that alter the ‘*external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures*’. In English, the term materially is defined as ‘*to a material or important extent; significantly, substantially, considerably*¹’.

6.4. Platin Cement Works is a substantial cement manufacturing facility in County Meath. As indicated in the Inspector’s report under ABP 17.PA0050, the existing cement works extend to an area of c.40 hectares and limestone is extracted from an adjoining quarry (limestone is a key raw material for the manufacture of cement).

6.5. The development permitted under ABP 17.PA0050, to facilitate the further replacement of fossil fuels and to allow for the introduction of alternative raw materials in the manufacture of cement, comprised the introduction of new plant/structures to facilitate the off-loading, storage, and use of alternative fuels (to heat kilns used for the manufacture of cement) and alternative raw materials (in cement manufacture). Structures permitted included two silos, for storage and introduction of free-flowing solids for use, as alternative fuels, in Kiln 3. In the original application documentation indicative free-flowing solids were secondary liquid fuels, waste oils and sludge, with these delivered by tanker, off-loaded using pumps into on site storage tanks located in bunded compounds and pneumatically conveyed from the storage silos to kiln burners via enclosed pipelines.

6.6. Under ABP 17.PA0050, the two silos were proposed and permitted in a location to the northwest of Kiln 3 (Platin Cement Works, Permitted Site Layout, P011-0G3-0721-02A-01). At this location, the silos are located within the substantial structures of the existing cement works.

¹ Oxford English Dictionary.

- 6.7. The proposed alterations are to relocate the two silos to the northeast of Kiln 3, approximately 110m to the east of the original location. Further, the silos are reduced in height by c.5m, and overall height is reduced by c.3.4m (taking account of plant at the top of the silo – see below). At this location the proposed silos remain within the developed footprint of the site, largely central to existing, and, at a reduced height, remain within the context of more substantial structures.
- 6.8. There is no potential therefore for any material change (significant or substantial) in the nature of the development, or its appearance such that it would be inconsistent with the character of the permitted development or neighbouring structures or to give rise to any significant *landscape or visual* effects.

6.9. **Environmental Effects**

- 6.10. The proposed alteration involves the relocation of the permitted silos, within the existing footprint of the cement works plant. Consequently, there is no additional land take and no potential for effects on *biodiversity, land or soils, material assets or cultural heritage*.
- 6.11. With regard to drainage, it is stated in the requester's submission, that the entire footprint of the cement works, including the location of the permitted and revised location silos, is within the drainage catchment for the overall cement works, with surface water collected and treated prior to discharge in accordance with the IE licence. There is no change therefore in drainage arrangements, as a consequence of the development i.e. all surface water arising at the relocated silos will be directed to the permitted surface water management system, subject to IE licence and with oversight by the EPA. Further, I note that the arrangements for containment bunds remain, with revised dimension consistent with the smaller silos.
- 6.12. With regard to air and climate, I note that the requester proposes air filters at the top of the relocated silos. These were not referenced in the previous application documents and no explanation is provided regarding why these are proposed/necessary. Notwithstanding this, it is clearly stated in the correspondence with the Board that there is no requirement for any alterations to the existing emissions licence (P0030-06) or change sought in respect of the type of alternative fuels to be stored in the free-flowing solids silo or any change to quantity of such

fuels to be used. Further, emissions to air remain as per the parameters considered to be acceptable in the Board's previous decision under ABP 17.PA0050.

6.13. Subject to these restrictions, i.e. that the alteration comes forward in a context where there is no change in waste type/volume/emission limits, I am satisfied therefore that there is no potential for significant environmental effects, by way of *air* pollution or *climate*, arising as a consequence of the alteration.

6.14. Having regard to the foregoing and the absence of any significant environmental effects arising from the relocation of the two silos, I am satisfied that there is no potential for significant impacts arising from the *interaction of effects*. The relocation of the silos within the site, by c.110m, is unlikely of itself, to introduce a greater *vulnerability to risk of major accident or disaster*, or therefore for significant environmental effects arising from this.

6.15. **Appropriate Assessment**

6.16. Under ABP 17.PA0050, the Board considered the potential for water discharging from the development to adversely affect downstream European sites. Further, having regard to the surface water management system which collected surface water on the cement works site, the direction of this to a discharge point which was regulated by the EPA (IE licence), the high level of compliance with emission limits achieved for the discharge, the distance to downstream European sites, the water quality assessment that found no significant impacts on water quality downstream of the discharge point, and with the implementation of mitigation measures specified in the application documents, it was considered that the development would not individually, or in combination with other plans or projects, adversely affect the integrity of any European site.

6.17. As stated, in this instance, the relocated silos will remain with the surface water catchment system for the cement works site. Further, surface water characteristics (e.g. water quality or volume) will not alter significantly with relocation (quantity may reduce with reduced size). Therefore, I am satisfied that there is no potential for adverse effects on any European site and that the conclusions of the previous AA remain valid.

6.18. Environmental Impact Assessment

- 6.19. Class 5(b), Part 2, Schedule 5 of the Planning and Development Regulations, 2001 (as amended) requires EIA for all installations for the manufacture of cement. Class 13 of Part 2 requires EIA for any change or extension of the already authorised, executed or in the process of being executed development, which would result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of part 2, or result in an increase in size greater than 25%, or an amount equal to 50% of the appropriate threshold.
- 6.20. In this instance, the proposed development comprises a minor relocation of silos within a permitted cement works and comprise an amendment to a development which has been subject to EIA. The alterations provide no change to the permitted footprint of development, or any increase in size or threshold (e.g. in terms of amount or type of alternative fuel used) and do not, therefore, trigger any requirement for EIA.

6.21. Finding in Respect of Materiality

- 6.22. Having regard to the modest relocation of the 'Free flowing solids silos' within the footprint of the existing cement works and the permitted surface water drainage system, the reduction in size of the silos, and the absence of any change to permitted type or quantity of alternative fuels to be stored in the silo or used in Kiln 3, the operation of the Cement Plant within the parameters of the existing Industrial Emissions Licence (P0030-06), I am satisfied that the alterations will not alter the character of the approved development or give rise to new considerations or environmental effects that were not already considered in the assessment of impacts under ABP 17. PA0050. I consider it reasonable to conclude therefore that the proposal subject of this request does not constitute the making of a material alteration of the development as approved under ABP 17.PA0050.

Submissions

- 6.23. I have considered the provisions of section 146B(2)(b) which provides for, at the Board's discretion, the invitation of submissions from persons, including the public. I am of the opinion that the inviting of submissions from the public in this instance is

not necessary and is not required for the purposes of the Board in determining the matter for the following reasons:

- (a) I am satisfied that the proposed alterations that are fully contained within the footprint of the existing cement works are minor in nature.
- (b) These amendments will result in very modest visual effects.
- (c) The pattern, form, scale, and nature of the overall development will remain unchanged.

7.0 Recommendation

I recommend that the Board decides that the proposed modifications subject of this request do not constitute the making of a material alteration of the terms of the development as permitted under ABP 17.PA0050.

DRAFT ORDER

REQUEST received by An Bord Pleanála on the 31st day of January 2024 from Irish Cement Ltd under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a strategic infrastructure development described as permitted development to facilitate further replacement of fossil fuels with alternative fuels and to allow for the introduction of alternative raw materials in the manufacture of cement at Platin Cement Works, Platin, Duleek, County Meath, subject of a permission under An Bord Pleanála Reference Number ABP 17.PA0050.

WHEREAS the Board made a decision to grant the proposed development, subject to conditions, for the above-mentioned development by order dated the 11th day of April, 2018.

AND WHEREAS the proposed alteration is described as follows:

- Relocation of free-flowing solids silos for kiln 3 element of the development from its current permitted location within the cement works to an alternative location more directly adjacent to kiln 3 within the cement works.
- A reduction in height of the 2 silos of 5.123m from 70.323m above ordnance datum (AOD) to 65.20m AOD.

- A reduction in the overall height of the development of 3.373m from 71.423m AOD to 68.05m AOD.
- Replacement of steel access stairs located on the bund wall, with steel access tower (2.4m x 5.5m x 20.1m high, i.e. up to 65m AOD), fixed to one of the silos and facilitating access to the top of the silos.
- Change in size of the containment bund from internal dimensions 13.5m x 8.6m x 4m high, to 11.8m x 8.6m x 4.5m high, taking account of slightly lower, smaller silos.
- Minor alterations to the associated plant and structure.

AND WHEREAS the Board decided, in accordance with section 146B(2)(b) of the Planning and Development Act 2000, as amended, not to invite submissions or observations from the public in relation to whether the proposed alteration would constitute the making of a material alteration to the terms of the development concerned,

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 not result in a material alteration to the terms of the development, the subject of the approval,

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)(a) 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 31st day of January 2024, 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

Having regard to:

- the reduced footprint and height of the free flowing solids silos for Kiln 3,
- the limited relocation of the proposed silos within the cement works site and in relation to the footprint of the overall permitted development,
- the central location of the relocated silos within the cement works site, within the context of more substantial structures and the drainage catchment for the cement works,
- the absence of any significant new or additional environmental concerns arising as a result of the proposed alterations, and
- the report of the Board's inspector, which is adopted,

It is considered that the proposed alterations would not be material. In accordance with section 146B(3)(a) of the Planning & Development Act, as amended, the Board hereby makes the said alterations.

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

1st July 2024