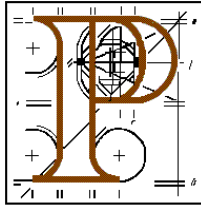


An Bord Pleanála



Inspector's Report.

Case Ref. No:	06F.PC0218
Issue:	SID Pre-application – whether project is or is not strategic infrastructure development.
Proposed Development:	A materials and transfer and processing facility with a capacity of up to 170,000 tonnes per annum
Location:	Millennium Business Park, Cappagh Road, Dublin 11.
Applicants:	Padraig Thornton Waste Disposal Limited / Thornton Recycling
Planning Authority:	Fingal County Council.
Inspector:	Paul Caprani

1.0 Introduction

Thornton Recycling/Waste Disposal Limited has submitted a request for a pre application consultation regarding the development of a new waste acceptance and processing facility on the Cappagh Road near the Ballycoolin Industrial Estate, North West of Finglas. The applicant contends that the proposal would qualify as Strategic Infrastructure under the provisions of the Planning and Development Acts.

Two pre-application consultations were held with the Board in relation to the proposed development on 19th May 2016 and July 21st 2016.

2.0 Proposed Development

The proposal will comprise of the following elements:

- The acceptance and processing of up to 120,000 tonnes per annum of residual municipal solid waste (rMSW) for the production of solid recovered fuel (SRF) for a number of thermal energy installations.
- The acceptance for bulking up to 30,000 tonnes per annum of waste wood / green waste
- The acceptance of up to 20,000 tonnes per annum of source segregated 'brown bin waste for bulking prior to consignment offsite to an appropriate treatment facility.
- The construction of a 6,500 sq.m building in which the storage and processing of the waste materials is to take place.
- The relocation of a 38 kv ESB power cable which traverses the site.

3.0 Applicant's Case

It is submitted that the proposed development constitutes a 7th Schedule Project and it is of strategic economic and social importance to the state and region. It is also argued that the proposal meets many of the statements and policy objectives set out in the Regional Planning Guidelines for the GDA and the Fingal County Development Plan in relation to waste management. It is also argued that it will have a significant effect on more than one planning authority. As such the proposed development meets the criteria as set out in S37A(2)(a-c).

4.0 Planning History

One relevant history file is attached. Under PL 06F 230770 An Bord Pleanála granted planning permission for a Materials Recovery Facility with a capacity of 100,000 tonnes of dry mixed recyclable material and construction and demolition waste and lands which form part of the subject site. The Board granted planning permission for the proposal in December 2008 and this permission has subsequently expired.

5.0 Main Planning Issues Arising from the Discussions Undertaken

As mentioned in the introduction, two meetings took place between the Board and the prospective applicants. The planning issues discussed which were considered to be particularly pertinent to the purposes of any future application included:

Transport Matters

The applicant was advised to liaise and consult with transport bodies, and in particular Dublin Bus when considering traffic issues. Particular attention should be also given to proposed haul routes to and from the facility. Extensive public consultations along these selected routes was advised.

Licensing

The applicant was advised to consult with the EPA at the earliest opportunity. It was noted that if the Board was minded to grant planning permission for any such facility, it cannot attach conditions in respect of emissions where the activity is subject to an EPA license as per S.54 of the WMA 1996 (as amended).

Odour and Noise Abatement Issues

The Board stressed the need to provide comprehensive and robust odour and noise abatement within the site. The applicant indicated that all storage and processing of materials will be undertaken within the building under negative air pressure.

Hazardous Waste

While the Board acknowledged that the proposed facility will not be handling hazardous material, there will inevitably be residual streams of waste that are somewhat hazardous in nature (batteries paints etc.) Any documentation submitted with the application should be clear on how such materials would be handed and disposed of.

Oral Hearing

The Board reminded the prospective applicant that an oral hearing may or may not be granted in respect of any application. Any application should not rely on the holding of an oral hearing in order to address and deficiencies in the planning application.

6.0 Legislative Provisions

Under Section 37A(1) of the Act, an application for permission for any development specified in the Seventh Schedule shall, subject to Section 37A(2), be made to the Board under section 37E and not to a planning authority. The seventh schedule sets out Infrastructure developments for the purposes of sections 37A and 37B. Part three of the Seventh Schedule, Environmental Infrastructure, refers to an installation for the disposal, treatment or recovery of waste with a capacity of an annual intake of greater than 100,000 tonnes.

Section 37A(2) further requires that the proposed development would, if carried out, satisfy one or more of the following paragraphs, namely—

- (a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,
- (b) the development would contribute substantially to the fulfilment of any of the objectives in the National Spatial Strategy or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate,
- (c) the development would have a significant effect on the area of more than one planning authority.

7.0 Assessment

The development which is the subject of the pre-application consultation falls within the following category set out in the 7th Schedule:

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

With regard to the provisions of S37A(2), I consider that the applicant has made a favorable case that the facility will be of strategic economic importance to the State and the region. Increasing waste volumes are driving infrastructure requirements for waste treatment and processing. Furthermore there is an increasing demand for alternative fuels including residual municipal solid waste for the production of solid recovered fuel. The proposal complies with many of the policy statements contained in the Eastern Midlands Regional Waste Management Plan. This waste plan places emphasis on the need to provide pre-treatment infrastructure throughout the region (see section 16.4.1 of the Plan). The proposal will also provide a higher level of pre-treatment of waste than is generally provided in the region and will contribute to a reduction in waste volumes and disposal to landfill and to the creation of resources

from waste. Specific policy statements in the plan which are of direct relevance and support the provision of the infrastructure proposed include:

Policy A4: 'Aim to improve regional and national self-sufficiency of waste management infrastructure for the re-processing and recovery of particular waste streams, such as mixed municipal waste, in accordance with the proximity principle. The future application of any national economic or policy instrument to achieve this policy shall be supported.

Policy E15A *'The waste plan supports the development of up to 300,000 tonnes of additional thermal recovery capacity for the treatment of non-hazardous waste nationally to ensure there is adequate and competitive treatment in the market and the States self-sufficiency requirements for the recovery of waste are met.'*

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

The proposal would also comply with the overall strategic considerations in relation to waste set out in the Regional Planning Guidelines for the GDA. In particular I refer to PIR 39 which states *'The reuse of waste should be encouraged and reinforced through encouragement of business clustering across the GDA. Opportunities to facilitate source reduction, the reuse of wastes, by-products and associated energy throughout the GDA should be examined as part of economic policies'*.

It cannot in my view be reasonable argued that the that the proposal would be of strategic economic or social importance to the State, however having regard to the policy statement in the regional plans referred to above, it could in my view be reasonably argued that the proposal would be of strategic economic benefit for the region.

With regard to the tests set out in S37A(2)(b) namely the fulfillment of any of the objectives in the NSS or the RPG's, I have already argued above that the proposal would contribute to PIR 39 of the RPG's for the GDA. There are no specific detailed policies or objectives in respect of waste set out in the NSS.

Finally with regard to the third test set out under S37A(2)(c), that the development would have a significant effect on the area of more than one local authority, The proposal would accept waste from a number of local authorities in the region and will also supply residual solid waste for thermal installations in the waste region. In this regard it can reasonably be argued the proposal will have a significant effect on the waste streams in more than one local authority.

7.0 CONCLUSION AND RECOMMENDATION

The proposed development does, in my opinion, come within the provisions of Part 3 of the Seventh Schedule of the Planning & Development Act 2000 (as amended), Environmental Infrastructure. I also consider that the proposed development would satisfy the requirements of paragraph (a) and (b) of section 37A(2) of the Planning & Development Act 2000 (as amended).

REASONS AND CONSIDERATIONS

Having regard to the nature and scale of the proposed development it is considered that the proposed recycling, waste processing and transfer facility constitutes development that falls within the definition of Environmental Infrastructure in the Seventh Schedule of the Planning & Development Act 2000 (as amended) and is considered to fall within Sections 37A (2) (a) (b) and (c) of the said Act being of strategic economic importance to the region, and contributes to the fulfilment of objectives relating to waste management as set out in the Regional Planning Guidelines for the Greater Dublin Region and will have a significant effect on waste stream management in more than one authority. An application for permission for the proposed development must therefore be made directly to An Bord Pleanála under S.37E of the Act.

Paul Caprani
Senior Planning Inspector

29th August 2016

Appendix 1

Prescribed bodies under Article 213, for the purposes of section 37E(3)(c), as follows:

- Minister for Housing, Planning, Community and Local Government
- Minister for Communications, Climate Action and the Environment
- Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Development Applications Unit)
- Fingal County Council
- Dublin City Council
- South Dublin County Council
- Dun Laoghaire Rathdown County Council
- Kildare County Council
- Laois County Council
- Longford County Council
- Louth County Council
- Offaly County Council
- Meath County Council
- Wicklow County Council
- Westmeath County Council
- Irish Water
- Transport Infrastructure Ireland
- National Transport Authority
- Eastern Midlands Regional Waste Office
- Eastern and Midlands Regional Assembly
- An Chomhairle Ealaíon
- An Taisce - the National Trust for Ireland
- Fáilte Ireland
- Heritage Council
- Inland Fisheries Ireland
- Irish Aviation Authority
- daa
- Environmental Protection Agency
- Health Service Executive
- Health and Safety Authority