



An  
Bord  
Pleanála

## Inspector's Report 17.PC0223

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### Development

Increased acceptance of non-hazardous waste for recovery and disposal.

### Location

Knockharley Landfill, Co. Meath.

### Prospective Applicant

Knockharley Landfill Ltd.

### Planning Authority

Meath County Council

### Inspector

Pauline Fitzpatrick

## **1.0 Pre-Application Consultation**

- 1.1. The Board received a request on 8<sup>th</sup> July 2016 from Knockharley Landfill Ltd. to enter pre-application consultations under Section 37B of the Planning and Development Act 2000, as amended, in relation to the proposed development at Knockharley landfill.
- 1.2. The Board's representatives met with the prospective applicant on the following dates:
  - 4<sup>th</sup> August 2016
  - 25<sup>th</sup> October 2016
- 1.3. The prospective applicant formally requested closure of the pre-application consultation process in a letter received on the 2nd April, 2017.

## **2.0 Site location and Existing Development**

- 2.1. Knockharley landfill is c. 1.5km north of Kentstown village, c. 7km south of Slane, c. 7km south-west of Duleek and c. 10km east of Navan. The site is accessed from the N2. The site has a stated area of 135 hectares. The permitted facility has a landfill footprint of 25 hectares of which c.12 hectares has been developed to date.
- 2.2. As per permission granted under ref. PL17.220331, disposal at the facility is limited to 132,000 tpa until end 2010 and 88,000 tpa thereafter.
- 2.3. The existing Industrial Emissions Licence W0146-02 permits acceptance of up to 200,000 tpa comprising disposal of up to 175,000 tpa of MSW and recovery of 25,000 of C & D material.

## **3.0 Planning History**

*PL 17.125891(P01/5006)* – Permission granted on 26/08/02 for the development and operation of an engineered landfill and ancillary development on this site. Condition 2b restricted waste intake to 132,000 tonnes per annum until December 2007, thereafter tonnage for disposal at the landfill facility restricted to a maximum of 88,000 tonnes per annum.

PL17.220331(NA/60336) – permission granted 21/03/2007 for a landfill extension (c. 2 ha), removal of regional restriction on the origin of waste accepted, and continuation of the approved level of the annual intake volume of 132,000 tonnes until the end of 2010. Permission was refused for the increase in the waste intake volume to 200,000 tonnes per annum.

## 4.0 Proposed Development

4.1. The proposal is for:

- Increased landfilling of non-hazardous municipal solid waste (MSW)
- Recovery through long term storage of non-hazardous incinerator bottom ash (IBA)
- Facility processing building for IBA processing or temporary baled MSW storage
- Leachate treatment/conditioning plant

4.2. The proposed input tonnages are as follows:

<b>Waste Type</b>	<b>Input Tonnage per annum</b>
Non-hazardous MSW & non-hazardous soils	Up to 290,000
Incinerator Bottom Ash	Up to 150,000

4.3. In terms of the increased non-hazardous MSW and soils acceptance the case is made that the additional annual capacity would provide replacement MSW capacity for closed/closing landfills as well as providing for contingency provision as identified in the Eastern Midlands Waste Regional Plan 2015-2021. There is also an increasing demand for non-hazardous soils capacity.

4.4. Incinerator Bottom Ash is currently accepted at Knockharley from Indaver Carranstown EfW facility. It is proposed to construct a dedicated IBA storage area, constructed as landfill cells, to facilitate future reclamation of IBA material should markets for same be developed. IBA is to be sourced from Indaver Carranstown and

Poolbeg facilities and will be available to accept IBA from other EfW plants should they be developed. Acceptance from Poolbeg will require an amendment to the permission granted in that instance. IBA is a significant waste stream requiring management.

- 4.5. The development of the leachate conditioning plant will provide for a reduction in the quantity of leachate for treatment at off-site wastewater treatment plant(s).

## 5.0 Legislative Provisions

Section 37A(1) of the Planning and Development Act as amended states:

*An application for permission for any development specified in the Seventh Schedule shall, if the following condition is satisfied, be made to the Board under section 37E and not to a planning authority.*

*Section 37A(2):*

*That condition is that, following consultations under section 37B, the Board serves on the prospective applicant a notice in writing under that section stating that, in the opinion of the Board, the proposed development would, if carried out, fall within one or more of the following paragraphs, namely-*

- (a) The development would be of strategic economic or social importance to the State or the region in which it would be situate,*
- (b) The development would contribute substantially to the fulfilment of any of the objectives of 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 on planning authority.*

The Seventh Schedule of the Act as amended includes:

*Environmental Infrastructure*

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

## **6.0 Prospective Applicant's Case in relation to Strategic Infrastructure**

6.1. The prospective applicant contends that with reference to the Seventh Schedule of the Planning and Development Act, 2000, as amended, the proposal accords with the threshold for disposal of waste greater than 100,000 tpa.

In terms of the criteria set out in Section 37(2) it is contended:

### **(a) Strategic Economic/Social Importance to State/Region**

- The proposal will provide landfill capacity in adherence with the Eastern-Midlands Region Waste Management Plan 2016-2017
- The site will be one of only 2/3 landfills operations in the country post 2017.

### **(b) Contribute to the Objectives of the NSS and Regional Spatial and Economic Strategy**

- The RPGs for the Greater Dublin Area 2010-2022 requires that high standard options for treatment and final disposal of waste are available within the GDA.

### **(c) Significant Effect on Area of more than one Planning Authority**

- In providing waste recovery and disposal infrastructure for the Eastern and Midlands waste management region it would effect 12 constituent authorities.

## **7.0 National and Regional Policy**

### **7.1. National Spatial Strategy**

Section 3.7 states that in terms of economic infrastructure waste management is a particular current priority. Efficient, effective and cost competitive waste management facilities are essential if industrial and enterprise activity is to thrive and develop in a balanced way across Ireland.

### **7.2. Eastern Region Regional Planning Guidelines 2010-2022**

Waste Management Strategic:

Policy PIP5 - To ensure, from environmental, business and public health needs, that waste management remains a priority for local authorities and waste management

regions in continuing to invest in promoting and facilitating reuse and recycling by residential and commercial sources and that high standard options for treatment and final disposal of waste are available within the GDA.

Strategic Recommendation PIR36 - The new waste management strategy across the regions of the GDA should seek to facilitate a balanced use of resources and greater adaptability and robustness of services. Integrated waste management should be considered from the perspective of the GDA as one singular functioning economic and spatial unit and to increase economies of scale.

### 7.3. **Regional Waste Management Plans**

The Waste Management Plans prepared for the three Waste Regions in the Country have a co-ordinated approach to policies pertaining to disposal. The plans note that currently there are four landfills that remain open: three are located in the Eastern & Midlands Region with the fourth site in the Connacht Ulster Region. There are seven sites remaining in Northern Ireland with an estimated 120,000 tonnes of mixed municipal waste to be repatriated for disposal over the next few years.

In terms of policies the following are noted:

E8 - the waste plans support the development of disposal capacity for the treatment of hazardous and non-hazardous wastes at existing landfill facilities.

E9a – the on-going availability of disposal facilities for non-hazardous municipal residual wastes in the regions will be required during the plan period.

E9b – the waste plans support the need for on-going disposal capacity to be developed for on-site generated non-hazardous/hazardous industrial waste.

E10 – the waste plans recognise the need for on-going disposal capacity to be available in response to events which pose a risk to the environment and/or health of humans and livestock.

E12 – the waste plans support the repatriation of residual wastes illegally disposed in Northern Ireland to licensed disposal facilities.

## 8.0 Main Planning Issues arising during Consultations

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:

- Policy context for the proposal.
- Justification for the proposed tonnage per annum.
- Method of disposal of IBM and potential reuse of the material
- Consideration of indirect effects in the NIS.

## 9.0 Assessment

Section 37A(2) of the Planning and Development Act, 2000, as amended, sets out the conditions under which Seventh Schedule development is considered to constitute strategic infrastructure for the purposes of the Act.

Having regard to the nature and extent of the proposed development, entailing an increase in non-hazardous MSW and non-hazardous soils of up to 290,000 tpa and incinerator bottom ash to up to 150,000 tpa, it would exceed the stated 100,000 tpa threshold for an installation for the disposal, treatment, or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes.

In terms of the criteria which must be met in order for a seventh schedule development to be considered strategic infrastructure development I submit:

### **(a) Strategic or Social Importance to the State or Region in which it would be located:**

The proposed development is significant due to its scale. In particular the proposal will provide landfill capacity in adherence with the Waste Management Plans for the three waste regions in the country. It would also provide for contingency provision. The dedicated IBA storage area, constructed as landfill cells will facilitate future reclamation of IBA material should markets for same be development. IBA is to be sourced from Indaver Carranstown and Poolbeg facilities and will be available to accept IBA from other EfW plants should they be developed. IBA is a significant

waste stream requiring management. I consider, therefore, that the proposal satisfies criteria (a).

**(b) Contribute to the Objectives of the NSS and Regional Spatial and Economic Strategy**

The NSS refers to waste management being a particular current priority. Efficient, effective and cost competitive waste management facilities are essential if industrial and enterprise activity is to thrive and develop in a balanced way across Ireland.

The Regional Planning Guidelines for the Greater Dublin Area 2010-2022 includes a strategic policy that high standard options for treatment and final disposal of waste are available within the GDA. For similar reasons to those referred to above I consider, therefore, that the proposal also satisfies criteria (b).

**(c) Significant Effect on Area of more than one Planning Authority**

In providing waste recovery and disposal infrastructure for the Eastern and Midlands Waste Management Region it would effect 12 constituent authorities. I consider that the proposal satisfies criteria (c).



## **10.0 Recommendation**

10.1. I recommend that the Board should decide that the proposed development is strategic infrastructure development for the following reasons and considerations.

### **REASONS AND CONSIDERATIONS**

Having regard to the nature and scale of the proposed waste development it is considered to fall within Class 3 - Environmental Infrastructure, Seventh Schedule and within the terms of Section 37A(2) paragraphs (a), (b) and (c) Planning and Development Act 2000 as amended. It is the opinion of the Board that the development would be of strategic importance to the State and the region within which it would be situated, would contribute substantially to the fulfilment of objectives of the Regional Planning Guidelines for the Greater Dublin Area 2010-2022, the Waste Management Plans of the Eastern and Midlands, Connaught Ulster and Southern Waste Regions and would have a significant effect on the area of more than one planning authority.

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**April 2017**

## **Appendix 1**

The following is a schedule of prescribed bodies considered relevant in this instance for the purposes of Section 37E(3)(c) of the Act.

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

Meath County Council

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

Wicklow County Council

Westmeath County Council

Irish Water

Transport Infrastructure Ireland

Eastern Midlands Regional Waste Office

Eastern and Midlands Regional Assembly

An Chomhairle Ealaíon

An Taisce

Fáilte Ireland

Heritage Council

Inland Fisheries Ireland

Environmental Protection Agency

Health Service Executive

Geological Survey