



An
Bord
Pleanála

Inspector's Report 06F.PC0248

Application Type	SID Pre Application – Whether proposed development is or is not strategic infrastructure development.
Development	Proposed road project and re-orientation of storage building.
Location	Murphy's Quarry, Hollywood Great, Naul, Co. Dublin
Prospective Applicant(s)	Integrated Materials GP Ltd.
Planning Authority	Fingal County Council.
Inspector	Deirdre MacGabhann

1.0 Introduction

- 1.1. An application has been made by Integrated Materials GP Ltd for pre-application consultations with the Board in respect of a proposed road project and re-orientation of storage building at Murphy's Quarry, Hollywood Great, Naul, Co. Dublin.
- 1.2. The configuration of the proposed development, with the exception of the re-orientation of the storage building, is identical to the entrance permitted by the Board, under the strategic development provisions, for an integrated waste management facility on the site (PL06F.PA0018). The permission for the integrated waste management facility was subject to the applicant obtaining a waste licence from the EPA, which was subsequently refused. The proposed development is brought forward to serve the existing development and remedy the existing substandard entrance to the site.
- 1.3. The applicant is seeking to establish (a) if the proposed development is strategic infrastructure, and (b) if the proposed development would prejudice the integrity of the SID permission granted under PL06F.PA0018 and any future application under section 146B for alterations to the permission.
- 1.4. The application is made on foot of pre-application consultations held with Fingal County Council and a requirement of the local authority that the applicant seeks a determination from the Board as to whether or not the proposed development falls within the strategic infrastructure provisions of the Planning and Development Act 2000 (as amended).

2.0 Site Location and Description

- 2.1. The site is situated at Hollywood Hill, c.4km south east of Naul, County Dublin. It lies c.1km to the east of the R108, a Regional road between Dublin and Naul, and c.3.5km to the west of the M1. The site is bounded to the west and south by two local roads, the LP01080 and the LP01090 respectively.
- 2.2. The site comprises a former quarry, which is currently being operated as a licensed landfill site (PA reference nos. F04A/0363 and F07A/0262; EPA licence W0129-02). Access to the site is currently from the public road to the west of the site, the LP01090.

3.0 Proposed Development

3.1. The proposed development comprises (a) the construction of a new facility entrance to the site on county road LP01080 in order to rectify the existing substandard entrance to the site (LP01090) and (b) the reorientation of an existing storage facility. The facility entrance incorporates construction of the following:

- 3-arm priority junction, with the landfill forming the minor arm and the LP01080 forming the major arm of the junction.
- A security gate, turning bay and 7.5m wide paved access road.
- ESB substation.
- Attenuation basin.
- Weighbridges.
- Car parking and administration building.
- Storage building.
- Wheelwash.
- Leachate modular holding tank.
- Plant and machinery bunded diesel compound.

3.2. The proposed access would serve as the primary access to the existing permitted and licenced facility with the existing entrance on to the LP01090 having a secondary use only.

4.0 Case Made by Prospective Applicants

4.1. In correspondence with the Board, the prospective applicant states:

- The site currently operates as a licensed landfill site and accepts construction and demolition waste and other inert wastes at a rate of 500,000 tonnes/annum.
- Under Board reference PL06F.PA0018, permission was granted to Murphy Environmental Hollywood Ltd (MEHL) for an integrated waste management facility at the existing landfill site. The SID permission permitted the disposal

of inert, non-hazardous and hazardous waste at a rate of 500,000 tonnes/annum, in addition to the retention of on-site waste recovery. It also permitted a new facility entrance from the county road LP01080 and use of the existing site entrance on the LP01090 for secondary access.

- The permission was subject to 22 no. conditions. No. 2 requires the applicant to obtain a waste licence from the EPA for the operation of the facility, prior to any commencement of the development, including the proposed access arrangements.
- Under licence application W0129-03, the EPA refused to grant a licence to MEHL for the disposal of inert, non-hazardous and hazardous waste (Order dated 6th January 2016). Reasons for refusal relate to an unacceptable risk of input of hazardous substances into groundwater, and a determination that the then applicant could not be a fit and proper person to hold a licence for the proposed installation.
- The current owner of the site is Integrated Materials GP Limited. The current EPA Waste Licence W0129-02 transferred to Integrated Materials Solutions Limited, the trading arm of the company, in June 2017.
- The prospective applicant, Integrated Materials GP Limited, is seeking permission to construct a new entrance facility at the application site to serve the existing development and remedy the existing substandard entrance off the LP01090.
- The configuration of the proposed new facility entrance on county road LP01080 is identical to the entrance permitted by the Board under PL06F.PA0018 and is fully supported by the Transportation Planning Section of Fingal County Council (see attached correspondence from Fingal County Council to the applicant).
- No development under PL06F.PA0018 has been carried out to date. Following refusal of the waste licence, the prospective applicant is considering various waste disposal options for the MEHL site. This may, in time, lead to an application for alterations of the SID permission under section 146B of the Act or, alternatively, to a revised SID application.

4.2. The prospective applicant contends that the proposed development does not constitute strategic infrastructure development under the provisions of the Act and should not prejudice the integrity of the permission granted under PL06F.PA0018 or any future application for alterations of that permission for the following reasons:

- The proposed development is small and is specifically designed to provide safe primary access to the MEHL site and the existing permitted and licenced landfill facility and to improve access to the re-orientated storage facility. It does not fall within the description of any of the infrastructure development listed in the 7th Schedule.
- The proposed development does not meet any of the criteria set out in section 37A(2) of the Act which defines strategic infrastructure. It is small in scale, local in terms of impact and designed to provide access to an existing facility. It is of no strategic economic or social importance to the State or the region. It would have no impact on the fulfilment of any objectives of the NSS or regional planning guidelines for the Greater Dublin Area 2010-2022. It would not have any significant effect on the area of more than one planning authority.
- The proposed road development is identical to that already permitted by the Board, forming part of the permission granted under PL06F.PA0018, but now includes the reorientation of an existing storage facility. Condition no. 2 of the Board's permission under PL06F.PA0018 was concerned that the proposed landfill development be operated in such a manner that it would not adversely impact on the surrounding environment. A waste licence will not be concerned with the proposed access arrangements.
- The development under PL06F.PA0018 was subject to environmental assessment and no concerns were raised in respect of the proposed access arrangements. The proposed development was also the subject of Stage 1 screening under the Habitats Directive. The reorientation of the existing storage facility has no implications under either EIA or the Habitats Directive.
- Condition no. 7 of PL06F.PA0018 requires the details of the new access arrangements onto the LP01080 to be agreed in writing with the planning authority prior to commencement of development, 'in the interest of traffic

safety'. A separate application, as proposed, for the same access arrangements made to the planning authority would be in line with the terms of this condition.

5.0 Planning History

5.1. The following planning applications have been made in respect of the site:

- PA ref. F04A/0363 – Planning permission granted to infill an existing quarry (13.56ha) with inert material (continuation of a use that was originally granted permission in 1988), with the permission to expire in 2019. The development was subject to EPA Licence 129-1.
- PA ref. F07A/0262 - Permission granted to vary the above permission, extending the area to be infilled and increasing the rate of infill per annum over the life of the permission (to expire in 2019).
- PL06F.PA0018 - Permission granted by the Board for an integrated waste management facility at the site, to include non-hazardous and hazardous waste (strategic infrastructure development). Condition no. 2 requires that the applicant shall obtain a waste licence from the EPA prior to the commencement of any development associated with the permission. Condition no. 7 requires details of the proposed new access arrangements onto the LP01080 to be agreed with the planning authority prior to the commencement of development.

6.0 Legislative Provisions

6.1. The Seventh Schedule of the Planning and Development Act, 2000 (as amended) sets out four classes of development for the purpose of section 37A and 37B of the Act. These comprise energy, transport, environmental and health infrastructure (see attachments). Transport infrastructure comprises substantial facilities such as intermodal transshipment facilities, airports and harbours. Environmental

infrastructure includes waste disposal installations for hazardous and non-hazardous waste¹ and facilities for waste disposal, treatment and recovery².

6.2. Section 37A of the Act requires that an application for permission for any development specified in the Seventh Schedule shall be made to the Board, and not the planning authority, if the Board is of the opinion that the development would fall within one or more of the following categories:

(a) The development would be of strategic economic or social importance to the State or the region in which it would situate,

(b) The development would contribute substantially to any 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 of the area of more than one planning authority.

7.0 **Assessment**

7.1. **Compliance with the 7th Schedule**

7.1.1. The proposed development essentially comprises an alternative access to an existing facility, a licensed landfill site, and the re-orientation of a storage building³. Whilst it may be almost identical to a component of a larger project, which was deemed to be strategic infrastructure under PL06F.PA0018, the project is now proposed as a standalone project, to serve the existing authorised development on the site. It is therefore very modest in scale and does not fall within any of the four classes of development set out in the Seventh Schedule, including transport and environmental infrastructure. Similarly, for the same reasons, I do not consider that the development falls within any of the paragraphs specified in section 37A(2) i.e. by virtue of its modest scale and function it cannot be deemed to be of strategic economic or social importance to the State or region, or contribute substantially to

¹ With a capacity for an annual intake greater than 100,000 tonnes.

² With a capacity for an annual intake greater than 100,000 tonnes.

³ It is stated in the applicant's correspondence that the building is existing (paragraph 14).

the fulfilment of any of the objectives of the National Spatial Strategy or the Regional Planning Guidelines for the Greater Dublin Area 2010-2022 and would not have a significant effect on the area of more than one planning authority.

7.1.2. I would consider therefore, that due its scale and function, the proposed development does not constitute strategic infrastructure.

7.2. **Effect of the proposed development on SID Permission**

7.3. Under PL06F.PA0018, the Board granted permission to Murphy Environmental Hollywood Limited for an integrated waste management facility at the existing landfill site at Hollywood Great. The development included a new entrance facility from county road LP01080, with the existing entrance to LP01090 to be used for emergency access. As stated, condition no. 2 of the permission no. 2 requires that the applicant shall obtain a waste licence from the EPA prior to the commencement of any development associated with the permission.

7.4. The proposed development comprises the same entrance facility as that approved under PL06F.PA0018, to serve the existing development, and the re-orientation of a storage building. In this regard I note that it is now proposed that the storage building will be orientated north south rather than east west (see attached history file).

7.5. The prospective applicant has sought advice from the Board on whether the proposed development would prejudice (a) the integrity of the SID permission granted under PL06F.PA0018, and (b) any future application under section 146B for alterations to the permission.

7.6. In respect of this, I would consider:

(a) That the approved SID permission under 06F.PA0018 and any application under section 34 of the Act to the planning authority for a new entrance facility would remain separate standalone permissions. The proposed development would not therefore prejudice the integrity of the SID permission *per se*,

(b) Based on the information available on file, and if implemented in its current form, the proposed development does not appear to be materially different from that already granted by the Board and would not again, therefore, in

principle prejudice the integrity of the permission granted by the Board under PL06F.PA0018. For instance, the re-orientation of the storage building would appear to raise no significant issues for planning, environmental or appropriate assessment,

(c) However, if the proposed development is granted planning permission by the local authority and implemented, it would nonetheless differ from that granted under PL06F.PA0018 (orientation of storage building) and it would appear that the applicant would be required to request that the terms of the planning permission be altered. In this regard, I note that section 146B provides that the Board may alter the terms of the development, be the alterations material or not material to the terms of the development.

(d) The Board's determination of any such alteration to PL06F.PA0018 would take account of any development which had been carried out on the foot of any permission granted since its previous decision in respect of PL06F.PA0018.

8.0 Recommendation

8.1. On the basis of the above, it is my opinion that the proposed development would not fall with the classes of development set out in the 7th Schedule of the Planning and Development Act, 2000 (as amended). It is also my opinion that the proposed development does not fall within the parameters of s.37A(2)(a), (b) or (c) of the Planning and Development Act 2000 (as amended).

8.2. In view of the above, it is therefore recommended that the Board determine that the development in question does not constitute strategic infrastructure development as defined by Section 2(1) of the Planning and Development Act 2000, as amended, and that the prospective applicant be informed accordingly.

Deirdre MacGabhann
Planning Inspector

14th August 2017