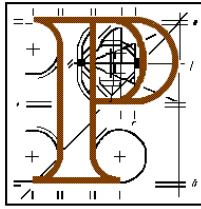


# An Bord Pleanála



## Inspector's Report

**(Further report following public notification and consultation on the Proposed Alteration in accordance with section 146B(8) of the Planning and Development Act 2000, as amended).**

**17.PM0007;** Application under Section 146B of the Planning and Development Act 2000, as amended, for alterations to a previously approved planning permission 17.PA0026 for a Strategic Infrastructure Development.

Planning Authority: Meath County Council

Applicant: Indaver Ireland Ltd.

Location: Carranstown, Duleek, County Meath

Inspector: Derek Daly

## **1.0 INTRODUCTION**

- 1.1 This report relates to a request from Indaver Ireland Ltd that the board exercise its power under section 146B of the Planning and Development Acts 2000-2011 to alter the terms of the permission granted to a previously approved planning permission 17.PA0026 in relation to a waste to energy facility.
- 1.2 The application for an alteration submitted by Indaver Ireland Limited on the 23<sup>rd</sup> of November 2015 involves two aspects. The first is for physical alterations to the plant building by providing for an extension to an existing building and construction of an additional building. The proposal provides for an extension to an existing loading bay building by 9.94 metres and construction of a pre-treatment process plant enclosure approximately 120m<sup>2</sup> in area with a height slightly in excess of 12 metres. The 2 existing conveyor systems will be by extended by approximately 8m.
- 1.3 The second is the amendment of the current process requiring the construction of a pre-treatment process plant within a new building for the treatment of the flue residues generated (APC residues). Essentially the changes are to alter a specific aspect of the current process where flue residues generated (APC residues) are collected and exported untreated for treatment and disposal in Germany. It is now proposed that the APC residues will be treated on site prior to removal from the site.
- 1.4 An initial report on the proposal dated the 23<sup>rd</sup> of December 2015 recommended that the proposed alterations were material and that the applicant should be requested to publicly give notice the amendment and invite submissions from the public. It was also recommended that certain prescribed bodies should be copied with details of the proposed amendment and invited to make comments.
- 1.5 This report and assessment should also be read in conjunction with the earlier report dated the 23<sup>rd</sup> of December 2015 which contains an overview of the location and description of the site, the legislative context for the decision, the planning history and details of the request submitted and details of the amendment sought.
- 1.6 The current application has been the subject of formal consideration to determine whether or not the proposed alteration would or would not comprise a material alteration. By order dated the 8<sup>th</sup> of January 2016 the Board decided that the proposed alteration would constitute a material alteration to amendments to existing development at the waste to energy (WtE) waste management facility at Carranstown, Duleek, County Meath.

- 1.7 The Board also decided to direct the applicant to undertake certain formal and public consultation in accordance with procedures provided for in relevant legislation, specifically under the aegis of section 146B(8)(a) of the Planning and Development Act, as amended.
- 1.8 The Board's direction of the 8<sup>th</sup> of January 2016 also formally invited the Environmental Protection Agency (EPA) to comment including an update on the current licencing status of the Carranstown facility.
- 1.9 The applicant was also requested to make available for inspection full scale drawings of the proposed physical changes to the building.
- 1.10 Arising from the Board decision on materiality in the case, and the subsequent direction to the applicants to give public notice of the proposed alteration and notify certain prescribed bodies, time was given for submissions or observations on the proposed alteration up to and including the 24<sup>th</sup> of February 2016.

## **2.0 SUBMISSIONS TO AN BORD PLEANALA**

There have been 4 no. submissions received by An Bord Pleanala arising from the public notification of the currently proposed Alteration. The submissions may be summarised as set down below.

- 2.1 **Transport Infrastructure Ireland** in a submission dated the 22<sup>nd</sup> of February notes:
  - The subject proposal does not appear to include for any alterations to the extent of the site that would further impact on the feasibility of routing options for a planned Leinster Orbital major traffic route;
  - The submission notes the traffic analysis submitted and has no specific comment to make in relation to the subject development in terms of impacts relating to capacity and the efficient operation of the national road network in the area.
- 2.2 **An Taisce** in a submission dated the 24<sup>th</sup> of February 2016 states:
  - There is a preliminary onus on the applicant to justify the development of the pre-treatment process plant on the subject site.
  - There is a need to adequately assess site suitability in relation to air quality, ecology and human-residential amenity.
  - All environmental considerations need to be assessed.
  - There should be no additional impacts on the environment.

- The Board should ensure that residential amenity is not adversely impacted from noise and odours arising from the alterations.
- Air pollutants emitted from the facility should be fully in compliance with ambient air standards during both construction and operation times.

2.3 **Irish Water** in a submission dated the 24<sup>th</sup> of February 2016 indicated;

- Irish Water was notified by Indaver of the application.
- The principle of the development is established.
- The applicant has referred to a well on the site from which the water requirements of the site are supplied but it is unclear if it for the construction phase of operational phase.
- The site is within the East Meath Water Supply Zone which is supplied by both surface and ground waters. There is reference to mitigation measures but Irish Water has not had sight of these measures and requests that mitigation measures ensure that any risks to the East Meath Water Supply Zone are avoided.

2.4 The **EPA** submission of the 4<sup>th</sup> of February 2016 includes the following observations:

- The most recent licence pertaining to Indaver Ireland for the Carranstown WTE is Industrial Emissions (IE) Licence Register No W0167-03 granted on the 2<sup>nd</sup> of June 2015.
- Reference is made to a letter from the Office of Environmental Enforcement in the applicant's Environmental Report and that the changes proposed is catered for by the conditions of W0167-03.
- As the existing conditions of the licence already cater for the proposed alterations no review of the licence is required.
- It is noted that no EIS accompanies the application.
- Should the Board determine an EIS is required and a licence review application be received which address the changes proposed the Agency will require that the EIS associated with the application is submitted in support of the licence review application and be the subject of EIA.

### 3.0 **ASSESSMENT.**

3.1 Accompanying documentation by the applicant includes a summary of the EIS review of the EIS prepared for PL17.PA0026. In the cover letter with the application it is indicated that this review has been shown to have no additional impact on the environment. The submission takes the format of a review of the various chapters of the EIS and also a number of appendices which include an air quality assessment, a traffic assessment and a landscape assessment. Details of the applicants submission and a summary of the

documentation is indicated in section 6 of the original report dated the 23<sup>rd</sup> of December 2015. The development does not alter in any form the acceptance of waste currently permitted at the facility.

3.2 *Whether the proposed alteration would be likely to have significant effects on the environment*

3.2.1 In relation to the proposed alterations it is indicated that no additional input of material is proposed or an increase in waste acceptance over what is currently permitted on the site. Essentially the changes are to amend a specific aspect of the current process where flue residues generated (APC residues) will be treated on site prior to removal from the site rather than the current practice of exporting these residues untreated and to extend and add on additional floorspace to accommodate this.

3.2.2 Reference is made in the An Taisce submission to a need to adequately assess site suitability in relation to residential amenity and that the Board should ensure that residential amenity is not adversely impacted from noise and odours arising from the alterations. It is initially noted that the proposed development is within an existing building envelope and also that the site is removed from residential properties.

3.2.3 In relation to human beings other than short term construction impacts no impacts are identified and measures to mitigate these impacts are outlined

3.2.4 Specifically in relation to air quality and the issue of emissions and odours raised in the An Taisce submission, the documentation as submitted includes a review of air assessment and which was carried out as outlined in appendix C. The review assessed possible impacts from dust and particulate emissions arising from the new process using the existing environment and emissions as a baseline as the plant has a single process emission point which is the stack at the plant. Cumulative impacts were also considered. No additional impact is identified arising from the new process.

3.2.5 In relation to noise it is indicated that there are noise limits conditioned by previous permissions. The impact of noise specific to the new plant is initially outlined at within one metre of the plant boundary and then in the context of nearest noise sensitive receptors and also cumulatively with the overall plant. The level of impact is determined as insignificant and will not alter the noise emissions from the plant. In addition noise emissions in the construction phase will adhere to conditions applied for previous construction works at the plant in terms of values and hours of operation. Issues in relation to noise impact I consider do not arise.

- 3.2.6 In relation to hydrogeology, soils and geology the Irish Water submission refers to the site as within was the East Meath Water Supply Zone which is supplied by both surface and groundwaters and requests that mitigation measures ensure that any risks to the East Meath Water Supply Zone are avoided. In relation to the proposal there are no additional discharges proposed to ground and the amount of ground disturbance and removal is minimal in comparison to other phases of construction carried out on the site. There is also no direct discharge to groundwater and the process area is within an internal area with control of any flows arising and there is provision for containment for subsequent reuse. The site obtains its water supply from an on-site well. The existing plant operates an overall water management system where excess water and runoff is recycled for reuse.
- 3.2.7 It is also noted that there is no planned discharge to surface water and any accidental discharge will be contained within the existing surface water system which has sufficient surplus capacity in the existing attenuation ponds which have been constructed with a sealing membrane should any uncontrolled discharge arise. On this basis I conclude no impacts arise.
- 3.2.8 In relation to ecology the review has been carried out in the context of the assessment to air and water already referred to and also in the context of the 2012 EIS finding. The review concludes that there is no change in the position in relation to direct and indirect impacts on ecology or on protected sites and I would agree with this assessment.
- 3.2.9 In relation to traffic an assessment was prepared which is outlined in appendix D and which takes into consideration the pre-treatment process. I note the submission of Transport Infrastructure Ireland which has no specific comment to make in relation to the subject development in terms of impacts relating to capacity and the efficient operation of the national road network in the area. I consider that the change in relation to on-site treatment may result in a different end destination point but the route movements near the site remains unaltered by the proposed changes in treatment and no additional material is generated to affect the level and quantities of journeys arising to any significant degree.
- 3.2.10 Issues in relation to landscape impact and archaeology do not identify impacts arising and I would agree with the submission of the applicant in this regard.
- 3.2.11 I would also note that as indicated in the EPA submission the existing conditions of the licence already cater for the proposed alterations and no review of the licence is required. In this context any additional impact can be addressed within the current monitoring and mitigation measures required under existing conditions of licencing.

3.2.12 After consideration of the submissions from the parties and an inspection of the site, I would not alter my previous advice to the board that the proposed alteration would not be likely to have significant effects on the environment. The alteration would not authorise any works to land or a change in the use of any land that has not already been authorised in principle by 17.PA0026.

### **3.0 APPROPRIATE ASSESSMENT.**

4.1 The site is not within or immediately adjacent to any Natura 2000 sites. The nearest site in the wider area is the River Boyne and River Blackwater SAC site code 002299 which has two designated habitats and three species directly related to the watercourse. Section 2.11 of the review of the EIS includes reference to screening and the Appropriate Assessment Statement carried out in the 2012 submission which concluded no direct effects arising and the overall conclusion is that the modifications and alteration proposed will not result in any additional direct effects on any site.

4.2 Given that

- there are no physical works proposed other than within the existing building envelope;
- the physical separation between the application site and Natura sites;
- that the direct emissions from the site will not materially change on foot of the proposal;
- that there are no additional emissions in relation to groundwater and surface water arising from the development and
- that any potential increases in traffic volume would not occur within or close to any Natura 2000 site;

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 002299, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.'

### **5.0 RECOMMENDATION**

I therefore recommend that the board make the proposed alteration to the terms of the approval granted under 17.PA0026 as provided for in section 146B(3)(b) in the manner and for the reasons and considerations set out below.

## **REASONS AND CONSIDERATIONS.**

Having regard to the nature of the development which is for an amendment to an existing and permitted development; the provisions of the National Hazardous Waste Management Plan 2014-2020 *A Resource Opportunity – Waste Management Policy in Ireland* which has a stated policy in relation to develop sites in Ireland where hazardous waste can be treated and also for avoidance of exporting of hazardous waste; the terms of the waste licence which governs activity on the site issued by the EPA under Ref. No. W0167-03, and the scale of the development in the context of the permitted development; it is considered that the making of the proposed alteration would be in keeping with current national waste management policies and its obligations under European legislation.

The proposed alteration also would not be likely to have significant effects on the environment or upon any Natura 2000 site. It would therefore be in keeping with the proper planning and sustainable development of the area.

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on European Site No. 002299, or any other European site, in view of the site's Conservation Objectives.

## **CONDITIONS.**

1. The amendment granted by this order relates to the details submitted by Indaver Ireland Limited on the 23<sup>rd</sup> of November 2015 and further drawings and particulars submitted by the applicant on the 29<sup>th</sup> of January 2016 in relation to provide for physical alterations to the plant building by providing for an extension to an existing building and construction of an additional building and for the extension of 2 existing conveyor systems to facilitate the amendment of the current process requiring the construction of a pre-treatment process plant within a new building for the treatment of the flue residues generated (APC residues).



**Reason:** In the interest of clarity.

2. The development shall be carried out and completed in accordance with the plans and particulars lodged on the 23<sup>rd</sup> of November 2015 and further drawings and particulars submitted by the applicant on the 29<sup>th</sup> of January 2016.

**Reason:** In the interest of clarity.

3. All environmental mitigation measures set out in the documentation submitted by the applicant to An Bord Pleanála shall be implemented in full.

**Reason:** In the interest of protection of the environment.

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**Derek Daly,**

**Senior Planning Inspector.**

**30<sup>th</sup> March 2016.**