

**Christine Brennan**

---

**From:** Sarah Caulfield  
**Sent:** Tuesday, October 10, 2023 10:09 AM  
**To:** Paul Chadwick  
**Cc:** Anna Kelsh; Christine Brennan  
**Subject:** RE: An Bord Pleanála Case Reference: PA06F.314964

Dear Paul,

The Board acknowledges receipt of your email and attached response in relation to the above-mentioned application.

Kind Regards,  
Sarah

---

**From:** Paul Chadwick <[Paul.Chadwick@rpsgroup.com](mailto:Paul.Chadwick@rpsgroup.com)>  
**Sent:** Monday, October 9, 2023 4:51 PM  
**To:** SIDS <[sids@pleanala.ie](mailto:sids@pleanala.ie)>; Bord <[bord@pleanala.ie](mailto:bord@pleanala.ie)>  
**Subject:** An Bord Pleanála Case Reference: PA06F.314964

Dear Sir /Madam

In October 2022, Integrated Materials Solutions Limited Partnership (IMS) made an application for permission to An Bord Pleanála for development at the existing Hollywood waste facility at Hollywood Great, Nag's Head, Naul, Co. Dublin, A41 YE92 (An Bord Pleanála Case Reference: **PA06F.314964**).

On the 11<sup>th</sup> September 2023, An Bord Pleanála invited IMS (as applicant) to make submissions on the observations received on the application and the attached document summarises the details of the observations and the associated applicant responses.

I trust that the attached is acceptable but should you require any additional details please do not hesitate to contact the undersigned.

I would be very grateful if you could confirm receipt of this mail.

Regards  
Paul Chadwick

(on behalf of Integrated Materials Solutions Limited Partnership)

**Paul Chadwick**

Director of Environment and Sustainability  
RPS | Consulting UK & Ireland  
West Pier Business Campus  
Dun Laoghaire, Co. Dublin A96 N6T7, Ireland  
T +353 1 488 2900  
D +353 1 488 2980 M +353 87 290 9186  
E [paul.chadwick@rpsgroup.com](mailto:paul.chadwick@rpsgroup.com)



Follow us on: [rpsgroup.com](https://www.rpsgroup.com) | [LinkedIn](#) | [Facebook](#) | [Instagram](#) | [YouTube](#)

This e-mail message and any attached file is the property of the sender and is sent in confidence to the addressee only.

Internet communications are not secure and RPS is not responsible for their abuse by third parties, any alteration or corruption in transmission or for any loss or damage caused by a virus or by any other means.

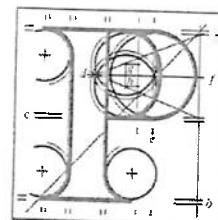
RPS Group Limited, company number: 208 7786 (England). Registered office: 20 Western Avenue Milton Park Abingdon Oxfordshire OX14 4S

RPS Group Limited web link: <http://www.rpsgroup.com>

F

**Our Case Number:** ABP-314964-22

**Your Reference:** Integrated Materials Solutions Limited Partnership



**An  
Bord  
Pleanála**

RPS Group  
c/o Paul Chadwick  
West Pier Business Campus  
Dun Laoighaire  
Co. Dublin  
A96 N6T7

**Date:** 10 October 2023

**Re:** Proposed development of a Circular Economy Campus and an Integrated Waste Management Facility at the Hollywood Landfill  
Hollywood Great, Nag's Head, Naul, Co. Dublin, A41 YE92

Dear Sir,

An Bord Pleanála acknowledges receipt of your email dated 9th October 2023 including response to submissions in relation to the above-mentioned application.

The Board will revert in due course.

If you have any queries in relation to this matter please contact the undersigned officer of the Board.

Yours faithfully,

Sarah Caulfield  
Executive Officer  
Direct Line: 01-8737287

<b>Tel</b>	<b>Tel</b>	(01) 858 8100
<b>Glaao Áitiúil</b>	<b>LoCall</b>	1800 275 175
<b>Facs</b>	<b>Fax</b>	(01) 872 2684
<b>Láithreán Gréasáin</b>	<b>Website</b>	<a href="http://www.pleanala.ie">www.pleanala.ie</a>
<b>Ríomhphost</b>	<b>Email</b>	<a href="mailto:bord@pleanala.ie">bord@pleanala.ie</a>

64 Sráid Maoilbhríde  
Baile Átha Cliath 1  
D01 V902

64 Marlborough Street  
Dublin 1  
D01 V902

AN BORD PLEANÁLA CASE REFERENCE: PA06F.314964



Our ref: MDR1492ARp00011

West Pier Business Campus  
Dun Laoghaire, Co. Dublin  
A96 N6T7  
T +353 1 488 2900

Date: 09 October 2023

An Bord Pleanála  
64 Marlborough Street  
Dublin 1  
D01V902

Dear Sir /Madam,

**Proposed Development of a Circular Economy Campus and an Integrated Waste Management Facility at Hollywood Landfill, Hollywood Great, Nags Head, Naul. C. Dublin A41 YE92 (An Bord Pleanála Case Reference: PA06F.314964)**

Further to the invitation by An Bord Pleanála to Integrated Materials Solutions Limited Partnership (as applicant) on the 11<sup>th</sup> September 2023 for the above mentioned proposed development, please find attached the applicant's submission on the observations received in relation to the application.

This document summarises the salient details of each of the organisational and community observations made and the associated applicant responses to these observations.

The applicant looks forward to the Board's decision on the application and commits to complying in full with any decision and supporting conditions as applicable.

I trust that the attached is acceptable but should you require any additional details please do not hesitate to contact the undersigned.

Yours sincerely,  
for RPS Consulting Engineers Limited

**Paul Chadwick**  
Director of Sustainability  
paul.chadwick@rpsgroup.com  
+353 1 488 2980

# INTEGRATED WASTE MANAGEMENT FACILITY AT HOLLYWOOD CIRCULAR ECONOMY CAMPUS

Submission on Observations Received for An Bord Pleanála Case  
Reference: PA06F.314964

MDR1492Rp0011  
F02  
9<sup>th</sup> October 2023

## Contents

<b>1</b>	<b>INTRODUCTION .....</b>	<b>1</b>
<b>2</b>	<b>SUBMISSIONS FROM STATUTORY CONSULTEES AND GOVERNMENT AGENCIES .....</b>	<b>2</b>
2.1	Fingal County Council .....	2
2.2	Dublin City Council .....	3
2.3	Environmental Protection Agency .....	3
2.4	Eastern Midlands Regional Waste Office .....	4
2.5	Health Services Executive .....	6
2.6	Health and Safety Authority .....	6
2.7	Geological Survey of Ireland .....	6
2.8	Development Applications Unit of the Department of Housing, Local Government and Heritage .....	7
2.9	Inland Fisheries Ireland .....	7
2.10	Summary .....	8
<b>3</b>	<b>SUBMISSIONS FROM OTHER PARTIES .....</b>	<b>9</b>
3.1	Level of Engagement .....	9
3.2	Traffic .....	9
3.3	Air Quality .....	10
3.4	Water and Groundwater .....	10
3.5	Incinerator Bottom Ash (IBA) .....	12
3.6	Planning .....	14
3.7	Ecology .....	14
3.8	Site Ownership and Environmental Liability .....	15
3.9	Agriculture .....	15
3.10	Noise .....	16
3.11	Other Matters .....	16
<b>4</b>	<b>CONCLUDING REMARKS .....</b>	<b>17</b>

## 1 INTRODUCTION

In October 2022, Integrated Materials Solutions Limited Partnership (IMS) made an application for permission to An Bord Pleanála for development at the existing Hollywood waste facility at Hollywood Great, Nag's Head, Naul, Co. Dublin, A41 YE92 (An Bord Pleanála Case Reference: PA06F.314964).

The proposed development seeks to enhance and expand the established waste and recovery operations at the site and consists of permission for a 25-year lifetime of operation at a rate of 500,000 tonnes of waste per annum as per the existing operation.

Observations on the application have been received by An Bord Pleanála (ABP) from the planning authority (Fingal County Council), a series of statutory consultees, other government agencies, local residents and community groups/organisations.

On the 11<sup>th</sup> September 2023, ABP invited IMS (as applicant) to make submissions on the observations received and this document summarises the details of the observations and the associated IMS, as 'applicant', responses.



## 2 SUBMISSIONS FROM STATUTORY CONSULTEES AND GOVERNMENT AGENCIES

Nine of the 28 submissions lodged on the application are from statutory consultees and other government agencies who are the designated experts within the State for planning, waste and environmental regulation. The comments from these designated experts are summarised in the following sections of this report along with the applicant responses where required.

Section 1.7 of Volume II of the Environmental Impact Assessment Report (EIAR) outlines the details of the organisations that were invited by the applicant to comment on the proposed development prior to lodgement to inform this application to ABP. Several of the parties that made submissions to ABP have raised similar issues to the responses received by the applicant in pre-application consultation and these have been taken into consideration in the preparation of the application for the proposed development.

### 2.1 Fingal County Council

The submission from Fingal County Council (FCC), as the planning authority, consisted of the Chief Executive's Report (dated 17<sup>th</sup> January 2023). This report notes that the proposed development was presented to the Balbriggan/Rush-Lusk/Swords Area Committee and the Elected Members. In addition, a number of internal departments in FCC were consulted on the proposed development including:

- Environment Section (Waste Enforcement and Regulation): No observations to make;
- Water Services Section: No objection subject to conditions;
- Heritage Office/Community Archaeologist: Requested an Archaeological Impact Assessment of the lands to the north east of the site;
- Parks and Green Infrastructure Division: No comment at the time of writing the report; and
- Transportation Planning Section: No objection subject to conditions on road safety audit, road condition maintenance, etc.

Technical feedback from these departments, as the local experts in the field, has informed the Chief Executive's Report. The key findings of the Chief Executive's Report include the following:

**Principle of Development** – Given the established waste processing facility at the site and the proposed circular economy activity, the continued use of the site as a waste facility is deemed acceptable and the broadening of waste accepted at the site was also deemed acceptable in principle.

**Zoning** - In relation to Objective Z05 of the Development Plan, the proposed development is considered reasonable.

**Access and Transportation** – The FCC Transportation Department had no objection to the traffic volumes associated with the proposed development (no net increase over baseline) or the proposed site access (which had been previously approved by the FCC Transportation Department). The Department's approval of the proposed development was subject to conditions relating to the requirements for a Stage 3 Safety Audit, special contribution towards signing and lining in the vicinity of the site, agreed construction management plan and a cash bond towards repairs.

**Water Services** – The FCC Water Services Department had no objections to the proposed management of foul sewer, water supply or flooding and no objections to surface water subject to the condition that no surface water is discharged to foul sewer (which is not proposed) and the compliance with the Greater Dublin Regional Code of Practice for Drainage Works, which is included throughout the drainage design as noted in the application.

**Environmental Impact Assessment (EIA) and Appropriate Assessment (AA)** – In relation to the EIA and AA assessments presented with the application, FCC raised no objections or observations that the proposed development was likely to have significant adverse effects on the environment (EIA) or likely significant effects on a European site (AA). The FCC Heritage Officer/Archaeologist has requested a condition for an archaeological survey at the location of the proposed attenuation pond at the north east of the site, which is reasonable and accepted by the applicant.

In summary, FCC's multi departmental review of the application for the proposed development yielded no objections to approval on planning, environmental or engineering grounds. As a consequence, the Chief



Executive's Report concludes that the proposed development is both acceptable and reasonable in planning terms subject to a series of 16 recommended conditions.

#### **Applicant Response**

The applicant welcomes the submission from FCC which validates the applicant's position that the proposed development at the Hollywood site is consistent with proper planning and sustainable development. FCC has affirmed that the zoning and principle of development are suitable at the development site.

Similarly, the various technical departments within FCC who are the local experts charged with managing traffic, water, environment, etc. in the county, have cited no objection to the proposed development having reviewed the detailed information supplied by the applicant in the application drawings and reports. This was unsurprising given the level of engagement between the applicant and FCC in designing aspects of the proposed development (such as drainage, site entrance, etc.) and agreeing the details required to document the design, operation and impacts in the application.

While FCC has advised of 16 recommended conditions that ABP may impose on any grant of permission for the proposed development, the applicant does not dispute the validity or scope of these conditions. If imposed on the development, the applicant will comply with these conditions.

In short, FCC, as the planning authority, has affirmed that the proposed development is consistent with proper planning and sustainable development with no objections to development. The applicant requests that ABP has due regard for this conclusion and similarly approves permission for the proposed development.

## **2.2 Dublin City Council**

Dublin City Council (DCC) confirmed that the organisation has no objection to the proposed development and no further details were provided.

#### **Applicant Response**

None required.

## **2.3 Environmental Protection Agency**

The Environmental Protection Agency (EPA) submission initially outlines the licence history at the site and provides details of the existing licence. This information is also provided in Section 3.3.3 of Volume II the Environmental Impact Assessment Report (EIAR) for reference.

The EPA also advises that the licence may need to be reviewed or amended to accommodate the changes proposed in the planning application before ABP. The current licence is a Waste Licence under the Waste Management Act 1996, as amended, and the EPA advise that the proposed development may require an Industrial Emissions Licence under the Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions as transposed in Irish legislation through European Union (Industrial Emissions) Regulations 2013, as amended.

Furthermore, the EPA state that the Office of Environmental Sustainability of the EPA will be required to assess all environmental emissions as part of the licence review.

#### **Applicant Response**

The EPA is correct in advising that the proposed development, in addition to the planning consent application before ABP, will also require a Licence Review from the EPA to permit the proposed development. This is stated in Section 3.3.3 of Volume II the EIAR which states that:

*'IMS are applying for an Industrial Emissions Licence to operate the proposed integrated waste management facility at the site. This licence will be required prior to any operation of the proposed development and will replace the existing waste licence (Register No. W0129-02).'*

The applicant has engaged directly with the EPA on this matter and has held a pre-application consultation meeting with the EPA Office of Environmental Sustainability on the 11<sup>th</sup> April 2019 at the EPA offices in Wexford (refer Section 1.6 of Volume II the EIAR).

Under the First Schedule to the EPA Act 1992, as amended, as the proposed development will include new waste activities which are defined under Class 11.4 and Class 11.5 of the Schedule, the proposed

## Submission on Observations Received - Case Reference: PA06F.314964

---

development will fall under the requirements of the Industrial Emission Directive. As such, the current Waste Licence (Register No. W0129-02) will be replaced by an Industrial Emissions Licence (Register No. W0129-04) if granted by the EPA. Note that Register No. W0129-03 was the reference applied for the Licence Review application refused by the EPA in 2016 and hence the Register No. W0129-04 will apply to any new licence.

It is noted that under Section 83(5) of the EPA Act 1992, as amended, that the EPA shall not grant a licence or revised licence for an activity unless it is satisfied that:

- (i) any emissions from the activity will not result in the contravention of any relevant air quality standard specified under section 50 of the Air Pollution Act 1987, and will comply with any relevant emission limit value specified under section 51 of the Air Pollution Act 1987,*
- (ii) any emissions from the activity will comply with, or will not result in the contravention of, any relevant quality standard for waters, trade effluents and sewage effluents and standards in relation to treatment of such effluents prescribed under section 26 of the Local Government (Water Pollution) Act 1977,*
- (iii) any emissions from the activity or any premises, plant, methods, processes, operating procedures or other factors which affect such emissions will comply with, or will not result in the contravention of, any relevant standard including any standard for an environmental medium prescribed under regulations made under the European Communities Act 1972, or under any other enactment,*
- (iv) any noise from the activity will comply with, or will not result in the contravention of, any regulations under section 106,*
- (v) any emissions from the activity will not cause significant environmental pollution.*

As part of the Licence Review process, the EPA will undertake a detailed review of the emissions analysis presented in the Licence Review application (which will include the same EIA and AA documentation submitted in this application) to ensure that emissions to air, water (including groundwater), noise, etc. will not cause significant environmental pollution. Where required, the EPA may also employ specialist experts to undertake more detailed analysis of key topics to advise the EPA (such as the groundwater aspects in the 2016 licence application).

Only once the EPA is satisfied that the proposed operation in the licence review application will not result in the contravention of any relevant standard or will not cause any pollution, may the EPA grant a revised licence.

In summary, the applicant welcomes the EPA submission that clarifies for ABP the need for a second consent in the form of a Licence Review and the EPA's role in assessing an application for this secondary consent.

## 2.4 Eastern Midlands Regional Waste Office

The Regional Waste Management Planning Offices (RWMPO) represent the local authority waste management function and are responsible for the implementation of the Regional Waste Management Plans as documented in Section 3.2.3.5 of Volume II the EIAR for the Eastern-Midlands Region Waste Management Plan 2015-2021 as the waste plan relevant to the proposed development.

In addition to the policy base cited in the EIAR that supports the proposed development, the RWMPO (representing the Eastern Midlands Regional Waste Office) also note that the proposed development is consistent with policy E8 of the Eastern-Midlands Region Waste Management Plan 2015-2021 as follows:

*The waste plan supports the development of disposal capacity for the treatment of hazardous and non-hazardous waste at existing landfill facilities in the region subject to the appropriate statutory approvals being granted in line with the appropriate protection criteria.*

The RWMPO confirm that the proposed development is fully consistent with the current waste policy base in the Eastern-Midlands Region Waste Management Plan 2015-2021 which is the relevant waste policy for the proposed development.

The RWMPO have a secondary role in monitoring national and regional waste capacity needs for municipal and construction waste streams. As such, the RWMPO have an expert view on what quantum and type of waste capacity is required to maintain a functioning waste market within the State. On that basis, the RWMPO have identified that the proposed development will:

*Ease the existing capacity constraints with respect to non-hazardous C&D wastes that are not suitable for recycling or recovery, within Ireland's waste treatment network;*

*Reducing our reliance on export for non-hazardous C&D wastes; and*

*Improve Ireland's self-sufficiency in managing our own waste in line with the proximity and self-sufficiency provisions of the Waste Framework Directive.*

In this regard, the RWMPO submission endorses the need for the proposed development (as presented in Chapter 2 of Volume II of the EIAR) to ensure no disruption to the waste supply chain and to maintain a functioning waste market.

Finally, the RWMPO makes a number of observations on the proposal to include Incinerator Bottom Ash (IBA) within the waste stream for the proposed development. Firstly, the RWMPO support the development of domestic disposal outlets for incinerator bottom ash in the short to medium term as per the proposed development.

In addition, the circular potential for this material to be reused or recycled into secondary raw material in civil engineering applications is also noted by the RWMPO. While acknowledged that this is not a short term option, the RWMPO do not support the granting of permission for the disposal of this material in the long term (i.e. for the period of 25 years).

To this end, the RWMPO recommend the inclusion of two conditions on IBA as follows:

*Condition 1: a condition should be formulated to impose a restricted timeline of 5 years, (as opposed to the 25 years applied for) on the acceptance of residual IBA for disposal, with the flexibility of this being extended, subject to the establishment of End-of-Waste for this material in Ireland.*

*Condition 2: a condition should be formulated to oblige the applicant to deposit the IBA in such a manner that facilitates its extraction for reuse, subject to the establishment of End-of-Waste for this material in Ireland.*

### **Applicant Response**

The applicant welcomes the RWMPO submission that acknowledges both the waste policy support for the proposed development as well as the essential need for this development to fulfil the needs of the waste market in Ireland. In this regard, much like the FCC submission endorsing the planning compliance of the proposed development, this submission endorses the waste policy compliance and need for the proposed development.

The applicant accepts the circular potential of the IBA and that, in the long term, there may be greater capacity for this material to be recycled rather than the planned disposal. However, the applicant questions the very limited five year window suggested by the RWMPO for the cessation of landfilling this material. The applicant proposes an alternative medium to long term condition boundary as the committed development of a market need for recycled IBA as a secondary aggregate is uncertain in the short term. In the event where such a market develops, a formal end of waste process would follow and it is simply not realistic to suggest that such a change may occur in a five year period.

As a more realistic and circular alternative, it may be conditioned that IBA landfilling is permitted once this operation is in line with national waste and circular economy policy. Such an approach would place the emphasis on developing circular economy policy and markets to facilitate this material and the applicant is committed to complying with such policy.

For a similar operation recently approved as strategic infrastructure by ABP at Knockharley in Meath (An Bord Pleanála Case reference: PA17.303211), the permission imposed the following condition (Condition 4c):

*(c) 150,000 tonnes per annum of Incinerator Bottom Ash shall be accepted for storage pending recovery. The period of storage of this material shall not exceed five years unless otherwise agreed in writing with the planning authority.*

The insertion of the phrase '*unless otherwise agreed in writing with the planning authority*' provides an alternative mechanism to review the market conditions and in the event that ABP sought to include the condition for a five year restriction, the applicant seeks a similar wording to that presented above in the interests of fairness and consistency.

The suggestion that a condition should be added to oblige the applicant to deposit the IBA in such a manner that facilitates its extraction for reuse has merit to facilitate the above future re-extraction and recovery of IBA. The EPA will of course have input into this from a licence review perspective.

In short, the applicant understands the two conditions suggested by the RWMPO but the strict temporal restriction of five years for the landfilling of IBA is optimistic for the future market condition and this may be more flexibly resolved with reference to compliance with national waste policy. Similarly, the operation of a separate landfilling area for IBA is not disputed but it may be more readily resolved with a reference to 'under the conditions of the licence from the EPA'.

## **2.5 Health Services Executive**

As the body responsible for providing public health services nationally, the Health Services Executive (HSE) submission focussed on health and community related issues and these are summarised below. Specifically the submission was from the National Office for Environmental Health Services (EHS).

Regarding public consultation, the EHS considered the details provided in the EIAR and was satisfied that early and meaningful public consultation with the local community was carried out and all potentially significant impacts have been identified in the EIAR. The EHS made positive comments on the decision by the applicant to remove the acceptance and landfilling of asbestos from the proposed development following feedback from the community on potential risk and health concerns.

The EHS expressed satisfaction that there is adequate protection of ground and surface water for the proposal subject to the mitigation in the EIAR and EPA licence approval. Similar analysis was provided for noise and air quality.

In summary, the EHS concluded that there is adequate protection of public and environmental health for the proposal providing:

- All mitigation identified in the EIAR is implemented in full;
- If consent is given, that the new activities are not commenced until the existing licence is reviewed by the EPA for consideration of emission into the environment and the appropriate limits and controls; and
- The facility continues to ensure compliance with any emission limits levels set by the EPA in the licensing regime.

### **Applicant Response**

The applicant welcomes the submission of the HSE which acknowledges the significant lengths that the applicant has taken in designing the construction and operation of the proposed development in a manner that fully protects public and environmental health.

As noted in **Section 2.3**, the EPA determination of the licence review application will only follow a successful grant of planning consent from ABP. Any such licence review granted by the EPA will entail a wide ranging series of conditions on best practice management, mitigation and monitoring to ensure no adverse impact to human health and/or the environment. After grant of any licence, the ongoing EPA regulation of compliance with these conditions will retain the environmental protection measures as required by the HSE.

The applicant commits to the full implementation of all mitigation measures to ensure the continued protection of the health of the community as per the existing operation.

## **2.6 Health and Safety Authority**

In the submission, the Health and Safety Authority (HSA) confirmed that the organisation has no objection to the proposed development.

### **Applicant Response**

None required.

## **2.7 Geological Survey of Ireland**

The Geological Survey of Ireland (GSI) submission simply confirmed that it had no further comments over and above those raised by the GSI in pre-application consultation undertaken by the applicant.



Section 1.7 of Volume II of the EIAR includes in summary details the issues raised by the GSI and the full submission is included in Appendix B of Volume III of the EIAR. The principle issue raised by the GSI was that with the proposed development, there are no further envisaged impacts on the integrity of the County Geological Site located on the site.

Other comments related to the availability of data which has been used to inform the assessments of geology and hydrogeology in Volumes II and IV of the EIAR.

#### **Applicant Response**

The applicant welcomes the submission from the GSI and the confirmation that there will be no significant impact to the County Geological Site as a result of the proposed development and that no other significant impacts on soils, geology and hydrogeology are indicated.

## **2.8 Development Applications Unit of the Department of Housing, Local Government and Heritage**

In the submission, the Development Applications Unit (DAU) of the Department of Housing, Local Government and Heritage (representing the National Parks and Wildlife Service, NPWS) correctly identify the hydrological link between the site of the proposed development and the Rogerstown Estuary SAC/SPA through the Ballough Stream which runs along the northern boundary of the site.

This hydrological link is mapped in Figure 10.2 of Volume II of the EIAR and was the basis for screening in the proposed development for Appropriate Assessment and the preparation of the Natura Impact Statement (NIS) which accompanied the application.

Both the EIAR and NIS provide recommendations for surface water and groundwater management, emergency responses, environmental training and site management during construction and operation of the proposed development. The NIS concluded that there will be no significant residual effects on the integrity of any European sites including the Rogerstown Estuary SAC/SPA.

This conclusion was shared by the DAU who agreed with the measures proposed for the protection of the Ballough Stream.

Secondly, the DAU note the current permitted acceptance of Japanese Knotweed contaminated soil at the site. Again, the DAU have stated that adherence to the proposals contained within the application will suitably mitigate the risk of spread of this species.

Finally, the DAU comment on the status of the Peregrine Falcons that have been recorded on site. Ongoing monitoring and management of these falcons is undertaken on the site through a dedicated Peregrine Falcon Management Plan including the installation of artificial nest boxes and annual surveying. These annual surveys are documented in annual reports and shared with the FCC Biodiversity Officer and the NPWS (the most recent report was issued in September 2023). The DAU state that any permission should be conditioned to require the revision of the Peregrine Falcon Management Plan for the site and for details of same to be issued to the FCC Biodiversity Officer.

#### **Applicant Response**

The applicant welcomes the response from the DAU as the national expert for biodiversity and its protection. The expert opinion provided in the submission verifies that the detailed mitigation measures included in the EIAR and NIS provide the required levels of protection for European Sites and wider biodiversity to ensure no significant impact.

This protection is offered in terms of water quality (Ballough Stream and the downstream Rogerstown Estuary SAC/SPA), the provision of a contained management system for invasive species (Japanese Knotweed) and the protection of protected birds (Peregrine Falcon).

## **2.9 Inland Fisheries Ireland**

Inland Fisheries Ireland (IFI) made a number of observations and recommendations for the proposed development in relation to the protection of water quality. Like the DAU, IFI noted the sensitivity of the Ballough Stream (Corduff System) to the north of the site and noted the salmonid nature of this stream.

On foot of this sensitivity, a series of best practice water quality and sediment control measures have been listed by the IFI such as training of personnel, leachate control, surface water control, site clearance, petrol/oil spills, pipe installation, permeable surface on yards and stockpiling.

The IFI state that all discharges must be compliant with the European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010.

### **Applicant Response**

The applicant welcomes the comments from IFI and similar comments were received by the applicant as part of pre-application consultation with IFI. The sensitivity of the Ballough Stream is well established and this summarised in Section 10.4.5 of Volume II of the EIAR from regional EPA monitoring and classification as well as from the detailed baseline monitoring undertaken by the applicant.

All risks to this stream have been considered in the application and a series of best practice 'design' mitigation measures have been included such as an impermeable base on all yard areas with contained drainage, use of an enclosed collection, treatment (interceptor) and attenuation systems for stormwater from the landfill and a closed loop leachate collection system. These measures eliminate the risk at source for these potential impacts.

In order to further protect this sensitive stream from deleterious materials, a comprehensive suite of operational mitigation measures are also presented by the applicant in Section 10.6 of Volume II of the EIAR. These measures include all of the controls specified by the IFI submission including a buffer area of a minimum 50m to be retained between the Ballough Stream and all works. No works, material storage or stockpiling may take place within this buffer which will be clearly delineated for all operators.

A suite of supportive mitigation measures are also included for the construction and operation phases including control of materials such as cements, oils, etc., leachate control (with no discharge on site), surface water management (including attenuation) all of which will be managed through the site Environmental Management System.

With such controls in place, any potential for significant impact to the Ballough Stream and the wider catchment will be suitably mitigated, as previously noted by FCC and the DAU. As such, the applicant is satisfied that all of the concerns raised by the IFI are wholly addressed within the comprehensive design and operational mitigation measures presented within the EIAR.

## **2.10 Summary**

On review of the submissions from local and national expert groups in the fields of planning, transport, waste, human health, the environment and water quality, the applicant notes that these submissions are positive and confirm that the application has included comprehensive measures to prevent any potential for significant adverse impact on the environment and human health.

This endorsement of the proposed development (in some cases subject to conditions) by these expert groups provides ABP with a high degree of certainty that the proposed development is consistent with proper planning and sustainable development and is not likely to have significant adverse effects on the environment or human health.

Where conditions are suggested by these expert groups, these are largely accepted by the applicant with the exception of the five year restriction on IBA infilling.

## 3 SUBMISSIONS FROM OTHER PARTIES

Separate to the statutory consultees and other government agencies, 17 of the 28 submissions lodged on the application are from residents, residents groups or community organisations in the area. While submissions ranged from short summaries to longer and more detailed technical information, the submissions largely consisted of a number of key themes. All of the comments from these residents and community groups are summarised under the broad thematic area in the following sections of this report along with the applicant responses where required.

### 3.1 Level of Engagement

The applicant acknowledges the submissions from the general public on community engagement for the proposed development which expressed concerns over the level of engagement with local groups. Typically, these are high level generic statements raising concerns over lack of consultations and awareness of proposed project impacts.

#### Applicant Response

The applicant has shown a clear willingness to listen to, and act upon, the valid concerns of the local community, as observed in Section 1.8 of Volume II of the EIAR which summarises the public engagement including direct meetings and a consultation letter circulated to all residents (included in Appendix D of Volume III of the EIAR).

Furthermore, the HSE, as the government agency overseeing public health interests, advised that the public consultations with the local community were early and meaningful (refer **Section 2.5** of this submission). Additionally, the HSE stated the EIAR demonstrated the link between public consultations and how those consultations influenced the decision-making process.

In short, the applicant challenges any claim that the level of public engagement was insufficient as the applicant has shown a clear willingness to listen to, and act upon, the valid concerns of the local community.

### 3.2 Traffic

Several residents and local groups raised concerns regarding the perceived additional traffic from Heavy Goods Vehicles (HGV) on the local road network (in particular the LP-1080 and close to Hedgestown School) if consent is granted for the proposed development. Generally, these are high level statements raising concerns over HGV traffic volumes, the capacity of the LP-1080 to accommodate the traffic volumes, inadequate road sweeping and the potential for damage to roads from HGVs.

#### Applicant Response

The applicant has acknowledged and considered the valued observations of the community albeit there will be no increase to traffic volumes. A detailed evaluation of traffic volumes and capacity of the haul road infrastructure is presented in Chapter 13 of Volume II of the EIAR.

The assessment employs a series of baseline traffic counts supported by standard Transport Infrastructure Ireland (TII) methods and supporting calculation criteria and has been developed in consultation with the FCC Transportation Department. This assessment concludes that there will be no negative impact on traffic related matters as a result of this proposed development.

This analysis was undertaken using standard practices to provide a robust assessment which is presented in Chapter 13 of the EIAR. No definitive counter evidence has been provided by any of the submissions to suggest that this information is not valid.

Furthermore, the FCC Transportation Department had no objection to the traffic volumes associated with the proposed development (no net increase over baseline) or the determination of the road and junction capacity presented. The Department's approval was subject to conditions relating to a Stage 3 Safety Audit, special contribution towards signing and lining in the vicinity of the site, agreed construction management plan and a cash bond towards repairs. As noted, the applicant has no objection to the suggested conditions from the FCC Transportation Department in the interests of community safety.

The applicant points to the finding of the local experts charged with managing the local road infrastructure (FCC Transportation Department) who determined no objection to the proposed development based on the



evidence included in the application. This expert opinion is in contrast to the submissions on traffic from community submissions which are not backed up by substance or details that challenge the detail in the application.

### **3.3 Air Quality**

A number of submissions for the community referenced air quality as a material concern. Typically, these were very general concerns about the deterioration of air quality as a result of the proposed development but more specific references included:

- Emissions from trucks carrying hazardous waste;
- Toxic dust exposure and airborne toxin dissemination; and
- Emissions from IBA processing.

No evidence base has been provided as part of these submissions to support the claims made that there would be an adverse impact to air quality.

#### **Applicant Response**

The applicant recognises the concerns of the community regarding air quality and reaffirms the HSE's confirmation that the proposed project will not significantly impact air quality. Each of the areas raised by the submissions is addressed in Chapter 11 of Volume II of the EIAR whereby the existing baseline, potential impacts and required mitigation are presented. These assessments have been prepared based on best practice and note the following:

- The waste acceptance for the proposed development remains the same (500,000 tonnes per annum) as the existing Waste Licence (W1029-02), therefore, maximum traffic will not increase and there will be no alteration to road traffic emissions and air quality along the haul route (Section 11.1.5.5 Volume II EIAR);
- Impacts of construction and operational dusts (both general and metals) are addressed in Section 11.1.5.2 and Section 11.1.5.3 of Volume II EIAR including the detailed measures included to control the potential for dust emissions including continued dust monitoring and reporting at the site to ensure no adverse impact (under the EPA Licence);
- No organic waste or biodegradable waste will be accepted at the site so the risk of airborne toxin dissemination is negligible; and
- One submission simply states that there is no information on how IBA will be managed on site which is wholly inaccurate. Section 5.6.5 of Volume II of the EIAR contains a detailed description of the contents, acceptance, maturation and handling of IBA. More specifically to prevent dust, Section 11.1.5.3 of Volume II EIAR provides a comprehensive list of control measures to prevent such impacts.

While these air quality concerns have been raised in the submissions, no counter evidence has been offered to suggest that Chapter 11 of Volume II of the EIAR are in any way flawed. Furthermore, the HSE, as the government agency overseeing public health interests, stated clearly that this expert group was satisfied that all appropriate mitigation measures were sufficient with respect to protecting human health.

In short, the applicant challenges the suggestion that the proposed development will have a significant adverse impact on air quality and this conclusion is supported by the HSE.

### **3.4 Water and Groundwater**

In relation to surface water and groundwater quality, the submissions from residents and community groups raised a number of common themes which may be summarised as follows:

- The rationale for the 2016 EPA refusal of the previous licence application at the site are unchanged and this proposal should be refused;
- General commentary on groundwater contamination from the proposed development impacting on the underlying aquifer, the Bog of the Ring wellfield and private wells in the area;
- The siting of a landfill above an aquifer and the contention that as a quarry, the Hollywood site is unsuitable in the absence of a clay liner;

- The groundwater flow directions presented in the application and connectivity to the surface water system including the Ballough Stream and downstream connectivity to the Rogerstown Estuary;
- The accuracy of the GSI mapping of aquifers that has informed the hydrogeological analysis in the application;
- Request for an independent review of the hydrogeological assessment of the proposed development included in Volume IV of the EIAR; and
- One submission suggested that the application was flawed, and therefore does not comply with Article 217 of the Planning and Development Regulations 2001, as amended, in that it does not incorporate all of the leachate risks to the environment, in particular, the underlying aquifer.

### **Applicant Response**

The applicant has been attentive to submissions on water and groundwater yet maintains that there is no significant adverse threat to adjacent water bodies from the proposed project. The 2016 EPA refusal is well established in the application documents and the applicant has undertaken significant works to address the EPA concerns on risk and the data gaps identified in the refusal. This includes the exclusion of hazardous waste from the proposal, the use of best practice cell engineering and the cell layouts to ensure no risk of significant impact to groundwater. This extensive evidence base has been provided to allow both ABP and the EPA to make a determination on the significance of impact.

Given that the risk to groundwater quality was a material concern for the EPA in the 2016 refusal of the Licence Review (details in Section 3.3.2 of Volume II of the EIAR), the applicant has significantly revised the design, proposed waste types, operation and details included in application to specifically address the issues raised by the EPA in the refusal. This information is provided in detail in Volume IV of the EIAR and summarised in Chapter 9 of Volume II of the EIAR.

It is noted that the EU and national policy and legislation on hydrogeology remains unchanged from that presented in the application documentation. Similarly, the established methodologies, as employed in the application documentation, for hydrogeological assessment, remain unchanged since the lodgement of the application. Hence, the application documentation remains consistent with current methods of hydrogeological assessment.

The principal objectives of the Hydrogeological Risk Assessment report presented in Volume IV of the EIAR are to undertake the following:

- Update the site's Conceptual Hydrogeological Model following interpretation of new hydrogeological data collected for the site; and
- Address the key areas of hydrogeological concern and uncertainty identified in the EPA's 2016 decision notice to refuse permission for the licence application.

Addressing the EPA's concerns includes reducing the source risk from the application refused in 2016 by eliminating hazardous waste from this application (45% of waste in the previous licence application was hazardous waste) and this will significantly reduce the groundwater risk at the site under this application.

Secondly, a landfill liner (that complies in full with European best practice and the Landfill Directive 1999/31/EC) and a revised cell layout to ensure only inert waste is placed over shallow groundwater also reduce the risk to groundwater to acceptable levels.

The Hydrogeological Risk Assessment demonstrates that these key design changes from the 2016 application reduce the risk of groundwater pollution to ensure no significant effect.

In addition, the Hydrogeological Risk Assessment addresses a number of the information gaps identified by the EPA in the 2016 refusal with a significantly more robust evidence base on the groundwater regime underlying the site. The groundwater analysis presented confirms the presence of a groundwater flow divide between the Bog of the Ring well field and the Hollywood site. Accordingly, it can now be stated with confidence that the Bog of the Ring wellfield can be dismissed as an environmental receptor for the Hollywood site with no potential for adverse impact.

In relation to siting of the proposed development, Section 3.2.3 of Volume II of the EIAR notes the application of the local authority draft guidance for siting of waste facilities and identifies how the Hollywood site complies in full with these guidelines. While groundwater is not a key determinant in the guidelines, the comprehensive analysis provided in the application confirms no adverse impact to groundwater at this location as a consequence of the design of the proposed development.

A schematic regional groundwater contour plot has been produced for the Hollywood area by synthesizing the comprehensive groundwater monitoring data collected for the project with historical data collected for the Fingal Landfill Project (1.5km east of the site). This data illustrates a south-easterly groundwater flow direction from the site. While this is disputed in one submission, no counter evidence is provided to suggest this is in any way inaccurate.

The GSI mapping has been supplemented with extensive on site investigations and hydrogeological field assessments to fully delineate the geological and hydrogeological regime underlying the site and environs. As such, any suggestion that the GSI data is flawed is irrelevant compared to the more detailed site-specific information presented within the application.

It is anticipated that on lodgement of the Licence Review application to the EPA for the proposed development, the EPA will appoint an independent expert to undertake a detailed evaluation of the groundwater assessment presented in the EIAR (as was the case to inform the 2016 refusal). Only on foot of independent validation that the assessment presented in this application is robust, will the EPA grant a licence review.

In granting any licence, the EPA must be satisfied that the proposed site design and management will promote compliance with European Communities Environmental Objectives (Groundwater) Regulations, 2010 (S.I. No. 9 of 2010; Part II: Environmental Objectives for Groundwater; Prevention and Control of Groundwater Pollution; as amended by S.I. No. 366 of 2016) which transpose the Groundwater Directive (2006/118/EC) into Irish law.

The proposed development will comply with the Groundwater Regulations by preventing and limiting inputs of pollutants into groundwater where the following aspects of Regulation 9 of the Groundwater Regulations shall apply:

- (a) The input of hazardous substances into groundwater is prohibited; and*
- (b) The input of non-hazardous substances shall be limited so as to ensure that such inputs do not cause deterioration in groundwater status or cause significant and sustained upward trends in the concentration of pollutants in groundwater.*

To inform this finding a probabilistic 'LandSim' modelling assessment has been undertaken for the site and is included in Volume IV of the EIAR. This model is a standard EPA requirement for landfills and is used by the EPA as the definitive evidence base on compliance with the Groundwater Regulations. The results of the assessment show that hazardous substances in leachate will be prevented from discharging to groundwater directly surrounding the site and that non-hazardous substances released into groundwater will not lead to unacceptable impacts at the down gradient site boundary.

For one submission to suggest that this application fails to incorporate all of the leachate risks to the environment completely disregards the comprehensive evidence base provided in the application, specifically the Hydrogeological Risk Assessment and LandSim reports in Volume IV of the EIAR. As such, the statement that the application does not comply with Article 217 of the Planning and Development Regulations 2001, as amended, is wholly inaccurate.

The applicant contends that all concerns raised by submissions have been addressed in full in the application and is confident that both ABP and the EPA will conclude that groundwater impact does not represent a material concern to refuse permission for the proposal.

### **3.5 Incinerator Bottom Ash (IBA)**

There are a range of concerns raised by residents and community groups on the inclusion of IBA in the proposal and these may be summarised as follows:

- There are several references to 'hazardous' and 'toxic' IBA and challenges to the EPA classification of IBA as 'non-hazardous' waste;
- It is incorrectly stated that the proposed development equates to a total of five million tonnes of IBA landfilled at the site;
- There is a perceived community absence of any standard approach to managing IBA in Europe, but others suggest that the EU Best Available Technology (BAT) reference documentation for IBA management is out of date;



- Potential for IBA to generate leachate causing groundwater pollution (due to inadequate liner) and the potential for IBA to generate dust causing health impacts; and
- The potential future planned processing of IBA at the site by the applicant.

### Applicant Response

The applicant understands the concerns raised by the residents and community groups on the transport, handling and landfilling of IBA at the site. Legally binding EU best practice has been reviewed and included in the design and operational practices for this material to ensure no significant adverse impact to human health and/or the environment. The HSE has confirmed that the protection measures for human health are sufficient and the EPA Licence Review will place significantly greater emphasis on the assessment of groundwater aspects to ensure a robust evaluation by this expert group.

IBA was reclassified by the EPA as a 'non-hazardous' waste following testing in April 2020 and any reference in the submissions to this material as 'hazardous' waste is incorrect.

The need for IBA capacity at the Hollywood site is presented in Section 2.5 of Volume II of the EIAR. Currently, circa 150,000 tonnes of IBA are generated per annum at the two waste to energy plants in Dublin and Meath. In addition, there is additional capacity permitted at the Dublin plant (awaiting Licence Review) and supported in policy by the National Waste Management Plan for a Circular Economy (draft May 2023).

Much of this IBA is being exported for treatment which is at odds with the 'self-sufficiency' and 'proximity principles' of EU waste policy (Waste Framework Directive). National long term capacity to manage this waste stream is required to reduce the reliance on exports.

As noted in **Section 2.4**, in 2021 ABP granted planning consent for the acceptance of up to 150,000 tonnes per annum of IBA at Knockharley landfill in Meath and this site was granted a licence review in April 2023 for this capacity. While the Knockharley site's grant and licence review can provide a local solution to cater for current volumes in the short term, the lifetime capacity of the IBA cells at Knockharley is limited and will be filled in circa 9 years. Additionally, Knockharley is a mixed-waste facility, with municipal solid waste (MSW) identified as a National Strategic Priority, and the operators at Knockharley may be directed to accept MSW as a priority further reducing any available short term IBA capacity.

As a consequence, a viable IBA treatment alternative to Knockharley is required and the proposed development meets this national need as a treatment option in close proximity to both existing waste to energy plant sources of IBA.

To reach a lifetime capacity of five million tonnes IBA as stated in the observations, the Hollywood facility would have to accept an average of 200,000 tonnes of IBA per annum for the 25 year operation which is simply not realistic. Such a scenario also excludes the possibility as noted by the RWMPO (refer **Section 2.4**) that this material may be processed as a secondary aggregate in the long term. In short, it is simply not credible that the proposed development would accept five million tonnes of IBA over the lifetime of the development.

Submissions stating that there no coherent approach to managing IBA in Europe are wholly inaccurate and there is an international and legally binding best practice EU framework to govern EU wide licensed operations. The Commission Implementing Decision (EU) 2019/2010 of 12 November 2019 establishing the best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for waste incineration were published in November 2019. These best available techniques (BAT) conclusions are the legal reference for setting permit conditions for installations covered by the Industrial Emissions Directive and the EPA must set emission limit values which ensure that, under normal operating conditions, emissions do not exceed the emission levels associated with the best available techniques as laid down in the BAT conclusions.

As the proposed operations will require an Industrial Emissions Licence, the EPA must apply these BAT operating to conditions to any licence including that for Hollywood in relation to IBA. To suggest that there is no guidance or that the December 2019 guidance is out of date is incorrect.

The potential for IBA to generate leachate is addressed in Section 9.6.3.1 of Volume II of the EIAR. The potential impact of leachate from the landfill on groundwater is mitigated in the design of the proposed development. Cells will be capped and lined in conjunction with the minimum requirements of the Landfill Directive (Directive 1999/31/EC) and signed off by the EPA. Leachate will be collected and managed in accordance with the licence conditions and will be strictly regulated by the EPA. Therefore, there are no predicted significant impacts to the underlying aquifers and off-site private groundwater users as outlined in **Section 3.4**.

A series of air quality mitigation is proposed to prevent the generation of this dust and therefore any impact to human health along the haul route and on the site. This includes the covering of IBA loads, all maturation to take place within the proposed enclosure, the periodic wetting of IBA stockpiles and this will be monitored through additional metal deposition monitoring as proposed in Section 11.1.6.1 of Volume II of the EIAR. The assessment concluded that with these measures in place there will be no significant adverse impact to human health and the HSE has concurred with this finding (refer **Section 2.5**).

### **3.6 Planning**

A number of submissions from the community allege non-compliance with the current planning permissions for the site. The grounds for the proposal were also questioned stating that there may be other more suitable locations for commercial recycling wastes zoned in County Development Plans. Additionally, proposing to increase the license timeline from the original 15 years to 25 years was concerning for local groups.

#### **Applicant Response**

The applicant recognises public sentiment of the license timelines and asserts that 15 years is insufficient time to restore the site to natural ground level and avert partial infill void hence the amendment to 25 years. The planning history for the site is fully documented in Section 3.3.1 of Volume II of the EIAR and the Planning Report submitted with the application. This information documents clearly what operations are permitted at the site under the relevant planning consents, including the most recent consent (F19A/0077) for the continued infilling of the former quarry with construction and demolition waste material at a rate of 500,000 tonnes per annum permitted under Reg. Refs. F07A/0262 and F04A/0363 for a further 15 no. year period.

The EPA Licence history is also noted in Section 3.3.3 of Volume II of the EIAR that permits the disposal and recovery of wastes under Waste Licence W0129-02 as well as the end-of-waste processing of crushed concrete. In June 2019, the EPA granted the applicant an 'End-of-Waste' (EoW) decision on secondary aggregates under Article 28(3) of the European Communities (Waste Directive) Regulations 2011.

There are no non-compliant activities undertaken at the site.

For clarity, the current Waste Licence includes the following classes of activity under the Fourth Schedule (waste recovery) of the Waste Management Act, 1996:

- Class 3: Recycling or reclamation of metals and metal compounds.
- Class 4: Recycling or reclamation of other inorganic materials.

Furthermore, the end-of waste operation is a recovery operation as defined in the legislation which states that certain specified waste shall cease to be waste when it has undergone a recovery operation and complies with specific criteria. For the avoidance of doubt, the applicant wishes to clarify that no non-compliant activity is undertaken on site, as such an activity would contravene the conditions of permission F19A/0077.

In terms of alternative locations, this has been addressed in Section 4.3 of Volume II of the EIAR where it was concluded that the existing void space at the former quarry coupled with the proximity to the sources of waste streams relevant to the proposal, make the Hollywood site the optimum location for the proposed development with no potential alternative location options available.

The proposal consists of a 25-year lifetime of operation to allow for the full infilling of the site and the associated restoration to natural ground levels in line with the High Amenity zoning of the site. Reducing this lifetime would reduce the window of opportunity to infill the site and potentially result in a partially infilled void at the current location.

### **3.7 Ecology**

The residents in the community expressed concerns over the risks associated with the continued acceptance of Japanese Knotweed (as per the permitted operation), the status of the Peregrine Falcon as noted earlier the subject of an ongoing management plan) and the connectivity to the Rogerstown Estuary. Typically, the concerns are high level statements raising concerns over the impact of the proposed project on ecological factors.

### Applicant Response

The applicant demonstrated consideration and remedial action concerning public submissions on ecology and maintains the position that the proposed project does not bear a significant impact to biodiversity. While these concerns are raised, the submissions included no evidence to suggest the information included in Chapter 8 of Volume II of the EIAR or the information included in the NIS are in any way inadequate or incorrect. Furthermore, in the submission from the Department of Housing, Local Government and Heritage (refer **Section 2.8**), the DAU state that all appropriate mitigation measures stated within the application were sufficient with respect to preserving the ecological vitality of the site area and its environs.

As such, the applicant challenges the submissions that contradict the findings of the EIAR, NIS and the DAU that are without basis and suggest a potential adverse impact on biodiversity.

## 3.8 Site Ownership and Environmental Liability

Two residential submissions cited legal site ownership as a material issue for ABP. One submission states that the proposed development application does not identify the real ownership of the site, asserting that the applicant, 'Integrated Material Solutions Limited Partnership', is not the legal, or beneficial, owner of the site in question. The submissions state that there is perceived conflict between the name used by the applicant and the land registered owner name as 'Integrated Materials GP Limited (CRO reference no. 590962)'.

One submission has cited the above rationale in relation to the applicant avoiding liability for any significant breach, environmental disaster or site closure. Again, no evidence has been provided to support this claim.

A second submission suggested that the applicant does not have the required capital to cover the liability associated with closing a landfill but no evidence has been provided to support this claim.

### Applicant Response

The applicant is aware of the public submissions regarding site ownership and assert that financial grounds of their ownership is legal. Additionally, the EPA are the certified body moderating environmental liability and they review financial provisions for site operations. Under Section 83(5) of the EPA Act 1992, as amended, the EPA shall not grant a licence or revised licence for an activity unless it is satisfied that the applicant is a fit and proper person to hold a licence. Amongst other legal and technical criteria, a 'fit and proper' person is defined by Section 84(4) as a person who:

*(c) in the opinion of the Agency, that person is likely to be in a position to meet any financial commitments or liabilities that the Agency reasonably considers have been, or will be entered into or incurred by him in carrying on the activity to which the licence or revised licence relates or will relate, as the case may be, in accordance with the terms thereof or in consequence of ceasing to carry on that activity.*

To meet the financial burden of the 'fit and proper' test, financial information and declarations are sought by the EPA at the licence application stage and during the operational stage. At operation stage these licence requirements include an Environmental Liability Risk Assessment to assess incidents and a Decommissioning Management Plan to address closure. Both processes require the licensee to quantify and make financial provision to cover these environmental liabilities to the satisfaction of the EPA.

The applicant currently holds this financial provision for the current operation and the EPA will require maintenance and update of same with any revised licence. As such, the submissions claiming that this is a material issue for ABP to consider in this application are without substance and the issue of environmental liability rests with the EPA as the competent authority for licensing.

## 3.9 Agriculture

A number of submissions note that the surrounding land use is agricultural and the location of the proposed development at this site is not appropriate. The underlying suggestion is that the pollution of groundwater will impact on the quality and/or reputation of produce grown in the area.

### Applicant Response

The applicant has considered the public observations on agriculture and assert that there are no grounds for such as outline in the EIAR, the proposed projects will not significantly affect the agricultural industry. As noted in **Section 3.4**, the proposed development includes a number of design measures to ensure to significant impact on groundwater including the selection of wastes for the site (no hazardous waste and no



biodegradable waste), the best practice design of liners, capping and containment systems, the active collection of leachate and the cell layouts. This design has been subjected to a detailed hydrogeological evaluation as documented in Volume IV of the EIAR and summarised in Chapter 9 of Volume II of the EIAR.

This very detailed assessment has shown that the proposed development will have no significant adverse impact on groundwater in the area and therefore there will be no impact for agricultural activities in the area. As noted, this detailed hydrogeological investigation will be reviewed in full by the EPA as part of the licence review to ensure that the EPA is satisfied that there will be no emissions.

Again, the submissions raised about agricultural impact offer no evidence base or rationale for the claims about impact to the industry from the proposed development.

### 3.10 Noise

One submission related to noise and stated that the analysis presented within the EIAR solely related to onsite noise with no assessment of noise associated with the transport of materials on the local road network. This same submission called for a detailed assessment of traffic noise on the LP-1080 to determine the requirement for suitable mitigation on the haul route.

#### Applicant Response

The applicant is cognisant of the public concerns on noise and reiterate the HSE's confirmation that mitigation measures in place for the proposed project bear no significant impact to human health. As noted by the submission, Section 12.4.3.1 of Volume II of the EIAR presents a detailed cumulative analysis of the on-site sources of noise. This assessment concluded that all noise sources operating simultaneously would generate 55 dB LAeq and therefore not above the day time ambient limit of 55 dB LAeq listed in the existing Waste Licence and which will be applied in the revised IE Licence. As such, the combined proposed development will not have an adverse impact on the noise climate in the vicinity of the site and will comply with the requirements of the revised IE licence.

Section 12.4.3.2 of Volume II of the EIAR is clearly identified as 'Traffic Noise' and undertakes an evaluation of the change in noise climate on the haul route as a results of the operational traffic over and above the baseline traffic. Based on the predictions relating to operational traffic noise, the changes in noise levels can be categorised as 'imperceptible' to 'slight' at these properties. The change in traffic associated with the proposed development scheme is therefore not expected to give rise to significant noise nuisance in the area.

Clearly the submission that stated this analysis was absent from the application was incorrect and this full evaluation has been provided and as noted, the HSE has advised that it is satisfied that the appropriate measures are in place in the proposed develop to ensure no significant adverse effect on human health.

### 3.11 Other Matters

A number of other matters were highlighted by individual submissions are these are noted in this section.

One submission queried the rationale of aligning the planning and licensing boundaries and suggested that this was to regularise the infilling of waste outside of the licence boundary. This is incorrect and this step is simply to regularise the two boundaries and to facilitate the location of the attenuation pond at the north east of the site within the licence boundary.

The need for the proposed development is queried in one submission but this need is justified in Chapter 2 of Volume II of the EIAR and the RWMPO submission (**Section 2.4**) endorses the critical need for this infrastructure to support waste market resilience.

One submission state that there is an absence of any quantification of the leachate generation through the lifetime of the project which is incorrect and these details are presented in full in Section 5.6.7 of Volume II of the EIAR.

The acceptance of asbestos at the site is noted by some submissions but asbestos waste is not proposed and is not included in any application documentation. While originally considered in early pre-application engagement with ABP, this material was removed in response to community concerns following the public engagement regime.



## 4 CONCLUDING REMARKS

ABP has invited the applicant to make submissions on the observations received on the application for permission for development at the existing Hollywood waste facility (Bord Pleanála Case reference: PA06F.314964). This document summarises the salient details of each of the organisational and community observations made and the associated applicant responses to these observations.

On review of the organisational submissions from statutory consultees and other government agencies who are local and national expert groups in the fields of planning, transport, waste, human health, the environment and water quality, the applicant notes that these submissions are positive and confirm that the application has included comprehensive measures to prevent any potential for significant adverse impact to the environment and/or human health. This endorsement of the proposed development by these expert groups provides ABP with a high degree of certainty that the proposed development is consistent with proper planning and sustainable development and is not likely to give rise to significant adverse effects on the environment or human health.

Where conditions are suggested in the organisational submissions by these expert groups, these are largely accepted by the applicant with the exception of the five year restriction on IBA infilling where the applicant seeks consistency with the conditions applied in a recent permission granted by ABP.

The submissions from the general public include a wide range of observations from residents, residents groups or community organisations in the area of the proposed development. The applicant acknowledges the concerns of the community and has previously revised the proposed development to address community concerns prior to lodging the application. In all observations raised with ABP, the main concerns from the community have been addressed in full in the application documents and have been mitigated, through design or operations, to ensure no likely significant effect on the environment or human health.

These community observations offer no robust counter evidence or data to support the claims of an adverse impact from the proposed development or to dispute the findings of the application documentation. Furthermore, the observations from statutory consultees and other government agencies, as the expert groups, contradict the community observations and confirm no likely significant effect on the environment or human health.

For the above reasons, the applicant urges ABP to have due regard for the informed observations from the statutory consultees and other government agencies that the proposed development will not result in likely significant effects on the environment or human health. While the community observations highlight the key potential impacts, these have been addressed and mitigated in full in the statutory application documents and no material reason for refusal is provided in these observations.

The applicant looks forward to the ABP decision (and any subsequent decision from the EPA on the licence review) on the application and commits to complying in full with any decision and supporting conditions as applicable.