

3 LEGISLATION AND POLICY

A significant book of statute and policy statements governs the planning and management of waste and the circular economy in Ireland. European policy and legislation provide much of the basis for national policy for managing waste and resources. European and national policies are increasingly focused on sustaining the lifespan of resources and a range of circular policy and market measures are being considered.

3.1 Planning Policy

This purpose of this section is to consider the proposed development having regard to potential impacts that to the relevant planning policy context concerned. This section therefore considers national, regional and local land use, transport planning and development policy which guides the proposed extended operation at the site. **Figure 3-1** illustrates an overview of the planning policy documents that comprise the Irish Planning System and the importance of policy in the assessment of planning applications. The relevant planning policies are set out for each level within the hierarchy in the sections that follow.

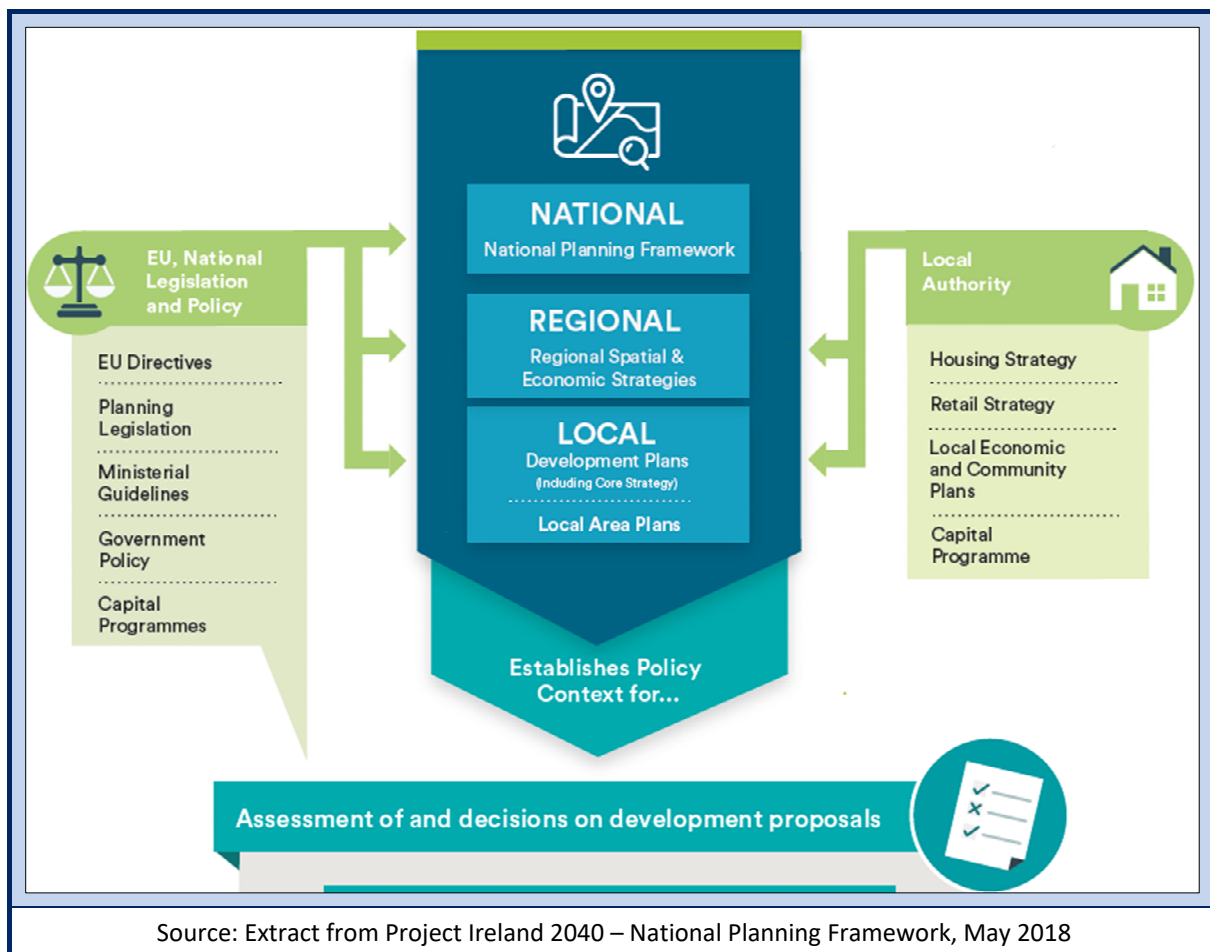


Figure 3-1 Overview of Irish Planning Policy Hierarchy

3.1.1 National Planning Policy Context

The National Spatial Strategy (NSS) for Ireland 2002 – 2020, was published in 2002 and at that time the NSS noted that waste management was a particular current priority and the strategy stated that:

Efficient, effective and cost competitive waste management facilities are essential if industrial and enterprise activity is to thrive and develop in a balanced way across Ireland.

This priority still exists and is echoed in the successor to the NSS, Project Ireland 2040 – the National Planning Framework (NPF). The NPF was adopted and published in May 2018. It is the primary articulation of spatial, planning and land use policy within Ireland. The National Strategic Outcomes of the NPF includes

the ‘sustainable management of water, waste and other environmental resources’. More specifically, in this context, it states that:

Ireland has abundant natural and environmental resources such as our water sources that are critical to our environmental and economic wellbeing into the future. Conserving and enhancing the quality of these resources will also become more important in a crowded and competitive world as well as our capacity to create beneficial uses from products previously considered as waste, creating circular economic benefits.

The NPF recognises that a key future enabler for Dublin includes improving sustainability in terms of waste and waste management. More broadly than that, the NPF promotes the circular economy and the management of waste by having adequate capacity and systems to manage waste in an environmentally safe and sustainable manner such that waste is significantly reduced or even eliminated. The NPF specifically states that:

In managing our waste needs, the NPF supports circular economy principles that minimise waste going to landfill and maximise waste as a resource. This means that prevention, preparation for reuse, recycling and recovery are prioritised in that order, over the disposal of waste.

Chapter 9 of the NPF is entitled ‘Realising our Sustainable Future’. Key to this chapter is resource efficiency and transition to a low carbon economy. National Policy Objective (NPO) 52 states the following:

The planning system will be responsive to our national environmental challenges and ensure that development occurs within environmental limits, having regard to the requirements of all relevant environmental legislation and the sustainable management of our natural capital.

NPO 53 states as an objective:

Support the circular and bio economy including in particular through greater efficiency in land management, greater use of renewable resources and by reducing the rate of land use change from urban sprawl and new development.

Due to its very nature and purpose, the proposed development is wholly consistent with the waste related policies of the NPF and notably National Policy Objective 56 which is to:

Sustainably manage waste generation, invest in different types of waste treatment and support circular economy principles, prioritising prevention, reuse, recycling and recovery, to support a healthy environment, economy and society.

In addition, the NPF targets a significant proportion of future urban development on infill/brownfield development sites (50 per cent city growth is to be infill or brownfield in order to take advantage of underutilised land and reduce urban sprawl as noted in the NDP). In particular, National Policy Objective 12 will seek to advance brownfield development by making State lands available and legislating for enhanced powers of compulsory purchase of privately owned sites in brownfield areas to incentivise development in these areas:

The Government will establish a National Regeneration and Development Agency to work with local authorities, other public bodies and capital spending departments and agencies to co-ordinate and secure the best use of public lands, investment required within the capital envelopes provided in the National Development Plan and to drive the renewal of strategic areas not being utilised to their full potential. The Government will consider how best to make State lands available to such a body to kickstart its development role and to legislate for enhanced compulsory purchase powers to ensure that the necessary transformation of the places most in need of regeneration can take place more swiftly and effectively.

The proposed development is unique in being the only engineered landfill in Co. Dublin capable of accepting brownfield materials at levels prescribed in the Landfill Directive and Waste Licence. All other unlined soil recovery sites are not covered by the Landfill Directive and can only accept uncontaminated materials. To this end, the policy to further develop brownfield sites requires the appropriate infrastructure to manage the associated wastes and the Hollywood site will be central to the delivery of this policy in the GDA.

As part of Project Ireland 2040, the National Development Plan 2021-2030 sets out the Government’s overarching investment strategy and budget for the period 2021-2030. The NDP includes a series of sectoral strategies for the Circular Economy and Sustainable Resource Management and the preamble to the strategic investment priorities the NDP states that:

While the overall focus of Government waste policy is on prevention and waste minimisation, investment in indigenous waste treatment capacity remains critical to our environmental and economic well-being.

The NDP also lists the Strategic Investment Priorities for DECC to support the transition to a circular economy and the sustainable management of environmental resources. This investment includes projects and programmes committed to in the waste and circular economy policy (refer **Section 3.2**) including the following priorities relevant to the proposed development:

- *Delivering on commitments under the Circular Economy Strategy;*
- *Supporting the roll-out of the Circular Economy Programme, which will be delivered through the EPA; and*
- *Incentivise private investment in the circular economy through the Circular Economy Innovation Grants Schemes.*

In addition, the NDP places significant emphasis and targets on brownfield development as follows:

- *At least 40 per cent of all new housing will be delivered within the existing built up areas of cities, towns and villages on infill and/or brownfield sites*
- *50 per cent city growth is to be infill or brownfield in order to take advantage of underutilised land and reduce urban sprawl.*

To achieve these targets there is a need for a sustainable and circular treatment option for these brownfield materials and the proposed development is ideally and uniquely placed to provide this outlet for these materials.

Similarly, the government's Housing for All Plan sets out the plan for delivery of an average of 33,000 homes per annum until 2030 to meet targets set out for additional households, as outlined in the National Planning Framework. Again, this plan sets a clear preferential objective for the development of large scale residential areas on brownfield lands:

- *Objective 12.2: Develop proposals for new Urban Development Zones, to deliver a coordinated and transparent approach to the delivery of residential and urban development, particularly on brownfield sites, meeting the compact growth objectives of the National Planning Framework.*

In short, the latest land use and housing policy for the State supports the listed circular policies presented in the waste and circular economy policy base as shown in **Section 3.2** and prioritises development on brownfield lands. The proposed development has been devised to respond to this transition to a circular economy and to meet the capacity deficits identified in the relevant policy for managing brownfield wastes and resources.

3.1.2 Regional Planning Policy Context

The key regional planning policy document is the Regional Spatial and Economic Strategy (RSES) prepared by the Eastern and Midland Regional Assembly (EMRA). The RSES for EMRA replaces the Regional Planning Guidelines for the Greater Dublin Area 2010-2022 which were prepared in 2010. The Transport Strategy for the Greater Dublin Area, 2016 to 2035 has some relevance for the subject application due to its proximity to the M1 motorway.

3.1.2.1 Regional Spatial and Economic Strategy 2019-2031

The purpose of the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Regional Assembly (EMRA) is to support the implementation of national government policies and to set out a framework for local economic development and spatial planning in the region. The EMRA RSES transposes the national policies set out in the National Planning Framework to a regional level. Section 10.4 relates to Waste Management and Regional Policy Objective (RPO) 10.25 states:

Development plans shall identify how waste will be reduced, in line with the principles of the circular economy, facilitating the use of materials at their highest value for as long as possible and how remaining quantum of waste will be managed and shall promote the inclusion in developments of adequate and easily accessible storage space that supports the

separate collection of dry recyclables and food and shall take account of the requirements of the Eastern and Midlands Region Waste Management Plan.

The supporting text states:

Waste is defined as anything that is discarded. A circular economy is one where materials are retained in use at their highest value for as long as possible and are then re-used or recycled, leaving a minimum of residual waste. This Strategy supports the move to a more circular economy as this will save resources, increase resource efficiency, and help to reduce carbon emissions. The successful implementation of circular economy principles will help to reduce the volume of waste that the Region produces and has to manage and will assist in delivering the resource efficiency ambition of the Europe 2020 Strategy.

Local authorities should achieve waste reduction, increases in material re-use and recycling, and reductions in waste going for disposal. This can be achieved by complying with the strategic objectives, targets and goals set out in the Eastern – Midlands Region Waste Management Plan 2015 – 2021 and any subsequent waste management plans and promoting a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible. Waste minimisation and waste avoidance can be encouraged through the reuse of materials and using fewer resources in the production and distribution of products.

The proposed development supports all of the above regional land use and waste management policies.

3.1.2.2 Transport Strategy for the Greater Dublin Area 2016 – 2035

The Transport Strategy for the Greater Dublin Area 2016 to 2035, (TSGDA) prepared by the National Transport Authority (NTA) sets out how transport will be developed across the region, covering Dublin, Meath, Wicklow and Kildare up to 2035. The purpose of the strategy is to contribute to the economic, social and cultural progress of the Greater Dublin Area by providing for the efficient, effective and sustainable movement of people and goods.

The subject site is located within approximately 3km west of Junction 5 (Balbriggan South) on the M1 motorway. The TSGDA recognises the M1 / Corridor A (i.e. ‘Drogheda – Balbriggan – Swords – Airport – North Inner City – to Dublin City Centre’) as being of strategic importance to the strategic road network. It also notes that the M1 / Corridor A has limited scope for increases in radial road capacity along this corridor.

3.1.3 Local Planning Policy Context

3.1.3.1 Fingal Development Plan

The current local planning policy framework is set out in the Fingal Development Plan 2017 – 2023 (FDP).

It is noted that the FDP is currently under review and the Draft Fingal Development Plan 2023 – 2029 is currently at amended draft status with an expected implementation date of January 2023. As the 2017 – 2023 Plan is the existing land use policy, this is addressed in this section with a commentary on the scope of potential changes contained within the Draft 2023 – 2029 Plan also noted.

Waste Management and Circular Economy Objectives

Under the Waste Management Acts, the Development Plan is deemed to include the objectives of the Waste Management Plan for the administrative area, in this case the Eastern-Midlands Region Waste Management Plan 2015-2021 (refer **Section 3.2.3.5**). The FDP sets out the strategic visions for Fingal which includes the objective to make better use of key resources such as land and waste infrastructure.

The FDP recognises that in certain instances, quarries can be beneficial to the environment, particularly when decommissioned and when opportunities arise for habitat creation and alternative uses. In this respect and in the context of the proposed development, it will deliver on the strategic policy aims of the FDP by seeking to: ‘Secure the timely provision of infrastructure essential to the sustainable development of the County, in particular in areas of resource and waste management.’

The FDP explicitly states that it has been prepared having full regard to the Eastern Midlands Region Waste Management Plan 2015-2021. **Table 3-1** sets out key specific objectives of the FDP which seek to ensure alignment with the Eastern Region Waste Management Plan 2015-2021. **Table 3-2** provides an overview of

the draft policies and objectives of the Draft 2023 – 2029 FDP and the policy base is largely aligned with the existing FDP but with the draft FDP policies citing the need for the transition towards a circular economy in line with wider policy. In addition, the draft Plan policies make reference to any successor to the Eastern Midlands Region Waste Management Plan 2015 -2021 which is the National Waste Plan for a Circular Economy as described in **Section 3.2.3.6**.

In short, the waste policies in the existing and draft land use plans identify the Eastern Midlands Region Waste Management Plan 2015 -2021 (or any subsequent plan) as the primary source of waste policy in the Fingal area. As noted in **Section 3.2.3.6**, the proposed development does not only fulfil and comply with the policies of the National Waste Plan for a Circular Economy, but this Plan actively supports the proposed development as ‘nationally important infrastructure’.

Table 3-1 2017 – 2023 Fingal Development Plan Objectives on Waste Management

Objective	Description
Objective WM02	Facilitate the implementation of national legislation and national and regional waste management policy having regard to the waste hierarchy.
Objective WM03	Implement the provisions of the Eastern Midlands Region Waste Management Plan 2015 - 2021 or any subsequent Waste Management Plan applicable within the lifetime of the Development Plan. All prospective developments in the County will be expected to take account of the provisions of the Regional Waste Management Plan and adhere to the requirements of that Plan.
Objective WM04	Facilitate the transition from a waste management economy to a green circular economy to enhance employment and increase the value recovery and recirculation of resources.
Objective WM07	Promote the increased re-use of waste in accordance with the Eastern Midlands Region Waste Management Plan 2015 -2021 (or any subsequent plan).
Objective WM18	Ensure that construction and demolition Waste Management Plans meet the relevant recycling / recovery targets for such waste in accordance with the national legislation and regional waste management policy.
Objective WM19	Protect floodplains and biodiversity where construction and demolition waste is to be recovered by land reclamation.
Objective WM20	Implement the provisions of the National Hazardous Waste Management Plan 2014-2020 or any subsequent plan within the lifetime of the development plan.
Objective WM21	Promote public awareness of the dangers associated with the incorrect disposal of hazardous waste

Table 3-2 Draft 2023 – 2029 Fingal Development Plan Policies and Objectives on Waste Management

Policy/Objective	Description
Policy IUP20	Support the implementation of existing waste management policy and promote education and awareness on all issues associated with waste management, both at industry and community level, including the promotion of waste reduction by encouraging reuse, recycling and recovery of waste. Fingal County Council will continue to promote and support the objectives of the Eastern and Midlands Region Waste Management Plan 2015–2021, or such plans as may be updated.
Policy IUP21	Have regard to European Union, National and Regional waste and related environmental policy, legislation, guidance and codes of practice to improve management of material resources and wastes.
Policy IUP22	Support the principles of transition from a waste economy towards a green circular economy and implement good waste management and best practices to enable Fingal to become self-sufficient in terms of resource and waste management and to enhance employment and increase the value recovery and recirculation of resources.
Objective IUO28	Implement the provisions of the Eastern Midlands Region Waste Management Plan 2015– 2021 or any subsequent Waste Management Plan applicable within the lifetime of the Development Plan. All prospective developments in the County will be expected to take account of the provisions of the Regional Waste Management Plan and adhere to the requirements of that Plan.

Policy/Objective	Description
Objective IUO29	Provide for, promote and facilitate high quality sustainable waste recovery and disposal infrastructure/technology in keeping with the EU waste hierarchy, national legislation and regional waste management policy to adequately cater for Fingal's growing population.
Objective IUO30	Adhere to the recommendations of the National Hazardous Waste Management Plan 2014–2020 and any subsequent plan, and to co-operate with the EPA and other agencies in the planning, organisation and supervision of the disposal of hazardous waste streams, including hazardous waste identified during construction and demolition projects. To continue to promote the use of clean technology and minimisation of hazardous waste production in all development within the County.
Policy IUP24	Promote and encourage the establishment of re-use, recycling and repair activities to prevent and minimise waste generation and disposal, in accordance with the Eastern Midlands Region Waste Management Plan 2015–2021 (or any subsequent plan).

Land Use Zoning

Within the current FDP the subject site is zoned for High Amenity (HA) use (please refer to Green shading as illustrated in **Figure 3-2**). The area that immediately surrounds the subject site is also zoned for HA use while broader hinterland is zoned for Rural (R) use.

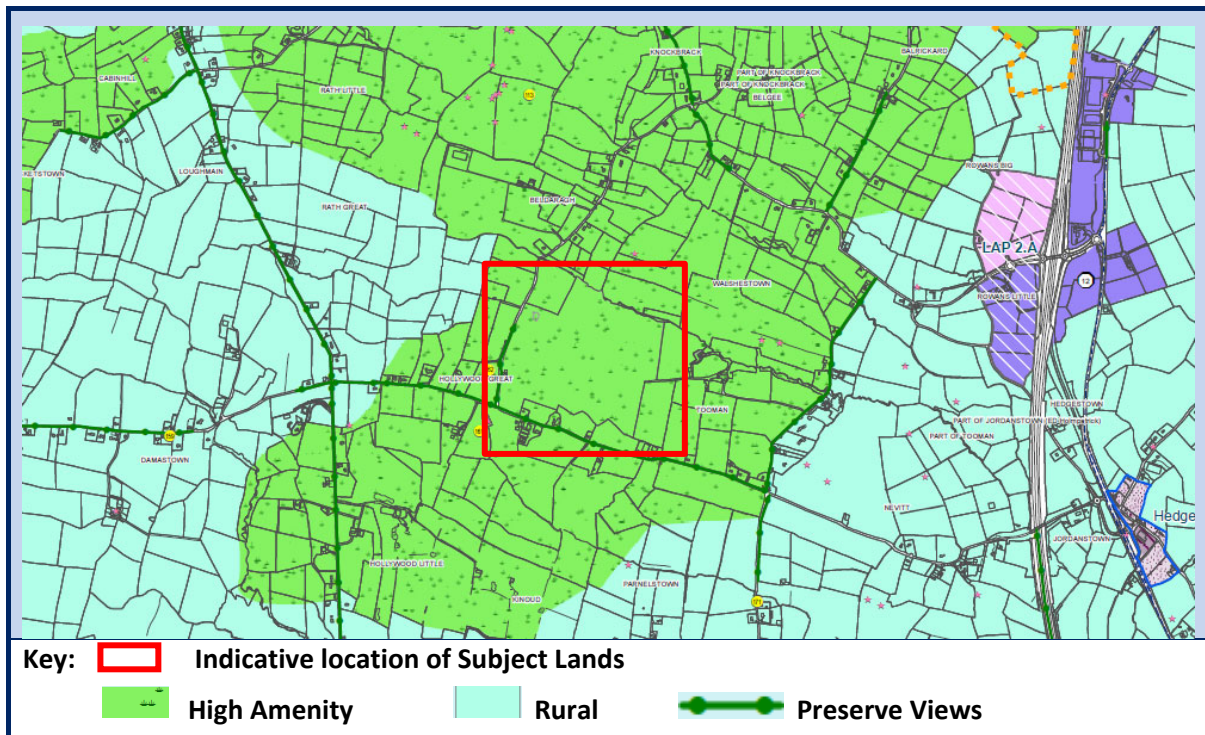


Figure 3-2 Extract from Fingal Development Plan 2017-2023, Sheet No. 2 (Fingal North)

The purpose of the relevant HA zoning objective is to: *‘Project and enhance high amenity areas’*. This zoning objective has been applied to areas of Fingal that are considered to have a high landscape value and areas in which inappropriate development would contribute to a significant diminution of landscape value. According to the FDP (and unchanged in the Draft 2023 – 2029 Fingal Development Plan), areas that are zoned HA meet one or more of the following criteria:

- Contain scenic landscape of high quality;
- Afford expansive or interesting views of surrounding areas;
- Are components in important views and prospects;
- Are unique or special within the County;
- Are important elements in defining the coastal character of the County;
- Act as a backdrop to important coastal views;

- Contain important groups of trees or woodland;
- Are elevated or ridge sites on which development would be obtrusive; and
- Provide public access to interesting attractive landscapes or to semi-natural areas’.

The FDP sets out two specific objectives in relation to the HA zoning, notably:

Objective NH51: Protect High Amenity areas from inappropriate development and reinforce their character, distinctiveness and sense of place. (Policy wording unchanged under Reference Policy GINHP28 in the Draft 2023 – 2029 Plan)

Objective NH52: Ensure that development reflects and reinforces the distinctiveness and sense of place of High Amenity areas, including the retention of important features or characteristics, taking into account the various elements which contribute to its distinctiveness such as geology and landform, habitats, scenic quality, settlement pattern, historic heritage, local vernacular heritage, land-use and tranquillity. (Policy wording unchanged under Reference Policy GINHP63 in the Draft 2023 – 2029 Plan)

According to the FDP, use classes that are permitted in principle on lands that are zoned HA include ‘Open Space’ and this remains unchanged in the Draft 2023 – 2029 Plan.

It is noted that the FDP allows for ‘uses which do not conform to the zoning objective of the area’ and the reasonable intensification of, extensions to, and improvement of premises accommodating these uses will generally be permitted subject to normal planning criteria. This is stated as Objective Z05:

Objective Z05: Generally, permit reasonable intensification of, extensions to and improvement of premises accommodating non-conforming uses, subject to normal planning criteria.

In this regard, while the current operation does not comply with the land use zoning, the extant permissions predate the designation and as a non—conforming use applies. As such, the proposed reasonable intensification of operations may be accommodated under the current land use policy.

3.1.3.2 Preserve Views

As illustrated in **Figure 3-2**, it is noted that a ‘Preserve Views’ strategic objective is identified along the southern (i.e. the road named ‘Sallowood View’ or referenced as local road LP-1080) and western boundary of the site (referenced as local road LP-1090) and also along the portion of the R108 regional road which is nearest the western hinterland of the site, in addition to a portion of the local link road to the M1 which concerns the eastern hinterland of the site. It is an objective of the Development Plan to:

Objective NH40: Protect views and prospects that contribute to the character of the landscape, particularly those identified in the Development Plan, from inappropriate development. (Policy wording unchanged under Reference Policy GINH057 in the Draft 2023 – 2029 Plan)

3.1.3.3 Protected Structures

It is also noted that there are two ‘Protected Structures’ that are listed in the Record of Protected Structures for Fingal County (RPS 0161 & 0162) located close to the subject site. These structures and all relevant broader considerations regarding cultural heritage are addressed in **Chapter 15 Cultural Heritage** of this EIAR. From a local planning policy perspective, the following objective of the FDP is noted:

Objective CH07: Ensure that development within the vicinity of a Recorded Monument or Zone of Archaeological Notification does not seriously detract from the setting of the feature, and is sited and designed appropriately. (Policy wording unchanged under Reference Policy HCAO10 in the Draft 2023 – 2029 Plan)

3.1.3.4 Green Infrastructure

The FDP identifies green infrastructure as a key strategic asset for Fingal and therefore includes policies for the protection, creation and management of this resource in an integrated manner. The FDP includes a statement of policy in relation to green infrastructure which is to; ‘ensure that areas and networks of green infrastructure are identified, protected, enhanced, managed and created to provide a wide range of environmental, social and economic benefits to communities.’ It is also noted that of the FDP is to;

Objective GI02: Create an integrated and coherent green infrastructure for the County by requiring the retention of substantial networks of green space in urban, urban fringe and adjacent countryside areas to serve the needs of communities now and in the future including the need to adapt to climate change. (Policy wording unchanged under Reference Policy GINHO19 in the Draft 2023 – 2029 Plan)

With specific reference to the subject proposal, it is noted that the Green Infrastructure maps of the FDP identifies that the subject site is located in the 'High Lying Agricultural' area from a landscape character site perspective and that part of the subject lands concern a 'County Geological Heritage Site'. It is also noted that Green Infrastructure 1 identifies the subject lands as constituting a highly sensitive landscape and Green Infrastructure 2 identifies the site as a 'Nature Development Area'. The manner in which the proposal interrelates with these green infrastructure strategic objectives is addressed in detail in **Chapter 16 Landscape and Visual Impact**.

3.1.4 Planning Conclusions

Due to its very purpose and nature, the proposed development fully accords with the relevant strategic objectives as set out in the NPF, notably, the policies relating to the circular economy and the management of waste. The RSES for EMRA contains regional planning policy in relation to regeneration and waste management which supports the subject proposal. In addition, from a regional transportation perspective, the proposed development maintains the strategic objectives of its surrounding road network as set out in the TSGDA.

In terms of the local planning policy context, while the subject lands are zoned HA, the proposed development will ultimately enable the achievement of the purpose of this zoning objective through site restoration, *i.e. to 'project and enhance high amenity areas'*. In relation to the use classes of the FDP, the end result arising from the proposed development accords with those uses that are permitted in principle on lands that are zoned HA (*i.e. 'Open'*). In addition, the FDP allows for 'uses which do not conform to the zoning objective of the area' and the reasonable intensification of premises accommodating these uses is generally permitted subject to normal planning criteria.

More broadly, the proposed development and all associated reinstatement proposals concerning the subject lands, accords with the preserve views, protected structures, access and green infrastructure objectives of the FDP. The manner in which this is achieved is addressed in detail in **Chapter 13** (Traffic), **Chapter 15** (Cultural Heritage) and **Chapter 16** (Landscape) of this EIAR.

In conclusion, from a planning and development policy perspective, the proposed development complies with all relevant national, regional and local level plans and all associated objectives that concern the proper planning and sustainable development of the area.

3.2 Waste and Circular Economy Policy

3.2.1 EU Waste and Circular Economy Policy

The European Green Deal was announced in December 2019 (COM (2019) 640 final) as a new growth strategy that aims to transform the EU into a fair and prosperous society, with a modern, resource-efficient and competitive economy where there are no net emissions of greenhouse gases in 2050 and where economic growth is decoupled from resource use. The deal is to be delivered through a set of transformative policies which may be broadly grouped as follows:

- Increasing the EU's climate ambition for 2030 and 2050;
- Supplying clean, affordable and secure energy;
- Mobilising industry for a clean and circular economy;
- Building and renovating in an energy and resource efficient way;
- Accelerating the shift to sustainable and smart mobility;
- From 'Farm to Fork': designing a fair, healthy and environmentally-friendly food system;
- Preserving and restoring ecosystems and biodiversity; and
- A zero pollution ambition for a toxic-free environment.

This forms part of the Commission's ambitious agenda to transform EU economy from the traditional linear model (based on a 'take-make-consume-throw away' pattern) into a circular one. In a circular economy, the value of products and materials is maintained for as long as possible. Waste and resource use are minimised, and when a product reaches the end of its life, it is used again to create further value.

The European Commission launched the first Circular Economy Action Plan in 2015 and the updated 'A new Circular Economy Action Plan for a cleaner and more competitive Europe' (COM/2020/98 final) was published in March 2020. The new plan presents measures to:

- Make sustainable products the norm in the EU;
- Empower consumers and public buyers;
- Focus on the sectors that use most resources and where the potential for circularity is high such as: electronics and ICT; batteries and vehicles; packaging; plastics; textiles; construction and buildings; food; water and nutrients;
- Ensure less waste;
- Make circularity work for people, regions and cities; and
- Lead global efforts on circular economy.

These circular economy principles form the cornerstone of waste policy across the EU and are being integrated into national and regional waste management policy and practice within Ireland. The Circular Economy Action Plan identifies seven key product value chains, including construction waste, as having a high circular potential and states the object to drive the secondary raw materials market through minimum recycled content in materials:

Addressing the sustainability performance of construction products in the context of the revision of the Construction Product Regulation, including the possible introduction of recycled content requirements for certain construction products, taking into account their safety and functionality.

3.2.2 EU Waste Legislation

3.2.2.1 Waste Framework Directive (2008/98/EC)

At EU level, the Waste Framework Directive (2008/98/EC) ('the WFD') has previously set the legal framework for waste management in the European Union. The WFD sets the basic concepts and definitions related to waste management, such as definitions of waste, recycling and recovery. It explains when waste ceases to be waste and becomes a secondary raw material (so called end-of-waste criteria), and how to distinguish between waste and by-products. The WFD lays down some basic waste management principles - it requires that waste be managed without endangering human health and harming the environment, and in particular without risk to water, air, soil, plants or animals, without causing a nuisance through noise or odours, and without adversely affecting the countryside or places of special interest.

The Directive states that:

Waste policy should also aim at reducing the use of resources, and favour the practical application of the waste hierarchy.

The waste hierarchy consists of a methodology for the management of waste, with prevention of waste being the first priority, followed by material re-use, recycling, recovery and disposal in that order. It goes on to state that the recovery of waste and use of recovered materials should be encouraged, however, in order to conserve natural resources.

With regard to the subject materials proposed to be managed at the site, the Directive states that in order to comply with the objectives of the Directive, and move towards a European recycling society with a high level of resource efficiency, necessary measures designed to achieve the targets of the Directive shall be taken and include:

By 2020, the preparing for re-use, recycling and other material recovery, including backfilling operations using waste to substitute other materials, of non-hazardous construction and demolition waste excluding naturally occurring material defined in category 17 05 04 in the list of waste shall be increased to a minimum of 70% by weight.

The Directive also states:

The waste status of uncontaminated excavated soils and other naturally occurring material which are used on sites other than the one from which they were excavated should be considered in accordance with the definition of waste and the provisions on by-products or on the end of waste status under this Directive.

It is also clear from the Directive that only soil/stone material excavated for a construction project on a particular site that is deemed surplus to requirements at that same site constitutes waste.

3.2.2.2 Revised Waste Framework Directive ((EU) 2018/851)

In May 2018 the EU published Directive (EU) 2018/851 of the European Parliament and of the Council amending Directive 2008/98/EC on waste. The revised Waste Framework Directive (WFD) provides the legislative framework for the collection, transport, recovery and disposal of waste in the EU and is to be transposed by July 2020. In particular, the revised Directive provides clarification on the definitions of the various waste streams as noted in Article 3 of 2008/98/EC with the following:

- *'hazardous waste' means waste which displays one or more of the hazardous properties listed in Annex III;*
- *'non-hazardous waste' means waste which is not covered by point 2; (i.e. that listed above)*

The revised WFD also adds a number of new definitions including the definition of C&D waste and backfilling:

- *'construction and demolition waste' means waste generated by construction and demolition activities;*
- *'backfilling' means any recovery operation where suitable non-hazardous waste is used for purposes of reclamation in excavated areas or for engineering purposes in landscaping. Waste used for backfilling must substitute non-waste materials, be suitable for the aforementioned purposes, and be limited to the amount strictly necessary to achieve those purposes.*

These definitions are pertinent in that a large element of the proposed development relates to the 'backfilling' of inert and non-hazardous C&D wastes into a former quarry for the purposes of reclamation of the quarry to restore the site to natural levels. The waste material is suitable for this purpose and has been previously granted planning permission and an EPA licence for same at the site. Finally, the proposed application is limited to the infill of the remaining void space only and hence is limited to the amount strictly necessary to achieve those purposes.

The EPA notes that, as per the definition, backfilling is a recovery operation but does not have a clear assignment to the recovery (R) codes and depending on the wastes used for backfilling, it may be assigned to R5 or R10. In the case of the existing operation at the Hollywood site, the main class of activity is disposal code D5 due to the operation of a specially engineered landfill, but in effect the activity is a recovery operation to use the wastes to backfill the former quarry.

In short, the landfilling elements of the proposed development fully comply with the definition of 'backfilling' as presented in the revised WFD and hence, national and regional policies related to this operation are directly relevant to the proposed development.

There are also changes in the revised WFD to the Article 6 End of Waste requirements as follows:

- Paragraph 1(b) is removed and this sets out a condition whereby a waste product would cease to be classed as waste if a market or demand existed for such a substance or object; and
- Insertion of Paragraph (5) which requires a natural or legal person who uses, for the first time, a material that has ceased to be waste and that has not been placed on the market; or places a material on the market for the first time after it has ceased to be waste, to ensure that the material meets relevant requirements under the applicable chemical and product related legislation.

This is relevant to the proposed development as in June 2019 the EPA has granted IMS an End of Waste decision on recycled aggregate under Article 28(3) of the European Communities (Waste Directive) Regulations 2011. This decision means that the recycled aggregate produced at an authorised waste facility

operated by IMS will cease to be waste if it complies with the end-of-waste criteria set out in the EPA decision⁴.

This decision only applies to non-hazardous demolition concrete wastes as per the List of Waste code 17 01 01: Concrete. Waste inputs must not contain or be contaminated with dangerous substances described in Commission Decision 2000/532/EC. Incidental quantities of inert physical contaminants (such as soils, peat, clays, silts, wood, plastics, rubber, metal) may be present with the input material but must be removed during the processing of the waste to comply with the constituent requirements of aggregates in IS EN Standards and these criteria.

3.2.2.3 Landfill Directive (1999/30/EC)

The Landfill Directive (Directive 1999/31/EC on the landfill of waste) sets out detailed rules on waste landfills, including hazardous, non-hazardous and inert landfills. Article 6 details the waste to be accepted in the different classes of landfill and the relevant classes in relation to the proposed development are:

c) landfill for non-hazardous waste may be used for:

ii) non-hazardous waste of any other origin, which fulfil the criteria for the acceptance of waste at landfill for non-hazardous waste set out in accordance with Annex II;

(d) inert waste landfill sites shall be used only for inert waste.

Council Decision (2003/33/EC) establishes criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 of, and Annex II to, the Landfill Directive. In Decision 2003/33/EC, the list of wastes acceptable at landfills are provided and these include the main wastes proposed to be accepted at the Hollywood site as listed in **Table 3-3**. Note that the facility may also accept similar waste types which meet the definition of non-hazardous and subject to agreement with the EPA under the revised IE licence. In addition, a series of leaching limit values for waste acceptable at landfills for inert waste and non-hazardous waste are provided for testing of waste prior to acceptance at an inert and non-hazardous landfill.

Table 3-3 Proposed Waste Streams to be accepted at the Site

Description	Typical Source	EWC	EWC Description
Bottom ash, boiler ash and other ash/dust deemed to be non-hazardous	Power stations and combustion plants	10 01 01	Bottom ash, slag and boiler dust (excluding boiler dust mentioned in 10 01 04)
		10 01 02	Coal fly ash
		10 01 03	Fly ash from peat and untreated wood
	EfW facilities	19 01 12	Bottom ash and slag other than those mentioned in 19 01 11
		19 01 14	Fly ash other than those mentioned in 19 01 13
		19 01 16	Boiler dust other than those mentioned in 19 01 15
		19 03 07	Solidified wastes other than those mentioned in 19 03 06
Soils (low-level contamination)	Construction and development sites	17 05 04	Soil and stones other than those mentioned in 17 05 03
		17 05 08	Track ballast other than those mentioned in 17 05 07
Dredge spoil & drilling muds	Dredging of waterways	01 05 04	Freshwater drilling muds and wastes
		17 05 06	Dredging spoil other than those mentioned in 17 05 05
Sludges	Water and Wastewater treatment plants	06 05 03	Sludges from onsite effluent treatment other than those mentioned in 06 05 02
		19 08 02	Waste from desanding
		19 08 05	Sludges from treatment of urban waste water

⁴ Decision on End of Waste Criteria relating to Recycled Aggregates from Crushed Demolition Concrete for use by Integrated Materials Solutions Limited Partnership (IMS), EPA 2019

Environmental Impact Assessment Report Volume II: Main Text

Description	Typical Source	EWC	EWC Description
waste processing fines	Waste treatment	19 08 12	Sludges from biological treatment of industrial waste water other than those mentioned in 19 08 11
		19 02 06	Sludges from physico/chemical treatment other than those mentioned in 19 02 05
		19 12 05	Glass
		19 12 09	Minerals (for example sand, stones)
		19 12 12	Other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 19 12 11
Plaster Waste	Casting of nonferrous pieces	10 10 08	Casting cores and moulds which have undergone pouring, other than those mentioned in 10 10 07
Waste from the shredding of ELV'S & White Goods	Waste management facilities	19 10 04	Fluff-light fraction and dust other than those mentioned in 19 10 03
Stabilised or solidified wastes	Waste management facilities	19 05 99	Wastes not otherwise specified
		19 03 05	Stabilised wastes other than those mentioned in 19 03 04
Other Municipal Waste	Street Cleaning	20 03 03	Street-cleaning residues
Waste Resulting from Quarrying and Physical Treatment of Minerals	Quarrying wastes	01 01 02	Wastes from mineral non-metalliferous excavation
		01 04 12	Tailings and other wastes from washing and cleaning of minerals other than those mentioned in 01 04 07 and 01 04 11
		01 04 09	Waste sand and clays
		01 04 99	Wastes not otherwise specified
		17 01 01	Concrete
Construction and Demolition Wastes	Construction and development sites	17 01 02	Bricks
		17 01 03	Tiles and ceramics
		17 01 07	Mixture of concrete, bricks, tiles and ceramics
		17 02 02	Glass
		17 03 02	Bituminous mixtures
		17 05 04	Soil and stones
		17 05 06	Dredging spoil
		17 05 08	Track ballast other than those mentioned in 17 05 07
		17 06 04	Insulation materials
		17 09 04	Mixed construction and demolition wastes
Other Waste	Construction and development sites	10 10 06	Casting cores and moulds which have not undergone pouring
	Water treatment plants	19 09 02	Sludges from water clarification
	Industrial	19 09 04	Spent Activated Carbon
	Treatment wastes	19 13 02	Solid wastes from soil remediation other than those mentioned in 19 13 01

3.2.2.4 Industrial Emissions Directive (2010/75/EU)

The Industrial Emissions Directive (2010/75/EU) of the European Parliament and the Council on industrial emissions is the main EU instrument regulating pollutant emissions from industrial installations and was adopted in November 2010.

The European Union (Industrial Emissions) Regulations SI 138 of 2013 and the EPA (Industrial Emissions) (Licensing) Regulations SI 137 of 2013 transpose the Directive and update the existing regulations in Ireland and the licensing regime managed by the EPA.

These Regulations apply to the Industrial Emissions Directive activities specified in the First Schedule to the Environmental Protection Agency Act 1992 as amended. The Environmental Protection Agency (Industrial Emissions) (Licensing) Regulations 2013, S.I. 137 of 2013 provide for various procedural matter in relation to the integrated licensing by the EPA of Industrial Emissions Directive activities specified in the First Schedule to the EPA Act 1992 as amended. The Regulations provide for applications for licences, reviews of licences or revised licences, consideration by the EPA of objections, including the holding of oral hearings, public participation procedures associated with the industrial emissions licensing system administered by the EPA and the contents of the register of licences.

In reference to the proposed development, the First Schedule of the 1992 Act as amended and in conjunction with SI 138 of 2013, specifies the classes of activities that are considered Industrial Emissions Directive activities and to be licensed as such by the EPA. The relevant classes of activity relevant to the proposed development are listed in **Table 3-4**.

Table 3-4 Classes of Activity sought under the Industrial Emission Licence

Class	Description
Class 11.1	The recovery or disposal of waste in a facility, within the meaning of the Act of 1996, which facility is connected or associated with another activity specified in this Schedule in respect of which a licence or revised licence under Part IV is in force or in respect of which a licence under the said Part is or will be required.
Class 11.4	(a) Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day involving one or more of the following activities (other than activities to which the Urban Waste Water Treatment Regulations 2001 (S.I. 254 of 2001) apply): (ii) physico-chemical treatment; (iv) treatment of slags and ashes; (b) Recovery, or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75 tonnes per day involving one or more of the following activities, (other than activities to which the Urban Waste Water Treatment Regulations 2001 (S.I. No. 254 of 2001) apply): (iii) treatment of slags and ashes;
Class 11.5	Landfills, within the meaning of section 5 (amended by Regulation 11(1) of the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008 (S.I. No. 524 of 2008)) of the Act of 1996, receiving more than 10 tonnes of waste per day or with a total capacity exceeding 25,000 tonnes, other than landfills of inert waste.

An application for an Industrial Emissions Directive (IED) Licence for the proposed development is being made to the EPA. Section 9(2)(d) of the (Industrial Emissions) (Licensing) Regulations 2013, SI 137 of 2013, also identifies the need for an EIAR to be issued to the EPA in accordance with the EPA Act of 1992.

3.2.3 National Waste and Circular Economy Policy

3.2.3.1 Programme for Government

The 2020 Programme for Government commits Ireland to work to promote a more sustainable and responsible system and culture for consumption, use and reuse of materials, and end of use recycling and disposal. The Programme for Government requires the State to work with the EU to implement the agreed circular economy approach and to support the Circular Economy Action Plan. The Programme for Government also plans to implement new national waste and circular economy action plans and to create a Circular Economy Unit in government to ensure a whole of government approach to the circular economy.

3.2.3.2 Climate Action Plan

The Climate Action Plan 2021 provides a detailed plan to achieve a 51% reduction in overall GHG emissions by 2030 and set the State on a path to reach net-zero emissions by no later than 2050. Chapter 18 of the Climate Action Plan on the circular economy, states that the circular economy and climate action are inherently interlinked, where a functioning circular economy has clear co-benefits for climate and waste.

3.2.3.3 Waste Action Plan for a Circular Economy

The Waste Action Plan for a Circular Economy was published in 2020 by DECC and sets out the Government policy commitment to meeting targets and provides a roadmap for the circular economy in Ireland. Overarching objectives of the Waste Action Plan for a Circular Economy include ensuring materials and products remain in use longer by rewarding circularity and discouraging waste. The creation of a cross-Government Circular Economy Unit within the DECC and the establishment of an interdepartmental Circular Economy Working Group are among some of the measures in the Waste Action Plan. Specifically in relation to construction waste, the Waste Action Plan commits to the following:

We will put in place incentives to encourage the use of recycled materials including examining a possible levy on the use of virgin aggregates in construction projects to incentivise the use of recycled C&D materials, or build thresholds into Green Public Procurement.

3.2.3.4 Whole of Government Circular Economy Strategy

The Whole of Government Circular Economy Strategy 2021-2022 was published by DECC in 2021 as a strategic document intended to explain what the circular economy is, why Ireland needs to achieve a circular economy and how national policy will develop to support that goal. The strategy sets out the national policy framework to support the transition to a circular economy and encourages investment in reuse, remanufacturing, repair and refurbishment and eco-design. The Strategy explains why Ireland needs to achieve a circular economy and how national policy will develop to support that goal. It has five key objectives:

- To provide a national policy framework for Ireland's transition to a circular economy;
- To support and implement measures that move Ireland's circularity rate above EU average by 2030;
- To raise awareness about the circular economy and how it can improve citizens lives;
- To support and promote increased investment in the circular economy in Ireland with a view to delivering sustainable, regionally balanced economic growth and employment; and
- To identify and address the barriers to Ireland's transition to a more circular economy.

3.2.3.5 Eastern-Midlands Region Waste Management Plan 2015-2021

The Eastern-Midlands Region Waste Management Plan 2015-2021 was launched on the 14th May 2015 and is currently the key waste policy driver for waste management in the region. One of the strategic objectives of the Waste Management Plan again relates to self-sufficiency as follows:

Strategic Objective E: The region will promote sustainable waste management treatment in keeping with the waste hierarchy and the move towards a circular economy and greater self-sufficiency.

On the wider projected increases in construction waste generation levels noted in **Chapter 2**, the plan states that activity in the construction sector is expected to increase over the plan period as economic recovery continues to build nationally. To this end the plan includes a specific policy (E14) relating to the future authorisation of suitable backfill sites as follows:

Policy E14: The local authorities will co-ordinate the future authorisations of backfilling sites in the region to ensure balanced development serves local and regional needs with a preference for larger restoration sites ahead of smaller scale sites with shorter life spans. All proposed sites for backfilling activities must comply with siting criteria set out in the plan.

It is clear that policy E14 is specifically designed to ensure the continued operation of larger facilities such as the proposed development to meet the growing demand for capacity for this waste stream in the GDA.

The plan provides details on the thermal treatment activities in the region and highlights the existing two operational waste to energy facilities within the State at Poolbeg and Carranstown, both located within 30km of the proposed development. Both facilities generate IBA that needs to be treated within the State in line with the Strategic Objective E on greater self-sufficiency but which is predominately exported at present. The plan further supports the development of up to 300,000 tonnes of additional thermal recovery capacity for the treatment of non-hazardous waste nationally through policy E15a which states that:

Policy E15a: The waste plan supports the development of up to 300,000 tonnes of additional thermal recovery capacity for the treatment of non-hazardous wastes nationally to ensure there is adequate active and competitive treatment in the market and the State's self-sufficiency requirements for the recovery of municipal waste are met. This capacity is a national treatment need and is not specific to the region. The extent of capacity determined reflects the predicted needs of the residual waste market to 2030 at the time of preparing the waste plan. Authorisation above this threshold will only be granted accepted if the applicant justifies and verifies the need for the capacity, and the authorities are satisfied it complies with national and regional waste policies and does not pose a risk to future recycling targets. All proposed sites for thermal recovery must comply with the siting criteria set out in the plan.

This recommended thermal recovery capacity would generate an additional circa 60,000-75,000 tonnes of IBA for treatment within the State resulting in circa 200,000- 250,000 tonnes of IBA being generated per annum within the State including all installed and proposed incinerators. At present there is some capacity available within the State (pending a licence review) within the State to manage this waste stream but additional capacity will be required to meet future demand.

The proposed development specifically complies with the policy of the Regional Plan as follows:

- The proposed development serves the local and regional needs as the site is well located in close proximity to the GDA where circa 70% of the national construction waste is generated.
- The proposed development is circa 30km from the Poolbeg Waste to Energy Plant and circa 20km from the Carranstown Waste to Energy Plant and therefore provides a local treatment option for the IBA generated at these two facilities in line with the greater self-sufficiency needs of Strategic Objective E.
- The existing operation (at an intake capacity of 500,000 tonnes per annum) represents one of the larger facilities in the country for the soil and stone waste stream and, as such, the continued operation of the facility is favoured by this policy.
- The environmental protection criteria listed in Section 16.6 of the Regional Plan include criteria such as the avoidance of Natura 2000 sites and that any development (new or upgrades, enlargements, reviews) seeking consent should be subject to Appropriate Assessment. An NIS has been prepared for the proposed development and has been submitted with this application to confirm no significant effect on a European site, either alone or in combination with other plans or projects.

3.2.3.6 National Waste Management Plan for a Circular Economy

The Regional Waste Management Planning Offices (RWMPO) are currently preparing the National Waste Management Plan for a Circular Economy which is the first national waste plan to set out a framework for the prevention and management of waste in Ireland for the period 2023 to 2029. This Plan will replace the three existing Regional Waste Management Plans, including the Eastern-Midlands Region Waste Management Plan 2015-2021. Currently the Plan is at draft stage and will be published for consultation in January 2023 but once adopted, this plan will be the primary waste management policy for the State.

While the draft Plan is yet to be published for consultation, key policies and actions likely to be included in the Plan have been discussed with key stakeholders and relevant details that are expected to be adopted are presented in this section.

Of relevance to the proposed development is the policy which identifies the need to support and protect existing and future 'nationally important' waste infrastructure to retain self sufficient capacity. This relates to infrastructure which is of the type and scale deemed essential to maintain a functioning waste market within the State.

Nationally important infrastructure is expected to include inert landfills with a capacity greater than 100,000 tonnes per annum which dictates that the proposed development falls within this definition. As such, the proposed development would be deemed essential to maintain a functioning waste market if this policy is adopted in the plan.

The plan is also expected to act on the known and projected shortfalls in treatment capacity for non-hazardous construction wastes.

In short, the proposed development has been designed to enable the transition of the site to enable more circular treatment of a more diverse mix of waste streams in line with the expected policy position to be presented in this plan.

3.2.3.7 National Hazardous Waste Management Plan 2021 - 2027

The EPA prepared the National Hazardous Waste Management Plan covering a six-year period from 2021 to 2027. It sets out the priorities to be pursued over the next six years and beyond to improve the prevention and management of hazardous waste. The purpose of this plan is to protect the environment and human health in Ireland through best-practice management of hazardous wastes. The proposed development excludes the management hazardous waste and this policy has limited relevance to the planned operations.

3.2.4 End-of-Waste

Article 28 sets out the grounds to determine the point at which, for the purposes of waste regulation, a material no longer needs to be classified as a waste after it has undergone a recovery, including recycling, operation and complies with end-of-waste criteria which has been developed in accordance with the following conditions:

- The substance or object is commonly used for specific purposes;
- A market or demand exists for such a substance or object;
- The substance or object fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products; and
- The use of the substance or object will not lead to overall adverse environmental or human health impacts.

At EU level there are existing regulations governing end-of-waste criteria for:

- Iron, steel and aluminium scrap (Council Regulation (EU) No 333/2011)
- Glass cullet (Commission Regulation (EU) N° 1179/2012)
- Copper scrap (Commission Regulation (EU) N° 715/2013)

In the absence of end-of-waste criteria set at EU level, Article 28(3)(a) of the Regulations allows the EPA to decide, on a case-by-case basis, whether certain waste has ceased to be waste in accordance with the end-of-waste conditions. Proposals for end-of-waste status must come from industry and be funded by industry.

The July 2019 decision for IMS is relevant to the Hollywood site as it means that the recycled aggregate produced by IMS will cease to be waste if it complies with the end-of-waste criteria set out in the EPA decision. This decision only applies to non-hazardous demolition concrete wastes as per the List of Waste code 17 01 01: Concrete. Waste inputs must not contain or be contaminated with dangerous substances described in Commission Decision 2000/532/EC. Incidental quantities of inert physical contaminants (such as soils, peat, clays, silts, wood, plastics, rubber, metal) may be present with the input material but must be removed during the processing of the waste to comply with the constituent requirements of aggregates in IS EN Standards and these Criteria. In 2020, IMS accepted 54,531 tonnes of Waste Code 17 01 01 (Concrete) for recovery in the end-of-waste process consented at the site.

3.3 Planning and Waste Licence History

3.3.1 Planning History

A number of previous planning applications have been submitted for the site in the past thirty years and **Table 3-5** presents a summary of the relevant applications.

The former quarry on the site was active from the 1940s up to 2007 extracting shale and limestone using a deep quarry pit.

The site was first granted a 15-year permission by FCC in June 1988 to infill, restore and reinstate the portion of the quarry that was excavated to that date. For this application FCC granted a 15-year permission (expiring 2003).

Once the EPA Act was enacted in 1992, this infilling operation became subject to the requirement for a Waste Licence from the EPA and following the lodgement of an application in 1999, the Waste Licence was first granted in 2002 (Reference W0129-01 with greater detail in **Section 3.3.3**).

In 2004, planning permission was granted by FCC (Reg. Ref. F04A/0363) to extend the existing operation to infill the quarry void with inert waste materials within engineered cells at a rate of 340,000 tonnes per annum as part of the restoration and reinstatement of the quarry. For this application FCC granted a 15-year permission (expiring October 2019). This operation continued under the Waste Licence Reference W0129-01.

Subsequently in 2007, a further planning permission was granted by FCC (Reg. Ref. F07A/0262) to amend the 2004 permission (F04A/0363) to permit an extended area to be infilled and to permit the continued infill of the quarry at a rate of 500,000 tonnes per annum with inert construction and demolition waste. For this increase tonnage a revised Waste Licence was required and granted by the EPA in 2007 (Reference W0129-02 with greater detail in **Section 3.3.3**).

On 2nd December 2020, IMS was granted the most recent permission at the subject site (**Reg. Ref. F19A/0077**) for the continued infilling of the quarry at a rate of 500,000 tonnes per annum. This was a further 15 year extension to the operation permitted under **Reg. Refs. F07A/0262 and F04A/0363**. In addition to the continued operation, the permission included for the following infrastructural development at the site:

- A new facility entrance on the LP-1080 local road which bounds the south of the site. This is to replace the existing facility entrance at the western boundary of the site which is to be maintained as a secondary and emergency access;
- An eight-metre-wide internal access road from the entrance to the main site reception area including wheel washes, weighbridges and car parking;
- An administration building adjacent to the access road;
- An internal un-paved road network serving the site from the reception area; and
- A designated hardstanding yard with associated drainage infrastructure and ancillary structures located on the former quarry floor to the south of the site to facilitate the aggregate recovery process.

Environmental Impact Assessment Report Volume II: Main Text

Table 3-5 Summary of Planning History at the Subject Site

Regulation Reference	Date of Decision	Applicant	Application Type	Application	Outcome	Environment Report
88A/32	-	-	-	-	-	-
88A/0032/E1	12/08/03	Seamus Murphy	Extension of Duration of Permission	Extension of permission for the proposed infill and land reclamation works at an existing quarry.	Permission Granted	Extension for 18 months granted for the applicant to complete and Environmental Impact Statement.
F04A/0128	11/03/04	Murphy Environmental	Permission	To infill with inert material on existing quarry of 13.56 hectares as part of the restoration and reinstatement of that quarry.	Invalid Application Due to Site Notice	An Environmental Impact Statement accompanied the application.
F04A/0363	01/09/04	Murphy Environmental	Permission	Infill an existing quarry (13.56 hectares) at 340,000 tonnes per annum as part of the quarry's restoration and reinstatement. Permission for a further 15-year period to infill the quarry with inert material.	Permission Granted	In correspondence with Waste Licence W0129-01, an Environmental Impact Statement accompanied this application.
Q/05/004	19/04/07	Murphy Concrete Manufacturing Ltd	Quarry Registration	Quarry registration.	Conditions Imposed	Accompanied by an Environmental Impact Statement.
F07A/0262	31/05/07	Murphy Environmental	Permission	Permission to vary a previous permission (F04A/0363), increasing the rate (500,000 tonnes per annum) and area (23 hectares) of infill to complete restoration by 2019.	Permission Granted	Accompanied by an Environmental Impact Statement. Also resulted in a revision to the EPA Licence.
F07A/1241	27/11/07	Murphy Environmental	Permission	Relocation of the primary entrance of the facility to create a new entrance from Country Road LP-1080 Walshestown Road to provide new boundary treatment, internal site access, weighbridge, wheel wash and administrative building.	Permission Refused	-
F08A/0749	07/08/08	Murphy Environmental	Permission	Relocation of the primary entrance to the facility. A second application following on from the refused permission F07A/1241.	Permission Refused	-

Environmental Impact Assessment Report Volume II: Main Text

Regulation Reference	Date of Decision	Applicant	Application Type	Application	Outcome	Environment Report
SID/03/10	16/06/11	Murphy Environmental Hollywood Ltd.	Strategic Infrastructure Development (SID)	Integrated Waste Management Facility.	Permission granted by ABP (Case Reference PL06F.PA0018) Further details in Section 3.3.2 .	Accompanied by an Environmental Impact Statement.
SID/03/10/E1	06/07/16	Murphy Environmental Hollywood Ltd.	Extension of Duration of SID Permission	Integrated Waste Management Facility.	Permission Granted	-
Q/12/004	-	Murphy Environmental	Quarry Registration	Assessment under Section 261A. Refers - to Q/005/04.	-	-
F19A/0077	02/12/20	Integrated Materials Solutions Ltd. Partnership	Permission	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.	Permission Granted	Accompanied by an Environmental Impact Assessment Report and Natura Impact Statement.

3.3.2 Former SID Permission at the Site

In June 2011, ABP granted permission under Section 37G of the Planning and Development Acts for an integrated waste management facility at the Hollywood site (ABP Reference No. PL06F.PA0018). The permission allowed for the acceptance of up to 500,000 tonnes per annum of a mix of non-biodegradable inert, non-hazardous and hazardous wastes over a period of 25 years.

This previously granted SID development was very similar in nature to the proposed development through the construction of a series of specially engineered landfill cells for inert and non-hazardous wastes. However, the key difference relates to the additional of hazardous waste and the projected capacities of each of the waste streams and those permitted under the 2011 application are presented in **Table 3-6**.

Table 3-6 2011 SID Permission - Landfill Waste Stream Estimates

Stream	Estimate Volume (m ³)	Fraction
Hazardous Waste	1,735,500	45%
Non-Hazardous Waste	1,324,000	35%
Inert Waste	755,500	20%
Total	3,815,000	-

As previously noted, the waste streams for the proposed development are significantly different from those previously consented in 2011. The key change is the elimination of hazardous waste management at the site. In 2011 this was permitted at 45% of the intake for a wide range of hazardous substances.

In addition to the mix of wastes proposed in 2011, the permitted development also consisted of the following elements:

- A solidification plant of 398m² comprising 242m² ground floor, 78m² first floor and 78m² second floor with associated storage tanks and silos;
- A storage building 1,285m²;
- An administration office building of 128m²;
- New weighbridges;
- Car parking for 15 cars;
- An ESB substation/switch room of 25m²;
- Internal haul routes;
- Surface water ponds and leachate management facilities;
- A temporary viewing platform for visitors from which the geology of the quarry faces can be viewed; and
- Ancillary site works and landscaping.

The development also consisted of a new facility entrance, with reinstated set-back hedgerows, proposed from the county road LP-1080. It further included consent to allow the existing entrance on the LP-1090 road to be used only for emergency access and for the existing portacabin site offices at this location to be removed. Much of the infrastructure for the permitted development is already consented through permission F19A/0077, including the new site entrance, the access road, admin. building, car parking, weighbridges, etc.

In July 2016 an extension to the duration of the ABP permission PL06F.PA0018 was granted by Fingal County Council (Ref. SID/03/10/E1).

The 2011 permission was granted subject to 22 conditions and Condition 2 stated:

Prior to commencement of any development associated with this permission, the applicant shall obtain a waste licence from the Environmental Protection Agency for the operation of the facility.
Reason: *To ensure that the proposed development is operated in such a manner which would not adversely impact on the surrounding environment.*

In accordance with the wording of this condition, no development to which the application related could be commenced prior to the granting of a waste licence.

In parallel with the SID application to ABP the then site owner, Murphy Environmental Hollywood Limited (MEHL), applied for a review of the licence from the EPA (Register W0129-03) to accommodate the proposed changes. In January 2016 the EPA refused the application with the reasons for refusal highlighted as both risk to groundwater from landfilling hazardous wastes and the status of the applicant as a fit and proper person.

The EPA concluded that the 2011 development presented an unacceptable risk of input of hazardous substances into groundwater, which is prohibited under the Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution, as implemented by S.I. No. 9 of 2010, European Communities Environmental Objectives (Groundwater) Regulations, 2010. In addition, the EPA noted the following in the decision to refuse:

- The Groundwater Protection Responses for landfills (Department of Environment Community & Local Government, EPA & GSI, 1999) indicate that the installation of the proposed activity in the geological setting, as proposed, is not generally acceptable. The conditions in which the proposed activity would be acceptable have not been demonstrated to exist.
- The groundwater beneath the landfill site, as proposed, is vulnerable to contamination from the proposed activity.
- The abstraction of groundwater at the Bog of the Ring (public water supply) may influence the groundwater levels beneath the landfill site, as proposed. Consequently, if the water abstraction at the Bog of the Ring were to reduce significantly or cease altogether, this may result in a rebound of groundwater levels beneath the landfill site, as proposed. This scenario would present an unacceptable risk to groundwater because the rising groundwater levels would have the potential to undermine the integrity of the landfill.
- It is considered that the situation and design of the proposed activity do not meet the necessary conditions for preventing pollution of the soil and groundwater. It is further considered that the landfill liner system, including the artificially completed geological barrier as proposed in this setting, does not provide sufficient attenuation capacity, with regard to the extent and depth of the artificially completed geological barrier and the potential for its integrity to be undermined by rising groundwater levels, to prevent a potential risk to soil and groundwater, which are requirements of the Landfill Directive.

Further details on the groundwater setting at the Hollywood landfill have been collated since this EPA decision in 2016 and the concerns raised by the EPA on the impacts of hazardous waste and groundwater vulnerability have been addressed in full. This information is provided in **Chapter 9** of this report along with supporting information in **Volume IV** of the EIAR (Hydrogeological Assessment).

In addition to the hydrogeological risk, the EPA concluded that it was not satisfied with the adequacy of the particulars provided by the applicant as a fit and proper person. This is no longer pertinent as this determination related to the former licensee (MEHL) and not the applicant for the proposed development, IMS. Fit and proper person documentation for IMS will be provided as part of the IE Licence application for consideration by the EPA.

The refusal of the licence application by the EPA meant that the terms of Condition 2 of 06F.PA0018 could not be complied with and no development to which that planning consent relates could be carried out. The proposed development (refer **Chapter 5**) effectively addresses the refusal of the waste licence under reference W0129-03 principally by eliminating hazardous waste from the proposal.

In short, the principle for development of an integrated waste management facility on the site has been established and the proposed infrastructural development has been previously approved as proper planning and sustainable development for the area.

3.3.3 Waste Licence History

3.3.3.1 Register No. W0129-01

The EPA Waste Licence for the Hollywood Landfill was first granted in 2002 for the waste activities listed below:

- Third Schedule (waste disposal) of the Waste Management Act, 1996:

- Class 1: Deposit on, in or under land.
- Class 13: Storage prior to submission to any activity referred to in this Schedule, other than temporary storage, pending collection, on the premises where the waste concerned is produced.
- 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.
 - Class 13: Storage of waste intended for submission to any activity referred to in a preceding paragraph of this Schedule, other than temporary storage, pending collection, on the premises where such waste is produced.

Condition 3.21 of W0129-01 includes a requirement for the landfill liner to consist of a mineral layer of a minimum thickness of 1m with a hydraulic conductivity less than or equal to 1×10^{-7} m/sec or similar with equivalent protection to avoid groundwater contamination.

The EPA Waste Licence granted a maximum waste acceptance of 340,000 tonnes per annum for the disposal and recovery of inert construction and demolition waste and inert dredging spoils. It is important to note that there is no limit on inert mineral extraction wastes arising from the active quarrying activities and no limit on material imported for engineering purposes.

Waste for disposal must undergo general characterisation and testing as part of the acceptance criteria, undertaking basic characterisation, compliance testing and on-site verification.

3.3.3.2 Register No. W0129-02 (Current Licence)

Murphy Environmental submitted a Waste Licence Review Application in conjunction with an EIS and planning application to continue to infill the quarry (as per W0129-01) but at an increased rate and increased area. The revised Waste Licence was granted in 2007 with the waste acceptance increasing to a maximum of 500,000 tonnes per annum of inert construction and demolition waste and inert dredging spoils with no limit on inert mineral extraction wastes arising from quarrying activities at the facility. The licenced activities modified slightly as follows:

- Third Schedule of the Waste Management Acts 1996 to 2007:
 - Class 1: Deposit on, in or under land (including landfill).
 - Class 5: Specially engineered landfill, including placement into lined discrete cells, which are capped and isolated from one another and the environment.
 - Class 13: Storage prior to submission to any activity referred to in this Schedule, other than temporary storage, pending collection, on the premises where the waste concerned is produced.
- Fourth Schedule of the Waste Management Acts 1996 to 2007:
 - Class 3: Recycling or reclamation of metals and metal compounds.
 - Class 4: Recycling or reclamation of other inorganic materials.
 - Class 13: Storage of waste intended for submission to any activity referred to in a preceding paragraph of this Schedule, other than temporary storage, pending collection, on the premises where such waste is produced.

This application added Class 5 waste disposal activities and this class allows for construction of engineered cells that are capped and isolated from one another and the environment. The restrictions on the operation in terms of the use of a basal liner with a minimum thickness and a specific hydraulic conductivity remained unchanged from W0129-01.

As with W0129-01, there is no limit on inert mineral extraction wastes arising from the site and no limit on material imported for engineering purposes.

In June 2017, the EPA granted a transfer of the licence from Murphy Environmental to IMS who are the current licensee for the site.

On the 31st January 2019 the EPA consented to the modification of the waste acceptance limits for waste at the facility (referred to as Technical Amendment C to the Waste Licence Register No. W0129-02). This

consent was subject to Appropriate Assessment and the EPA made the determination based on the fact that the proposed amendment would not result in a material change to the nature of the discharges from the activity.

3.3.3.3 Register No. W0129-03 (Licence Refusal)

Murphy Environmental Hollywood Limited (MEHL) applied for an Industrial Emissions licence in 2010 in conjunction with an EIS to develop the current activities within the present boundaries through constructing an intergraded waste management facility. The application was for a phased development over the sites projected 25-year operational lifespan (until 2036). The application maintained the 500,000 tonnes per annum maximum waste acceptance limit set in W0129-02, however, amendments were made for the type of waste accepted.

As outlined previously, in January 2016 the EPA refused the application with the reasons for refusal related to hydrogeological risk associated with the proposed hazardous waste streams and the status of the then applicant as a fit and proper person. As such, the facility continues to operate under Licence W0129-02.

3.3.4 Register No. W0129-04

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).

3.4 References

1. Project Ireland 20140: National Planning Framework, Department of Housing Planning and Local Government (2018).
2. Draft Regional Spatial and Economic Strategy for the Eastern and Midland Region, Eastern and Midland Regional Assembly, (2018).
3. Eastern-Midlands Region Waste Management Plan 2015 – 2021, Eastern-Midlands Waste Management Region (2015).
4. Transport Strategy for the Greater Dublin Area 2016 to 2035, National Transport Authority (2016).
5. Fingal County Development Plan 2017-2023, Fingal County Council (2017).
6. Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives
7. Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste
8. European Communities (Waste Directive) Regulations 2011, S.I. No. 126 of 2011
9. Waste Management Act 1996, No 10 of 1996 (as amended).
10. Protection of the Environment Act, Number 27 of 2003 (as amended).
11. Construction & Demolition Waste Soil and Stone Recovery/Disposal Capacity, Regional Waste Authorities (2016).
12. Eastern-Midlands Regional Waste Management Plan 2015-2021, Eastern-Midlands Regional Waste Authority, (2015).
13. 2000/532/EC: Commission Decision of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste.
14. Waste Licence W0129-01/02/03, EPA, (2002 to present).
15. Decision on End of Waste Criteria relating to Recycled Aggregates from Crushed Demolition Concrete for use by Integrated Materials Solutions Limited Partnership (IMS), EPA 2019.