

ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE DEMOLITION OF AGRICULTURAL STRUCTURES AND THE DEVELOPMENT OF A MATERIALS RECOVERY FACILITY AT DERRYARKIN, RHODE, CO. OFFALY

VOLUME 2 – MAIN BODY OF THE EIAR CHAPTER 6 – SCOPING AND CONSULTATION

Prepared for: **Oxigen Environmental Unlimited Company**



Date: September 2022

J5 Plaza, North Park Business Park,
North Road, Dublin 11, D11 PXT0, Ireland

T: +353 1 658 3500 | E: info@ftco.ie

CORK | DUBLIN | CARLOW

www.fehilytimoney.ie

TABLE OF CONTENTS

6. SCOPING AND CONSULTATION	1
6.1 Introduction	1
6.1.1 Statement of Competency	1
6.2 Consultation and Scoping	1
6.2.1 Consultation and Scoping Methodology	1
6.2.2 Consultation and Scoping Process and Responses Received	3
6.2.3 Engagement with ESB Networks	9
6.3 Pre-Application Consultation.....	9
6.3.1 First Pre-application Consultation Meeting with Offaly County Council	9
6.3.2 Second Pre-application Consultation with Offaly County Council	10
6.3.3 Review of Offaly County Council ‘Scoping Report’ for the Proposed Development	11
6.3.4 Consultation with the EPA.....	11
6.4 Summary.....	12
6.5 References	13

APPENDICES

- Appendix 6.2: Consultation Letter
- Appendix 6.2: Stakeholder Consultation Responses
- Appendix 6.3: Development Phasing

LIST OF TABLES

Page

Table 6-1:	Stakeholder Organisations Consulted on the 20 May 2021.....	3
Table 6-2:	Submissions Received	5
Table 6-3:	Pre-application Consultation Meeting with Offaly County Council (OCC) 20/11/2022	9
Table 6-4:	Pre-application Consultation Meeting with Offaly County Council (OCC) 18/02/2022	10
Table 6-5:	Pre-application Consultation Meeting with Offaly County Council (OCC) 18/20/2022	12

Offaly County Council, Planning Dept. - Inspection Purposes Only



6. SCOPING AND CONSULTATION

6.1 Introduction

This chapter describes the EIAR scoping and consultation processes that were undertaken to assist with the identification of key issues and aspects that needed to be addressed within the EIAR.

6.1.1 Statement of Competency

This chapter was prepared by Eoin O' Connor. Eoin is a Project Environmental Scientist with Fehily Timoney & Company. He has over 7 years' experience in the environment section and holds a BSc. in Environmental Science and Health and an MSc. In Environmental Technology. Eoin has a substantial amount of experience completing EIAR Scoping Assessments and coordinating Stakeholder Consultation during the planning process. Eoin is vastly experienced in the preparation of EIAR Chapters for a wide variety of development classes.

6.2 Consultation and Scoping

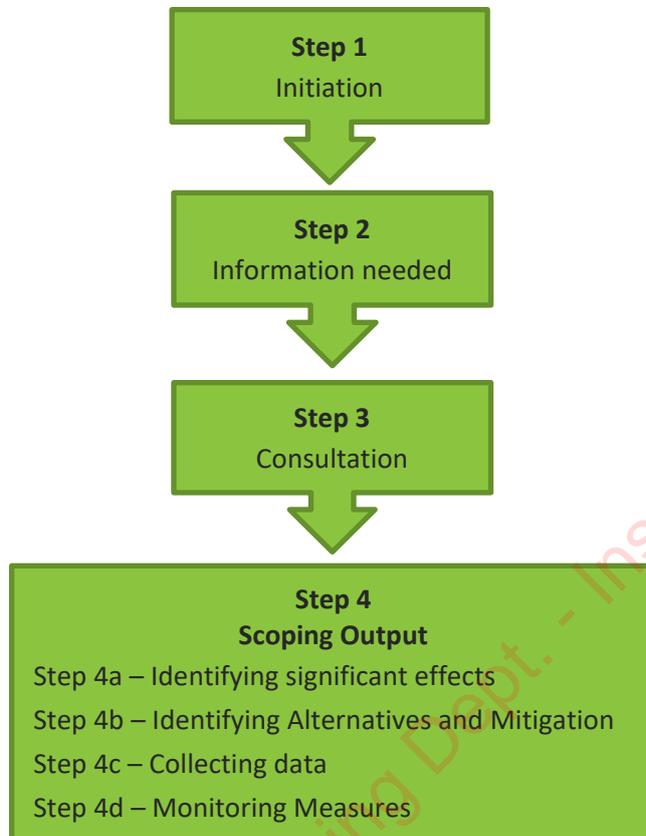
The purpose of the EIA scoping process is to identify the key points and issues which are likely to be important during the environmental impact assessment (EIA) and to eliminate those that are not. The scoping process identifies sources or causes of potential environmental effects, the pathways by which the effects can happen, and the sensitive receptors, which are likely to be affected. It defines the appropriate level of detail for the information to be provided in the EIAR. The primary focus of scoping is to define the most appropriate assessment of significant effects related to the proposed intensification.

6.2.1 Consultation and Scoping Methodology

An informal or voluntary scoping exercise was carried out, which established the terms of reference for the EIA and identified the concerns and issues that warranted attention during the assessment phases.



This process was carried out considering the four-stage process recommended in the European Commission guidance entitled ‘Environmental Impact Assessment of Projects - Guidance on Scoping’ (EC, 2017) as follows:



The Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, Department of Housing, Planning and Local Government (2018) do not set out a methodology for scoping, however the Guidelines on the Information to be Contained in Environmental Impacts Assessment Reports, Draft, Environmental Protection Agency (2017) advise that scoping should be an ongoing and iterative process and assessors “*should maintain a flexible view of the scope throughout the entirety of the design and EIA process*”.

Using the (EC) (2017) methodology while maintaining a “flexible view” of the scope of the EIA, the following tasks were undertaken during the scoping exercise:

1. The developer initiated a voluntarily scoping exercise.
2. In May 2021, a scoping consultation letter, which set out the proposed scope of the EIA, was prepared and sent for circulation to relevant consultees.
3. Scoping with relevant statutory and non-statutory stakeholders took place which included:
 - Written requests for scoping input from a range of prescribed and other statutory bodies and stakeholders.



4. The scoping opinion of the bodies consulted was incorporated into the preparation of this EIAR and, overall, the following was taken into account:
- Environmental Impact Assessment Reports and Environmental Impact Statements for similar developments which were deemed to be of an acceptable standard by the relevant authorities were examined and their scope taken into account;
 - The experience of the project team in undertaking environmental impact assessments for waste infrastructure and renewable energy developments; and,
 - Responses received during consultation.

6.2.2 Consultation and Scoping Process and Responses Received

A consultation letter was sent out to 46 no. recipients on the 20th of May 2021. The recipients included relevant statutory consultees (as defined in Article 28 of the Planning and Development Regulations, as amended), non-governmental organisations (NGOs) and key stakeholders.

A sample copy of the consultation letter is included in Appendix 6.1 of Volume 3 of this EIAR. Stakeholders consulted are identified in Table 6-1:

Table 6-1: Stakeholder Organisations Consulted on the 20 May 2021

Stakeholder Organisations Consulted on the 20 th of May 2021	
Offaly County Council Planning Department	Offaly County Council Heritage Officer
Offaly County Council Environment Department	Offaly County Council Roads Department
Offaly County Council Archaeologist	Westmeath County Council Roads Department
Westmeath County Council Planning Department	Westmeath County Council Heritage Officer
Westmeath County Council Environment Department	Westmeath County Council Archaeologist
NPWS Development Applications Unit	Inland Fisheries Ireland
Irish Wildlife Trust	Bat Conservation Ireland
Irish Raptor Study Group	Department of Rural and Community Development
Department of Environment, Climate and Communications	Department of Housing, Local Government and Heritage
Department of Agriculture, Food and the Marine	Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media
Department of Transport	Irish Peatland Conservation Council
The Heritage Council	Sustainable Energy Authority of Ireland
National Trails Office	Gas Networks Ireland
Irish Water	Eirgrid
The Arts Council	Geological Survey of Ireland
Health Service Executive	Office of Public Works
Transport Infrastructure Ireland	An Taisce



Stakeholder Organisations Consulted on the 20 th of May 2021	
Birdwatch Ireland	Fáilte Ireland
Environmental Protection Agency	Commission for Regulation of Utilities
National River Basin District, Local Authority Waters Programme (National River Basin District)	Eastern and Midland Regional Assembly
Eastern Midlands Region, Eastern Midlands Regional Waste Office	Irish Sports Council
ESB Networks	An Bord Pleanála
The Health and Safety Authority	Teagasc

In total, 20 no. scoping responses were received. Copies of all substantive responses (bar 6 instances where the stakeholder only states that the stakeholder consultation letter will be brought to the Ministers attention) are included in Appendix 6.2 of Volume 3 of this EIAR. A summary of the key issues raised and a note on where that issue is addressed in the EIAR is provided in Table 6.2. The responses received were fully considered and where appropriate, the topics raised were included within the EIAR.

Offaly County Council, Planning Dept. - Inspection Purposes Only



Table 6-2: Submissions Received

Consultee	Date of Response	Summary of Comments Provided	Areas in which comments are addressed in EIAR
Westmeath County Council Roads Department	21/5/2021	Proposed Development will result in increased traffic. Appropriate Development Contribution Levy should be applied for the maintenance and upkeep of the R400.	Chapter 13 – Traffic and Transportation
NPWS Development Applications Unit	20/5/2021	Acknowledgement of receipt	n/a
Inland Fisheries Ireland	20/5/2021	Acknowledgement of receipt and will reply by June 18 th . No further comments received.	n/a
Irish Wildlife Trust	21/5/2021	Do not have the capacity to consider or respond to the consultation request at the moment. Will endeavour to respond if possible	n/a
Health and Safety Authority	28/5/2021	Acknowledgement of receipt	n/a
Department of Rural and Community Development	20/5/2021	Letter has been brought to the Ministers Attention	n/a
Department of Environment, Climate and Communications	21/5/2021	Letter has been brought to the Ministers Attention	n/a
Department of Housing, Local Government and Heritage	22/5/2021	Letter has been brought to the Ministers Attention	n/a
Department of Agriculture, Food and the Marine	23/5/2021	Letter has been brought to the Ministers Attention	n/a
Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media	24/5/2021	Letter has been brought to the Ministers Attention	n/a





Consultee	Date of Response	Summary of Comments Provided	Areas in which comments are addressed in EIAR
Department of Transport	25/5/2021	Letter has been brought to the Ministers Attention	n/a
The Arts Council	21/5/2021	No comment	n/a
Geological Survey of Ireland	1/6/2021	Provided advice regarding relevant GSI datasets and environmental information to consider in completing the EIAR.	Chapter 9 - Soils, Geology and Hydrogeology
Office of Public Works	20/5/2021	No comment	n/a
Transport Infrastructure Ireland		<p>The developer/scheme promoter should have regard, inter alia, to the following:</p> <ul style="list-style-type: none"> TII notes that the subject site accesses the local/regional road network prior to access to the M6 national road at junction 3. Consultations should be had with the relevant Local Authority/National Roads Design Office with regard to locations of existing and future national road schemes. TII would be specifically concerned as to potential significant impacts the development would have on the national road network (and junctions with national roads) in the proximity of the proposed development; M6 and M6 Junction 3. The developer should assess visual impacts from existing national roads. The developer should have regard to any Environmental Impact Statement and all conditions and/or modifications imposed by An Bord Pleanála regarding road schemes in the area. The developer should in particular have regard to any potential cumulative impacts. The developer, in preparing EIAR, should have regard to TII Publications (formerly DMRB and the Manual of Contract Documents for Road Works). 	<p>Chapter 12 - Noise and Vibration, Chapter 13 - Traffic and Transportation, Chapter 15 LVIA.</p>





Consultee	Date of Response	Summary of Comments Provided	Areas in which comments are addressed in EIAR
		<ul style="list-style-type: none"> The developer, in preparing EIAR, should have regard to TII's Environmental Assessment and Construction Guidelines, including the Guidelines for the Treatment of Air Quality During the Planning and Construction of National Road Schemes (National Roads Authority, 2006). The EIAR/EIS should consider the Environmental Noise Regulations 2006 (SI 140 of 2006) and, in particular, how the development will affect future action plans by the relevant competent authority. The developer may need to consider the incorporation of noise barriers to reduce noise impacts (see Guidelines for the Treatment of Noise and Vibration in National Road Schemes (1st Rev., National Roads Authority, 2004)). It would be important that, where appropriate, subject to meeting the appropriate thresholds and criteria and having regard to best practice, a Traffic and Transport Assessment (TTA) be carried out in accordance with relevant guidelines, noting traffic volumes attending the site and traffic routes to/from the site with reference to impacts on the national road network and junctions of lower category roads with national roads. In relation to national roads, TII's TTA Guidelines (2014) should be referred to in relation to proposed development with potential impacts on the national road network. The scheme promoter is also advised to have regard to Section 2.2 of the NRA/TII TTA Guidelines which addresses requirements for sub-threshold TTA. Any improvements required to facilitate development should be identified. It will be the responsibility of the developer to pay for the costs of any improvements to national roads to facilitate the private development proposed as TII will not be responsible for such costs. The designers are asked to consult TII Publications to determine whether a Road Safety Audit is required. In the interests of maintaining the safety and standard of the national road network, the EIAR should identify the methods/techniques proposed for any works traversing/in proximity to the national road network. 	 <p> PL2 / 22 / 490 21 / 09 / 2022 </p>



Consultee	Date of Response	Summary of Comments Provided	Areas in which comments are addressed in EIAR
		<ul style="list-style-type: none"> In relation to haul route identification, the applicant/developer should clearly identify haul routes proposed and assess the network to be traversed. Where abnormal loads are proposed, separate structure approvals/permits and other licences may be required in connection with the proposed haul route and all structures on the haul route should be checked by the applicant/developer to confirm their capacity to accommodate any abnormal load. 	
An Taisce	25/5/2021	Acknowledgement of receipt	n/a
Fáilte Ireland	1/6/2021	Acknowledgment of receipt. Will revert by June 18 th with any comments. No further response received	n/a
Environmental Protection Agency	4/6/2021	Advised on option to make a scoping opinion request. Have provided scoping opinion to Offaly County Council on 04/06/2021	n/a
Commission for Regulation of Utilities	20/5/2021	Acknowledgement of receipt	n/a
National River Basin District, Local Authority Waters Programme (National River Basin District)	20/5/2021	Recommended referring the matter to Offaly County Council	n/a





6.2.3 Engagement with ESB Networks

The Applicant engaged with ESB Networks on the proposed electricity line re-routing to take place on-site. An on-site meeting between the Applicant’s engineering team and Tara Hanrahan, Engineering Officer of ESB Networks, who is responsible for managing the electricity network in the jurisdiction where the development site is located, regarding re-routing proposals was undertaken in June 2021. The proposed re-routing was agreed in principle during this meeting, and it was agreed that the Applicant submit a re-routing application to ESB networks upon completion of detailed design for the proposals.

6.3 Pre-Application Consultation

6.3.1 First Pre-application Consultation Meeting with Offaly County Council

A pre-planning meeting took place with Offaly County Council on 20th November 2020. At this meeting, the project was discussed with the Planning and Environmental Departments, as well as the contents of the EIAR and planning application.

Table 6-3 summarizes the key issues raised in this pre-application consultation meeting and how these issues were addressed in the EIAR:

Table 6-3: Pre-application Consultation Meeting with Offaly County Council (OCC) 20/11/2022

Key Issue raised during meeting	How has this issue been addressed in the EIAR
OCC advised that Appropriate Assessment for the project is required.	Appropriate Assessment Screening and a Natura Impact Statement has been prepared for the proposed development.
OCC advised that WFP may be required for the proposed facility.	It has been determined that the applicant will require a WFP for Phase 1 operations and an IE Licence for Phase 2 of operations.
Cumulative Impacts must be addressed within the EIAR	A thorough review of other granted proposed developments has been undertaken and where relevant the potential cumulative environmental impacts have been taken into account in preparing this EIAR.
OCC noted that Yellow River has a ‘Poor’ water quality status and is designated as a ‘Prioritized Area for Action’ under the River Basin Management Plan 2018 – 2021.	An assessment of the proposed developments impact on the yellow River has been under within the Hydrology Chapter of the EIAR. The proposed development has been planned and designed, and will be operated, in a manner that ensures it does not adversely impact the water quality in the Yellow River. Mitigation measures have been developed to protect the receiving hydrological environment. Measures to mitigate the potential impact on hydrology during the construction phase and operational phase of the proposed development are discussed in Chapter 10: Hydrology and Surface Water, Chapter 17: Schedule of



Key Issue raised during meeting	How has this issue been addressed in the EIAR
	Commitments and the CEMP submitted in support of this EIAR and planning permission application.
OCC advised that the following should be addressed in the prospective application: Future proposals for roads, nature of traffic movements, cumulative traffic impact on local access road and R400 road, and overall cumulative impact in terms of traffic.	Traffic: The potential cumulative impact of the proposed developed on roads and traffic has been assessed and is discussed in Chapter 13: Traffic and Transportation. This assessment considered recently permitted development associated with the Kilmurray Pre-cast Concrete Ltd quarry site situated to the west of the development site.

6.3.2 Second Pre-application Consultation with Offaly County Council

A second pre-planning meeting took place with Offaly County Council on 18/02/2022. The focus of this meeting was mainly Roads and Traffic related issues, and in particular how a recent planning application for the expansion of Kilmurray Precast Concrete Ltd.'s quarry situated to the immediate west of the subject development site (Planning Application Reference: 21247) should be considered in the Traffic and Transport Assessment forming part of this EIAR.

Table 6-4 summarizes the key issues raised in this pre-application consultation meeting and how these issues were addressed in the EIAR:

Table 6-4: Pre-application Consultation Meeting with Offaly County Council (OCC) 18/02/2022

Key Issue raised during meeting	How has this issue been addressed in the EIAR
<p>OCC Roads section personnel made the following comments with respect to roads and traffic related matters:</p> <ul style="list-style-type: none"> • Applicant will need to consider Kilmurray development traffic in their TTA; • Site Access junction with the R400 will need to be upgraded by the applicant / Kilmurray. 	<p>The potential impact of the proposed developed on roads and traffic has been assessed and is discussed in Chapter 13: Traffic and Transportation. This assessment has regard to future development traffic associated with Kilmurray's quarry expansion.</p> <p>The applicant /Kilmurray propose upgrading the junction with the R400. This is discussed further in Chapter 13 Traffic and Transportation.</p>
<p>OCC Planning Section personnel made the following comments:</p> <ul style="list-style-type: none"> • Development is not SID, < 100,000 tpa waste acceptance; • New County Development Plan must be considered throughout; • Robust Planning Application and EIAR is needed; • Asbestos removal needs to be considered during EIAR; • Cumulative impacts need to be considered throughout; 	<p>OCC CDP 2021 – 2027 is considered throughout this EIAR.</p> <p>Asbestos removal works addressed in Chapter 4 Description of Existing and Proposed Development. An Asbestos survey was previously carried out to inform the works needed.</p> <p>Cumulative impacts have been considered in each EIAR Chapter as appropriate. A list of development considered during cumulative impact assessment undertaken is provided in Appendix 1.1. of Volume 3 of this EIAR.</p> <p>Photomontages from the R400 and Croghan road have been prepared as part of Chapter 15 Landscape and Visual impact Assessment.</p>



Key Issue raised during meeting	How has this issue been addressed in the EIAR
<ul style="list-style-type: none"> Photomontages needed from the R400 and Croghan Road. 	
<p>OCC Environment Section personnel made the following comments during the meeting:</p> <ul style="list-style-type: none"> Application needs to clearly set out how facility will be regulated through WFP/IE Licence; Advised that we liaise with EPA re Project Phasing before application to confirm that our approach is acceptable, either via Pre-app Consultation or Article 11; Advised to ensure that water supply requirements are adequately addressed within the application. 	<p>The application and EIAR clearly sets out how the proposed development will be regulated during both Phase 1 and Phase 2 of operations.</p> <p>A pre-application consultation meeting with the EPA was subsequently undertaken. Proposals with respect to project phasing were raised and discussed at this meeting.</p> <p>Water supply requirements have been addressed within the proposed facility design and in Chapter 4 Description of Existing and Proposed Development.</p>

6.3.3 Review of Offaly County Council ‘Scoping Report’ for the Proposed Development

Offaly County Council prepared their own internal Scoping Report of the proposed development. This was issued to the Applicant for their information on the 5th of April. This Scoping Report stated the following:

- That the EIAR to accompanying the planning application for the proposed development was to be prepared in accordance with EIA related provisions contained in the Planning and Development Regulations 2001, as amended
- An assessment of cumulative impact associated with the proposed development will need to be carried out as part of the EIA process.
- That two consultation responses were received when carrying out the Scoping Exercise, one from Transport Infrastructure Ireland and one from Geological Survey Ireland (The content of these response accorded exactly with the responses made directly to the Applicant by these bodies, detailed in Section 6.2).
- The Local Fire Authority will require a Fire Prevention and Mitigation Plan to be developed for the proposed facility ultimately.

6.3.4 Consultation with the EPA

A pre-application consultation meeting with the EPA was undertaken on 09/03/2022. The main focus of this meeting was the applicant’s proposal to carry out operations under a Waste Facility Permit during Phase 1 of the project, before carrying out Phase 2 operations under an IE Licence. Other matters falling within the scope of authority of the EPA were also discussed during this matter.

Table 6-5 summarizes the key issues raised in this pre-application consultation meeting and how these issues were addressed in the EIAR.



Table 6-5: Pre-application Consultation Meeting with Offaly County Council (OCC) 18/20/2022

Key Issue raised during meeting	How has this issue been addressed in the EIAR
The applicant needs to demonstrate that proposed activity complies with and supports forthcoming River Basin Management Plan 2022 – 2027, having regard to relevant, up-to-date case law.	Compliance with the River Basin Management Plan 2022 is addressed in Chapter 10 Surface Water and Hydrology of Volume 2 of this EIAR.
EPA advised on their position on Proposed Project Phasing approach and concurrent WFP / IE Applications – No objection to these proposals. They advised that the Planning Application and EIAR should describe the Proposed Development operating over two phases.	EPA views regarding project phasing proposals considered during the preparation of this planning application and when defining the prospective proposed development.
Emphasized the need to design and operate the facility in accordance with BREF and BATC on Waste Treatment.	Relevant BREF and BATC Documents for Waste Treatment activities considered during the design of the proposed Material Recovery Facility, as defined in Chapter 4 Description of Existing and Proposed Development in Volume 2 of this EIAR.
EPA stated that the 75 tpd threshold for the ‘pre-treatment of waste for incineration or co-incineration’ defined under the Industrial Emission Activity Class 11.4(b) within the New First Schedule to the EPA Act, as amended, cannot be exceeded if the applicant wishes to operate under a Waste Facility Permit during Phase 1 of the proposed development. The applicant noted in response that Phase 1 will only involve material acceptance and transfer, and not any pre-treatment of waste for incineration or co-incineration.	Phase 1 of operations will only involve the carrying out of waste activities which need to be subject to a Waste Facility Permit. No IE Licence class of activity as defined in the New First Schedule to the EPA Act, as amended will be carried out during Phase 1 (E.g. no pre-treatment of waste at a capacity of greater than 75 tonnes per day, and no waste acceptance and processing at a capacity greater than 50,000 tonnes per annum). The site will only serve as a Waste Transfer Station during Phase 1 of operations.
EIAR will need to be clear when describing Phase 1 and 2 operations.	This point was noted. A clear description of Phase 1 and 2 of operations has been provided in Chapter 4.

6.4 Summary

A number of prescribed bodies and interested stakeholders were consulted during a stakeholder consultation process. Their comments and feedback were incorporated into the EIAR as identified.

Pre-application consultation with both Offaly County Council and the EPA was undertaken prior to finalization and submission of this planning application. The issues raised during these meetings were addressed within this EIAR.



6.5 References

European Commission (2017) Environmental Impact Assessment of Projects - Guidance on Scoping.

Department of Housing, Planning and Local Government (2018) Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment.

Environmental Protection Agency (2017) Guidelines on The Information to Be Contained in Environmental Impact Assessment Reports Draft.

Offaly County Council, Planning Dept. - Inspection Purposes Only



**CONSULTANTS IN ENGINEERING,
ENVIRONMENTAL SCIENCE
& PLANNING**

www.fehilytimoney.ie

Offaly County Council, Planning Dept. - Inspection Purposes Only



CORK OFFICE
Core House
Pouladuff Road,
Cork, T12 D773,
Ireland
+353 21 496 4133

Dublin Office
J5 Plaza,
North Park Business Park,
North Road, Dublin 11, D11 PXT0,
Ireland
+353 1 658 3500

Carlow Office
Unit 6, Bagenalstown Industrial
Park, Royal Oak Road,
Muine Bheag,
Co. Carlow, R21 XW81,
Ireland
+353 59 972 3800

