

19th November 2019

An Bord Pleanála,
64 Marlborough St,
Dublin 1,
DV1 V902

Our Ref: **501.00323.00007**

Westmeath Co. Co. Section 5 Ref: **S5-18-19**

Dear Sir/Madam,

**RE: KMK METALS RECYCLING KILBEGGAN – SECTION 5 REFERRAL
OF SECTION 5 DECLARATION FROM WESTMEATH CO. CO. (SECTION 5 REF: S5-18-19)**

AN BORD PLEANÁLA	
LDG-	021364-19.
ABP-	
19 NOV 2019	
Fee: €	220 Type: Cheque
Time:	1:40 By: Hand of

SLR Consulting Ireland of 7 Dundrum Business Park, Windy Arbour, Dublin 14 are submitting this referral on behalf of KMK Metals Recycling Ltd., Moate Road, Kilbeggan, Co. Westmeath. The referral has been prepared in relation to Section 5 ref: S5-18-19 and in accordance with Section 127 of the Planning and Development Act 2000 as amended. Section 127 of the Planning Act sets out the requirements for making a valid referral. A referral must:

- Be made in writing;
- State the name and address of the person making the referral and of the person, if any, acting on his or her behalf;
- State the subject matter of the referral;
- State in full the grounds of referral and substantiated reasons, considerations and arguments on which they are based. These should be purpose designed and in this regard planning authorities should not rely on sending copies of enforcement files or of correspondence without specifying the grounds for referral;
- Be accompanied by such documents, particulars or other information relating to the referral as the person making the referral considers necessary or appropriate. (There is no entitlement to elaborate in writing upon, or to make further submissions in writing in relation to, the referral, or to submit further grounds for referral);
- Be accompanied by the prescribed fee;
- Be made within the period specified.

A cheque for the referral fee of €220 is enclosed.

1. SUBJECT MATTER OF THE REFERRAL

This referral relates to a Section 5 declaration (ref: S5-18-19) issued by Westmeath County Council (WCC) in relation to the inclusion of 2 new degassing units for the treatment of 7,000 tonnes of refrigerators and freezers per annum. This process will to facilitate the shredding, recycling and reclamation of these fridge/freezer units.

WCC examined the request made under Section 5 of the Planning & Development Act 2000 as amended and concluded that the subject of the request constitutes development and is not exempt development. WCC specifically concluded that:-

- *the installation and operation of 2 no. specialised degassing machines for the treatment of 7,000 tonnes of refrigerators and freezers per annum to facilities the shredding, recycling and reclamation of fridge/freezers materials at KMK Metals Recycling Ltd., Moate Road, Kilbeggan, Co. Westmeath constitutes development being works, constituting a material change from permitted activity at the facility;*
- *the works, being the installation of 2 no. specialised degassing machines, are exempted development by virtue of Section 4(h) of the Planning and Development Regulations 2001 (as amended)*
- *the use, being the operation of 2 no. specialised degassing machines for the treatment of 7,000 tonnes of refrigerators and freezers per annum to facilitate the shredding, recycling and reclamation of fridge/freezer materials, is not exempted development*
- *the material changes to permitted practice at the facility is not exempted development.*

Westmeath County Council, in exercise of the powers conferred on it, by Section 5 of the Planning and Development Act 2000 as amended hereby decided that:-

- *The installation and operation of 2 no. specialised degassing machines for the treatment of 7,000 tonnes of refrigerators and freezers per annum to facilitate the shredding, recycling and reclamation of fridge/freezer materials at KMK Metals Recycling Ltd., Moate Road, Kilbeggan, Co. Westmeath constitutes a material departure from the permitted practice at the facility, being development that is not exempted development.*

This referral relates to the conclusion that the installation and operation of 2 no. specialised degassing machines for the treatment of 7,000 tonnes of refrigerators and freezers per annum to facilitate the shredding, recycling and reclamation of fridge/freezer materials at KMK Metals Recycling Ltd., Moate Road, Kilbeggan, Co. Westmeath constitutes a material departure from the permitted practice at the facility, being development that is not exempted development. This referral requests further consideration of the local authority conclusion that the proposal constitutes a material change of use and therefore is not exempted development.

2. GROUNDS OF APPEAL

On behalf of our client, KMK Metals Recycling Ltd, we submit that the operation of 2 no. specialised degassing machines from the treatment of 7,000 tonnes of refrigerators and freezers per annum to facilities the shredding, recycling and reclamation of fridge/freezers materials at KMK Metals Recycling Ltd., Moate Road, Kilbeggan, Co. Westmeath does not constitute a material change of use from the permitted activity at the facility and therefore does not constitute development.

As outlined in the Section 5 request submitted to WCC, the subject site has been the subject of a previous grant of permission (Planning Reg. Ref. 17/6372). This permission granted development for an intensification of use, facilitating an increase in processing from 10,000 to 50,000 tonnes of WEEE waste. An EIAR was also submitted to WCC with respect to Planning Reg. Ref. 17/6372. Condition 12 of Planning Reg ref: S5-18-19 stated that an IED Licence (which has been applied for and is currently under review with the EPA) must be in place before the increase in tonnage can commence.

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19 NOV 2019
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The existing process provides for the storage of the refrigeration units prior to their shipment to the United Kingdom. The proposal involves the operation of 2 no. new machinery units for degassing and temporary storage of pressure vessel canisters of recovered refrigerant materials from the refrigeration units prior to the onsite shredding and reclamation of recyclable refrigerator and freezer materials. All other processes, procedures and inputs/outputs of the Kilbeggan facility will remain identical to the granted planning permission (Planning Reg. Ref. 17/6372).

All materials and emissions will be captured in accordance with Best Available Techniques (BAT) and WEEELABEX/CENELEC requirements. There are no onsite emissions to water or atmosphere as all materials and emissions are located indoors in a contained system. All refrigerant materials will be retrieved by third parties and processed off-site. All metal/WEEE fractions are sorted/bulked and processed similar to the other WEEE fractions generated on-site.

The degassing process will result in the temporary storage of 21 no. mineral oil canisters and 49 no. refrigerant gas cannisters, or a total of 70 no. cannisters per annum. These cannisters are transportation ready. Each cannister will be collected when full and then be incinerated offsite by a licenced facility.

On the basis of the EIA Screening assessment report submitted with the original section 5 request, it concluded that the proposed installation and use of the proposed degassing machinery would not be likely to have significant effects on the environment for the following reasons:

- An EIAR was submitted with the most recent planning application (Reg. Ref. 17/6372) assessed the likely impacts of an increase from 10,000 tonnes of WEEE waste to be processed to 50,000 tonnes. This increase included the 7,000 tonnes of fridge/freezer units which is proposed to now be treated.
- The design of the two machines indicate that they are self-contained and enclosed and do not result in any significant potential atmospheric emissions.
- The proposal does not result in any additional tonnage being processed on site as the volume has been accounted for in the most recent planning application (Reg. Ref. 17/6372). The proposal is therefore consistent with the nature and characteristics of the existing permitted use on the site and therefore does not constitute a material change of use. As demonstrated by the EIA Screening Report, the proposal is also immaterial in the context of impacts on the proper planning and sustainable development of the adjoining area.

On the basis of the grounds of appeal and reasons outlined therein we respectfully request that An Bord Pleanála make Section 5 referral with respect to the installation and operation of 2 no. degassing machines to the existing facility at KMK Metals Recycling Ltd., Moate Road, Kilbeggan, Co. Westmeath and whether or not this constitutes a material change in use.

Yours faithfully,
SLR Consulting Ireland

Aislinn O'Brien
Principal Planner

Cc: Olivia Brennan | Compliance Manager | KMK Metals Recycling Ltd.
Enc

- Prescribed Fee of €220.00 Euro



