

Case Formally Decided

Case No. 307207-20

1. SECRETARIAT

Signed Board Order has been cross-checked against minutes of Board Meeting prior to sealing and is in alignment with same in respect of the nature of the substantive decision. ☒

The Board Order has been signed, sealed and issued to all those listed on the submission sheet.

Signed: Geffrey Prndergo ✓

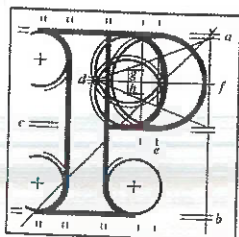
Date: 31/5/21

2. PROCESSING SECTION S.E.O. / E.O. M. Casrell

File has been sent to deposit and movement recorded in the database.

Signed: _____

Date: _____



An
Bord
Pleanála

Board Order
ABP-307207-20

Planning and Development Acts 2000 to 2020

Planning Authority: Kildare County Council

Planning Register Reference Number: ED/00780

WHEREAS a question has arisen as to whether the proposed increase in annual intake from 97,000 tonnes to 120,000 tonnes at the Glassco Recycling Facility, Unit 4, Oberstown Industrial Park, Caragh Road, Naas, County Kildare is or is not development or is or is not exempted development:

AND WHEREAS Glassco Recycling Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin requested a declaration on the said question from Kildare County Council and the said Council issued a declaration on the 10th day of March, 2020 stating that the said matter is development and is not exempted development:

AND WHEREAS Glassco Recycling Limited referred the declaration for review to An Bord Pleanála on the 19th day of May, 2020:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

AMP

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3 (1) of the Planning and Development Act, 2000, as amended,
- (c) Article 6(1) and Article 9(1)(c) of the Planning and Development Regulations, 2001, as amended,
- (d) Schedule 5, Part 2, Article 13(a)(ii) of the Planning and Development Regulations, 2001, as amended,
- (e) the planning history of the site, and
- (f) the report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the increase in the annual tonnage intake at the facility of 23,000 tonnes is material in terms of additional volume compared to the annual tonnage of 97,000 tonnes as permitted under An Bord Pleanála reference number 09.SU.0015;
- (b) the increase in the annual tonnage intake at the facility would raise material planning issues including potential impacts from additional traffic movements to/from the subject site onto the public road network, from additional storm discharge levels and from additional dust deposition levels;
- (c) the increase in the annual tonnage intake at the facility would therefore constitute a change in the use of the facility that is a material change in the use by reason of intensifications;

CMS6

- (d) there is no provision in planning legislation by which development could be deemed exempt.

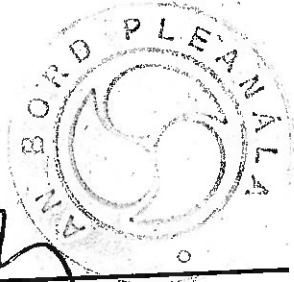
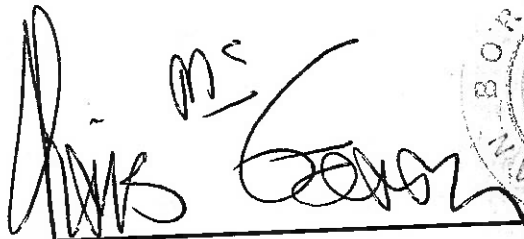
NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that whether the proposed increase in annual intake from 97,000 tonnes to 120,000 tonnes at the Glassco Recycling Facility, Unit 4, Oberstown Industrial Park, Caragh Road, Naas, County Kildare is development and is not exempted development.

In deciding not to accept the recommendation of the Inspector, the Board determined that while the increase in annual intake of 23,000 tonnes would fall below the threshold of 24,250 tonnes whereby a mandatory Environmental Impact Assessment Report (EIAR) would be triggered in this instance and the provisions of article 9(1)(c) of the Planning and Development Regulations, 2001, as amended, would apply, this did not mean that such an increase in annual tonnage would not raise material planning issues. In addition, the Board considered that limits set within a Waste Licence do not automatically preclude any planning implication arising from an increase of 23,000 tonnes in annual intake at this waste facility. On the basis of the information on file, the Board did not share the view of the Inspector that such an increase would not raise material planning issues as described above.

MSB

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.



Chris McGarry

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 25th day of May 2021

SUBMISSION OF DIRECTED/~~DRAFT~~ ORDER

Section 5 Referral

ABP-307207-20

Case Code

RL

Question whether

the proposed increase in annual intake from 97,000 tonnes to 129,000 tonnes at the Glasco Recycling Facility is or is not development or is or is not exempted development.

Board's
Recommendation - as per direction

is development and is not exempted development

Dec code

RC

Split Dec

N

Bd. Dir
to issue

NO
N/A

no. of letters
to issue

2

When order has been signed, copy to issue with notification RL100n.ltr to

- (a) PA ✓ Kildare County Council
- (b) Owner occupier ✓ Glasco Recycling Limited c/o Tom Phillips + Assoc.
- (c) Other party
- (d) Observers
- (e) Others

Drafted by

[Signature]

Date 26/05/2021

Checked by

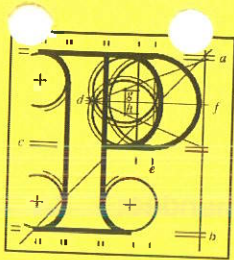
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Date 26/05/2021

Cleared by

[Signature]

Date 28/5/21



An
Bord
Pleanála

Board Direction
ABP-307207-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17/05/2021.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether the increase in annual intake from 97,000 tonnes to 120,000 tonnes, at the Glassco Recycling Facility, Unit 4, Osberstown Industrial Park, Caragh Road, Naas, Co. Kildare is or is not development or is or is not exempted development.

AND WHEREAS Glassco Recycling Limited, requested a declaration on this question from Kildare County Council, and the Council issued a declaration on the 10th day of March 2020 stating that the matter is development and is not exempted development.

AND WHEREAS Glassco Recycling Limited referred this declaration for review to An Bord Pleanála, on the 19th day of May 2020.

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to:

- (a) Section 2 (1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3 (1) of the Planning and Development Act, 2000, as amended,
- (c) Article 6(1) & Article 9(1)(c) of the Planning and Development Regulation's 2001, as amended,
- (d) Schedule 5, Part 2, Article 13(a) (ii) of the Planning and Development Regulation's 2001, as amended,
- (e) The planning history of the site, and
- (f) The report of the Inspector.

AND WHEREAS An Bord Pleanála has concluded that:

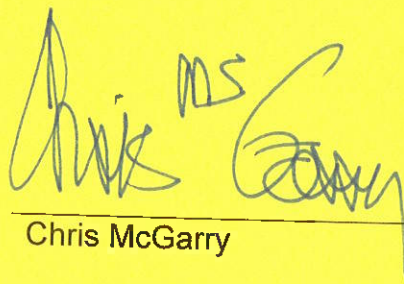
- (a) The increase in the annual tonnage intake at the facility of 23,000 tonnes is material in terms of additional volume compared to the annual tonnage of 97,000 tonnes as permitted under An Bord Pleanála Reference: 09.SU0015;
- (b) The increase in the annual tonnage intake at the facility would raise material planning issues including potential impacts from additional traffic movements to/from the subject site onto the public road network, from additional storm discharge levels and from additional dust deposition levels;
- (c) The increase in the annual tonnage intake at the facility would therefore constitute a change in the use of the facility that is a material change in the use by reason of intensification;

- (d) There is no provision in planning legislation by which such development could be deemed exempt.

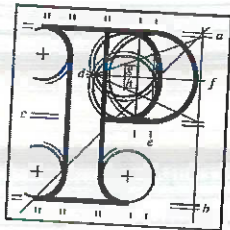
NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the increase in annual intake from 97,000 tonnes to 120,000 tonnes, at the Glassco Recycling Facility, Unit 4, Osberstown Industrial Park, Caragh Road, Naas, Co. Kildare is development and is not exempted development.

In deciding not to accept the recommendation of the Inspector the Board determined that while the increase in annual intake of 23,000 tonnes would fall below the threshold of 24,250 tonnes whereby a mandatory EIAR would be triggered in this instance and the provisions of article 9(1)(c) of the Planning and Development Regulations 2001, as amended would apply, this did not mean that such an increase in annual tonnage would not raise material planning issues. In addition, the Board considered that limits set within a Waste Licence do not automatically preclude any planning implication arising from an increase of 23,000 tonnes in annual intake at this waste facility. On the basis of the information on file, the Board did not share the view of the Inspector that such an increase would not raise material planning issues as described above.

Board Member:


Chris McGarry

Date: 25/05/2021



An
Bord
Pleanála

Inspector's Report ABP-307207-20

Development

Whether the proposed increase in annual intake from 97,000 tonnes to 120,000 tonnes at the Glassco Recycling Facility is or is not development or is or is not exempted development

at Unit number 4, Osberstown Industrial Park, Caragh Road, Naas, Co. Kildare

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

ED/00780

Owner/Occupier

Glassco Recycling Ltd.

Planning Authority Decision

Is development and is not exempted development

Referrer

Glassco Recycling Ltd.

Type of Case

Section 5(1) Referral

Observer(s)

None

Inspector

Fergal Ó Bric

1.0 Introduction

This Section 5 referral n has been submitted to the Board by Tom Philips & Associates, Planning Consultants, on behalf of the owners and operators of the site, Glassco Recycling Ltd (the referrer). The referrer has requested a determination under Section 5(1) of the Planning and Development Act 2000 (as amended). The referral relates to an increase in annual intake at its recycling facility from 97,000 tonnes per annum to 120,000 tonnes per annum, at Unit 4, Osberstown Industrial Park, Naas, Co. Kildare.

The site is presently being used as a glass and can recycling facility. There are three structures on the site, a main processing building where glass and cans are sorted, a drying glass building where the glass is dried and bagged and a vehicle maintenance building. The site is located west and north-west of other existing industrial units, east of a one-off dwelling and south of the Naas Wastewater treatment plant.

2.0 Site Location / Description

The Industrial Park is located approximately 2.5 kilometres north-west of Naas, and 1.5 kilometres north-west of Junction 10 (Naas South) on the M7 Motorway. Access to the site is off the R409, a regional route linking Naas with Caragh.

The site is located within the development boundary of Naas, as set out within the Draft Naas Local Area Plan 2021-2027, where the lands are zoned for Industry and warehousing uses.

3.0 The Question

4.1 The question before the Board is:

Whether the increase in annual intake at its recycling facility from 97,000 tonnes per annum (as assessed during the Substitute Consent application pertaining to the site, permitted by An Bord Pleanála, in June 2014), to 120,000 tonnes per annum, at Unit 4, Osberstown Industrial Park, Caragh Road, Naas, Co. Kildare is or is not development or is or is not exempted development.

4.0 Planning Authority's Reports

5.1 Planning Report

A report was prepared by the Planning Authority and the main focus of attention within the report pertains to Environmental Impact Assessment (EIA), and whether the increase in tonnage would or would not require the preparation of a mandatory EIA. The Planning Officer addressed the question asked, in terms of the increase in tonnage from 97,000 tonnes to 120,000 tonnes per annum, but also relied on additional information submitted with the Section 5 referral, including an Environmental Monitoring Assessment (EMA), a Traffic Impact Assessment (TIA) and documentation submitted by the referrer to the Environmental Protection Agency (EPA) as part of its Waste Licence Review. Information included within these reports confirm that the annual intake at the facility exceeded the 120,000 tonnes (being sought under this declaration) per annum for the years 2014 to 2018 inclusive. Some of the data included within the accompanying reports support that the 120,000-tonne annual intake was exceeded by between 2,641 tonnes and 7,000 tonnes for each of those years. The Planning Authority posed the question as to whether the increase in annual tonnage intake to the facility triggers a mandatory EIA, and if so, the increase in tonnage intake would not be exempted development, and therefore would require the submission of a planning application or a substitute consent application.

The Planning Authority stated that the appropriate threshold for this type of development is governed by class 11(b), Part 2, Schedule 5 of the Planning and Development Regulations (the Regulations) 2001 (as amended) which states "That installations for the disposal of waste with an annual intake of greater than 25,000 tonnes, not included in Part 1 of Schedule 2, of the Regulations.

The Planning Authority concluded that a mandatory EIA is triggered by the increase in tonnage intake on two grounds. The first ground, raised by the Planning Authority is that having regard to the reports submitted with the referral, that the 23,000-tonne figure, exceeds the appropriate threshold of 25,000 tonnes by more than 50% is set out within Article 13(a) (ii), Schedule 5, Part 2 of the Regulations. The second ground under which the Planning Authority based its conclusion is that the 23,000-tonne figure, by which it is proposed to increase the intake by, set out by within this referral, is a hypothetical one. The Planning Authority specifically referred to Page 7, Section 3.2 of the TIA, where an annual tonnage intake figure of 127,000 tonnes for the year 2018, is set out. This 2018 intake figure represents an increase of 30.9% over the annual permitted intake of 97,000 tonnes, as conditioned by An Bord Pleanála, in 2014, and above the 25% increase provided for within Schedule 5, Part 2, Article 13 (a) (ii) of the Regulations. Accordingly, a mandatory EIA would be required in compliance with Schedule 5, Part 2, Article 13(a) of the Regulations.

The Planning Authority concluded that the increase in tonnage intake at the Glassco recycling facility is development of a type which would require the preparation of a mandatory EIAR, and therefore would and require the submission of a planning application or an application for Substitute Consent. Article 9(1) (c) of the Regulations removes exempted development provisions if it is development to which Part 10 of the Act applies i.e., requirement for Environmental Impact Assessment. Accordingly, the development cannot be

considered to be exempted development having regard to the provisions as set out within Article 9.

5.0 Planning Authority Declaration

Kildare County Council issued a declaration in accordance with Section 5(1) of the Planning and Development Act, 2000 (as amended) in respect of the development. The Planning Authority determined that the increase in tonnage intake at the Glassco recycling facility is development of a type which requires the submission of a mandatory EIA, and therefore, requires the submission of a planning application or an application for Substitute Consent. Accordingly, the development cannot be considered to be exempted development, having regard to the provisions of Article 9 (1) (c) of the Planning and Development Regulations 2001.

6.0 The Referrer's Submission

6.1 The submission by Tom Phillips & Associates, Planning Consultants, on behalf of Glassco Recycling Ltd can be summarised as follows:

- The Planning Authority did not apply the provisions of the Regulations correctly in respect of Schedule 5, Part 2, Article 13 (a) which provides for "Any change or extension of development already authorised, and executed or in the process of being executed (not being a change or extension referred to in Part 1) which would-
 - (i) Result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this schedule and
 - (ii) Results in an increase in size greater than-
 - 25 per cent, or
 - An amount equal to 50 per cent of the appropriate threshold,

whichever is the greater.

- The Planning Authority have misinterpreted the application of Article 13 (a) of the Regulations and the thresholds regarding the preparation of mandatory EIAR, as set out in Schedule 5, Part 2 of the Regulations. Schedule 5, Part 2, Article 11(b) relates to Other Projects (b) "installations for the disposals of waste with an annual intake greater than 25,000 tonnes, not included in Part 1 of this schedule". It is accepted that the development comprises a class listed in this schedule. In this instance, annual intake was permitted at 97,000 tonnes following the Substitute Consent process. An increase in size of 25% of the 97,000 tonne figure would amount to 24,250 tonnes. An amount equal to 50% of the appropriate threshold, equates to 12,500 tonnes. The greater of these amounts is the 24,250-tonne figure. The proposed 23,000 tonne increase is clearly below the greater amount provided under Article 13 (a) (ii). Thus, the use of 50% of the appropriate threshold provision is wholly erroneous in this case, given this figure is the lesser amount, not the greater as provided for under Article 13 (a) (ii). Therefore, the reason for concluding that the stated increase in annual tonnage constitutes development and not exempted development, by way of triggering a mandatory EIAR is incorrect, and does not provide any basis for this part of the declaration.
- A 25% increase in size would amount to 24,250 tonnes, and the proposed increase in output at 23,000 tonnes, would be below this threshold that triggers the preparation of a mandatory EIAR as per the provisions of Schedule 5, Part 2, Article 13 (a) (ii), of the Regulations.
- In terms of the second EIA trigger set out by the Planning Authority, the referrer states that the Planning Authority has inappropriately relied on information included in the referrer's submission designed to illustrate in robust terms, that a certain level of development (intake of 127,000 tonnes)

per annum) does not give rise to material planning impacts to ground this part of its decision. The question being considered in this section 5 referral explicitly relates to whether the proposed increase in annual intake from 97,000 tonnes to 120,000 tonnes is or is not development or is or is not exempted development.

- A 127,000-tonne figure was used to ground the TIA. This figure was used to demonstrate that the recycling facility operating at 127,000 tonnes per annum is deemed to have no material traffic impacts, in terms of operation or capacity within the local road network. At no stage did the referrer, seek a declaration from the Planning Authority as to whether an increase in annual tonnage to 127,000 tonnes per annum comprised development or exempted development. This question would be outside the remit of the Planning Authority and relies on another annual tonnage figure referenced in part of the referral documentation. This stance by the Planning Authority is wholly out of context and cannot be considered appropriate grounds in terms of assessing the current question set out within this referral.
- It is evident that the Planning Authority understood the question asked, as it specifically references 23,000 tonnes in its conclusion within the planning report and within the face of the decision issued by it.
- The referrer submits that the Planning Authority is precluded from grounding its assessment of the Section 5 referral by materially altering or re-interpreting the question being put to it. The referrers contend that this is outside the remit of the Section 5 process and relies on other annual tonnage figures referenced within documentation accompanying the referral, is out of context and would not be considered appropriate grounds to determine that an EIAR is a mandatory requirement in this case.

- The 97,000-tonne figure represented the annual intake at the time of the Substitute Consent (SC) application and formed the basis of assessment for the Remedial Environmental Impact Statement prepared in respect of the SC application. The Board in that instance did not include any conditions that require the annual intake to be capped or restricted to 97,000 tonnes. There was no aspect of that decision that precludes an increase in tonnage intake or mandates that planning permission must be sought for any increase over the 97,000-tonne intake. For planning permission to be required, an intensification of use would need to occur to such an extent that material planning impacts are apparent. The referrers have enclosed relevant EMA and TIA assessments as part of the planning documentation submitted, which confirms that there are no material planning or environmental impacts arising as a result of the increase in tonnage, particularly in respect of air, noise, or traffic levels.
- A new Appropriate Assessment (AA) screening document concludes that significant effects are not likely to arise, either alone or in combination with other plans or projects that will result in significant effects to the integrity of the Natura 2000 network, A Natura Impact Statement is, therefore, not required.
- Therefore, the proposed change in annual intake is below any potential mandatory EIA threshold. The assessment carried out in relation to air, noise and traffic conclude that the proposed level of additional tonnage does not give rise to material planning, environmental or traffic impacts. On the basis that no material impacts will arise on foot of the proposed change, and therefore, the development constitutes exempted development.
- In this case, the increase in annual intake does not constitute development, as defined in the Planning and Development Act 2000 (as amended). This is

based on the fact that no works will be carried out in order to affect the increase in tonnage. Thus, the issue to be resolved is whether or not an intensification of use arises, such that a material change in the use of the site would occur, resulting in development and the requirement for planning permission.

- The referrer's reference case law (Galway County Council v Lacknagh rock), where Judge Baron ruled that the onus on the Planning Authority is to prove that the intensification of activity amounted to a change of use which was material. The referrer has submitted updated environmental and traffic assessments of the relevant matters, confirming that no significant new or material impacts arise. The referrer concludes that no material change of use arises, and no development is taking place such that planning permission is required.
- In this instance, no change to the character of the existing use will occur as a result of the increased tonnage, which remains as recycling. It is entirely possible for an existing business to intensify and increase its operation without necessarily resulting in a material change of use, and that Glassco Recycling is one such example.
- The referrers are satisfied that none of the restrictions on exemptions as identified in Part 2, Article 9 of the Regulations 2001 apply to the increase in annual intake, including that cited by the Planning Authority under Article 9(1) (c), regarding the mandatory requirement for the submission of an EIAR. The increase in tonnage is below all mandatory EIAR thresholds and can, therefore, be considered as exempted development.
- The Planning Authority set out their arguments in terms of the factual information presented within the referral, rather than specifically assessing

the question asked within the referral, pertaining to the 23,000 tonne increase in output.

7.0 Response to Referrer's Submission

7.1 Response of Kildare County Council to the appeal of the Section 5, referral case is as follows:

- Kildare County Council have nothing further to add since the referral report prepared on the 19th day of March 2020.

8.0 Planning History

The following is the relevant planning history pertaining to the site:

Planning Authority reference number 18/563, In 2018 Glassco Recycling Ltd were granted planning permission for the construction an optical sorting unit within the existing glass recycling plant.

Planning Authority reference number 16/24, In 2016, Rehab Glassco Ltd were granted planning permission for the construction of s surface water treatment plant.

Planning Authority reference number 14579, In 2014, Rehab Glassco Ltd were granted planning permission for an extension to the glass recycling plant.

An Bord Pleanála reference number 09.SU.0015, In 2014 Rehab Glassco Ltd were granted substitute consent for a glass recycling facility. A Remedial Environmental Impact Assessment was submitted as part of the planning documentation.

9.0 Statutory Provisions

9.1 Planning and Development Act 2000 (as amended)

Section 2(1)

In this Act, except where the context otherwise requires—

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair, or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3(1)

In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 5(7)

Requires that a planning Authority or An Bord Pleanála, in the case of a development specified in Part 2 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended) to specify in its declaration or decision whether the development proposed would be likely to have significant effects on the environment, by virtue, of at least, of the nature, size or location of such development and require an Environmental Impact Assessment.

9.2 Planning and Development Regulations, 2001 (as amended)

PART 2 - Exempted Development.

Article 6(1) states:

Subject to article 9, development of a class specified in Column 1, Part 1, Schedule 2, shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1, opposite the mention of that class in the said column 1.

Article 9 further restricts the application of Article 6 in certain circumstances

Article 9(1) (c) states:

If it is development to which Part 10 applies unless the development is required by or under any statutory provision (other than the act of these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive.

Schedule 5, Part 2, Article 13 (a) relates to any changes or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in part 1) which would-

- (i) Result in the development being in a class listed in part 1 or paragraphs 1-12 of Part 2 of this Schedule, and
- (ii) Result in an increase in size greater than –
 - 25 per cent, or
 - An amount equal to 50 per cent of the appropriate threshold,Whichever is the greater.

10.0 Assessment

10.1 The Question of 'Development'

Having regard to the question before the Board, I propose to undertake my assessment by considering the following:

1. Whether the increase in annual intake of glass and aluminium cans from 97,000 tonnes to 120,000 tonnes at the Glassco Recycling Facility Is or is not development, or is or is not exempted development, within the meaning of the Planning and Development Act 2000, (as amended).

- 10.2 Does the increase in intake of recyclable glass and aluminium at an existing recycling facility constitute works?

Section 2(1) - In this Act, "works" are defined as "Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.....any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure".

Given that the referrer has clearly stated that no works will be carried out in order to affect the increase in tonnage, and that no material planning, environmental or traffic impacts will arise from the increase in tonnage intake, I am satisfied that proposed increase in tonnage intake would not comprise development, as defined in in Section 3(1) of the Act.

- 10.3 Would the proposed increase in tonnage intake represent an intensification of use, such that a material change in the use of the site arises, resulting in development and the subsequent requirement for planning permission?

Judge Barron held in the case of Galway County Council v Lacknagh Rock, that the onus is on the Planning authority (decision maker) to prove that the intensification of activity amounted to a change of use which was material. I note that the referrer has submitted environmental and traffic assessments, in the form of an EMA and TIA, both assessments conclude that no significant new or material impacts arise from the 23,000-tonne intake increase. Therefore, no

material change of use is considered to arise in this instance, and as no development is proposed in terms of additional buildings or processes, such that would require the benefit of planning permission.

The referrer states that no change to the character of the existing recycling use would occur as a result of the increased tonnage intake and that the main use will remain as recycling. I consider it reasonable for the referrers to intensify and increase operation on site without necessarily resulting in a material change of use.

The next element of the question is whether the development is or is not exempted development. In this regard I would refer the Board to the provisions Schedule 5, Part 2, Article 13(a) (ii), of the Regulations. This particular provision could trigger a requirement for the submission of a mandatory EIAR, and hence a planning application if either of the thresholds are breached. The thresholds set out relate to an increase in size greater than 25%, or an amount equal to 50% of the appropriate threshold, whichever is the greater. The appropriate threshold in this instance is 25,000 tonnes as set out within Article 11 (b) within the Regulations, and 50% of this figure, would amount to 12,500 tonnes. Clearly the 23,000-tonne increase, would exceed this figure. The existing permitted tonnage intake at the recycling facility is 97,000 tonnes. 25% of this figure amounts to 24,250 tonnes. The 24,250 figure is greater than the 12,500-tonne figure and therefore the referrer is entitled to use the greater figure in terms of a threshold, as per the provisions of Article 13 (a). Given the referrers proposals in this instance relate to a stated increase of 23,000 tonnes, which is less than the 24,250-tonne figure, the current proposals are considered to constitute sub-threshold development under the Article 13 (a) (ii) provisions. Therefore, I am satisfied that the submission of a mandatory EIAR is not required in this instance

under these provisions, given their entitlement to use the greater threshold provided for under Article 13 (a) (ii).

The Planning Authority raised two specific aspects of the planning legislation which they considered were pertinent to this particular referral. The first pertained to Article 13(a) (ii) of the Regulations and has been addressed in the paragraph above.

The second aspect raised by the Planning Authority is in relation to the actual annual tonnage intake at the recycling facility. The Planning Authority noted that the referrers exceeded the 120,000 annual tonnage intake in each of the five years between 2014 and 2018. The exceedance of the 120,000 figure is set out within the EMA prepared by Patel Tonra. Section 4.3.3 of this report identifies exceedances of between 4,417 and 6,205 tonnes for the years 2015 to 2017. Similarly, section 3.2 of the TIA where it states that "The facility is currently processing approximately 127,000 tonnes of glass per annum" and the annual returns from the referrer to the EPA as part of its Waste Licence Review stated that the annual tonnage intake for 2014 was 122,641. Based on the information set out within these documents, accompanying the Section 5 referral. It is apparent that the 120 000 figure has been exceeded for the last number of years, 2014-2018.

However, the question posed by the referrer to the Planning Authority and now to An Bord Pleanála relates to an increase from the permitted 97,000 tonnes to 120,000 tonnes. This increase is of a scale below the thresholds which would require the submission of a mandatory EIAR. I did consider the possibility of re-wording the question asked by the referrer, having regard to the figures provided within the environmental and traffic assessments. However, on balance, I

consider it appropriate to assess and address the specific question asked by the referrer.

I note the restrictions on exemptions as identified in Part 2, Article 9 of the Regulations 2001. However, it is apparent that none of the restrictions apply to an increase in annual intake, including that cited by the Planning Authority under Article 9(1) (c), regarding the mandatory requirement for an EIAR. I am satisfied, based on the question posed that the increase in tonnage is below all mandatory EIAR thresholds and can, therefore, be considered as exempted development.

11.0 CONCLUSION AND RECOMMENDATION

The proposals to increase the annual tonnage intake at the recycling facility is not development and is exempted development under Schedule 5, Part 2, Article 13(a)(ii) of the Planning and Development Regulations 2001, (as amended). The question, as posed is sub-threshold in terms of the requirement to submit a mandatory EIAR and therefore, there would not be a requirement to submit a planning application or substitute consent application in this instance. Therefore, the 23,000 annual tonne increase intake is not development and is exempted development.

WHEREAS the following question has arisen as to whether:

The increase in annual intake at its recycling facility from 97,000 tonnes per annum (as assessed during the Substitute Consent application pertaining to the site, permitted by An Bord Pleanála, in June 2014), to 120,000 tonnes per annum, at Unit 4, Osberstown Industrial Park, Caragh Road, Naas, Co. Kildare is or is not development or is or is not exempted development.

AND WHEREAS Kildare County Council, issued a declaration on the said question to the referrer on 10th day of March 2020, stating that the development

triggers two separate thresholds for the submission of a mandatory Environmental Impact Assessment Report as set out within the Planning & Development Regulations.

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to -

- (a) Section 2 (1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3 (1) of the Planning and Development Act, 2000, as amended,
- (c) Article 6(1) & Article 9(1)(c) of the Planning and Development Regulation's 2001, as amended,
- (d) Schedule 5, Part 2, Article 13(a) (ii) of the Planning and Development Regulation's 2001, as amended,

AND WHEREAS An Bord Pleanála has concluded that –

- The increase in the annual tonnage intake in question is not development for the purposes of Section 3 of the Planning and Development Act 2000, as amended.
- The development comprises exempted development under Schedule 5, Part 2, Article 13(a) (ii) of the Planning and Development Regulations 2001, as amended.
- The development would be exempted development having regard to Article 9(1)(c) as it would be of a type that would be sub-threshold and not trigger the requirement to submit a mandatory Environmental Impact Assessment Report

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (1) of the 2000 Act, hereby decides that:

- (a) the increase in annual intake at the recycling facility from 97,000 tonnes per annum to 120,000 tonnes per annum is not development: and
- (b) the increase in annual intake at the recycling facility from 97,000 tonnes per annum to 120,000 tonnes per annum is exempted development

at Unit number 4, Osberstown Business Park, Caragh Road, Naas, Co. Kildare

Fergal Ó Bric

Fergal Ó Bric

Planning Inspectorate

Notice under Section 126 of 2000 Act

Fayal O'Brien

90

14.1

24

ABP Case ID: 307207

AR

K47

1. Section 126 Notice

A board decision will not be made in this case before the expiration of the 18 weeks statutory objective period.

Reason: _____

A section 126 notice with a 'revised to' date of before _____ is approved subject to checking any recent correspondence not attached to file.

CO/DCA/DP/ADP/SAO _____ Date _____

2. K47 Authorisation

A section 126 notice issued in this case setting a revised decide by date as indicated above. A decision will not be taken by the board before the revised date specified in the section 126 notice.

Reason: further consideration required

A K47 letter is approved for issue in this case. Place a target date of 8 weeks on the database within which to decide this case subject to checking any recent correspondence not attached to the file.

CO/DCA/DP/ADP/SAO M. Holding Date 23/11/2020

3. EO:

Issue section 126 notice/ K47 Letter as above to _____

SEO: _____ Date _____

4. AA:

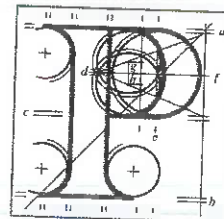
Please prepare BP91 Section 126 notice/ K47 letter as above to all parties (Task - 194749-20)

EO: John Date 23/11/20

AA: Kate King Date 23/11/20

Our Case Number: ABP-307207-20

Planning Authority Reference Number: ED/00780



**An
Bord
Pleanála**

Kildare County Council
Áras Chill Dara
Devoy Park
Naas
Co. Kildare

Date: 23 November 2020

Re: Whether the proposed increase in annual intake from 97,000 tonnes to 120,000 tonnes at the Glassco Recycling Facility is or is not development or is or is not exempted development within the meaning of the Act
Unit No4, Osberstown Industrial Park, Caragh Road, Nass, Co. Kildare

Dear Sir / Madam,

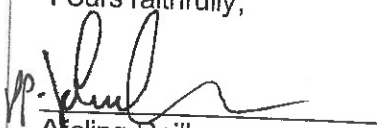
I have been asked by the Board to refer to the above-mentioned appeal and, in particular, to the Board's notice to you under section 126 of the Planning and Development Act 2000, in which it was indicated that the Board intended to determine this appeal before the 23rd November 2020.

I regret to inform you that, the Board will not now be in a position to determine the appeal before that date. In view of the delay involved in bringing this case to determination, priority consideration is being given to the case.

The Board hopes to receive the Inspector's report and recommendation on the appeal in the near future. Generally, as soon as the report and recommendation on the case has been received the appeal file is sent to the Board for formal consideration. Most cases are decided within a short period of their being formally considered for the first time at Board level.

The delay involved is regretted.

Yours faithfully,


Aisling Reilly
Executive Officer
Direct Line: 01-8737131

BP91

Tell
Glao Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel
LoCall
Fax
Website
Email
(01) 858 8100
1890 275 175
(01) 872 2684
www.pleanala.ie
bord@pleanala.ie

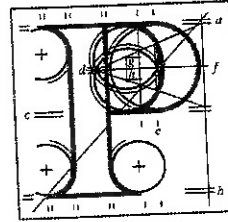
64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Our Case Number: ABP-307207-20

Planning Authority Reference Number: ED/00780

Your Reference: Glassco Recycling Ltd



**An
Bord
Pleanála**

Tom Phillips & Associates
80 Harcourt Street
Dublin 2
D02 F449

Date: 23 November 2020

Re: Whether the proposed increase in annual intake from 97,000 tonnes to 120,000 tonnes at the Glassco Recycling Facility is or is not development or is or is not exempted development within the meaning of the Act
Unit No4, Osberstown Industrial Park, Caragh Road, Nass, Co. Kildare

Dear Sir / Madam,

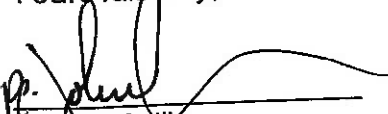
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The Board hopes to receive the Inspector's report and recommendation on the appeal in the near future. Generally, as soon as the report and recommendation on the case has been received the appeal file is sent to the Board for formal consideration. Most cases are decided within a short period of their being formally considered for the first time at Board level.

The delay involved is regretted.

Yours faithfully,


Aisling Reilly
Executive Officer
Direct Line: 01-8737131

BP91

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www.pleanala.ie
bord@pleanala.ie

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Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Notice under Section 126 of 2000 Act

A R

ABP Case ID:307207-20

Elaine

Parlor

S120

1. Section 126 Notice

A board decision will not be made in this case before the expiration of the 18 weeks statutory objective period.

Reason: Further consideration of the case.

A section 126 notice with a 'revised to' date of before the 28/11/2020 is approved subject to checking any recent correspondence not attached to file.

CO/DCA/DP/ADP/SAO Stephen O'Sullivan

Date 28/9/20

2. K47 Authorisation

A section 126 notice issued in this case setting a revised decide by date as indicated above. A decision will not be taken by the board before the revised date specified in the section 126 notice.

Reason: _____

A K47 letter is approved for issue in this case. Place a target date of _____ weeks on the database within which to decide this case subject to checking any recent correspondence not attached to the file.

CO/DCA/DP/ADP/SAO _____

Date _____

3. EO:

Issue section 126 notice/ K47 Letter as above to

SEO: M. Doherty

Date 28/9/2020

4. AA:

Please prepare BPR Covid A Section 126 notice/ K47 letter as above to Tok-186350-20

EO: Bonnie Skelly

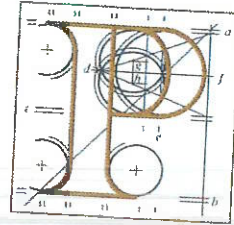
Date 28/9/2020

AA: Liam Mahoney

Date 28/9/2020

Our Case Number: ABP-307207-20

Planning Authority Reference Number: ED/00780



An
Bord
Pleanála

Kildare County Council
Áras Chill Dara
Devoy Park
Naas
Co. Kildare

Date: 29 September 2020

Re: Whether the proposed increase in annual intake from 97,000 tonnes to 120,000 tonnes at the Glassco Recycling Facility is or is not development or is or is not exempted development within the meaning of the Act
Unit No4, Osberstown Industrial Park, Caragh Road, Nass, Co. Kildare

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer to the above referral.

It is a statutory objective of the Board to ensure that every referral received is determined within eighteen weeks beginning on the date of receipt of that referral. This is in accordance with section 126(2)(a) of the Planning and Development Act 2000 (as amended). Where it appears to the Board that it would not be possible or appropriate to determine a particular referral within this period, a notice must be sent to the parties in accordance with section 126(3)(a) of the Act.

However, due to restrictions applied under section 251A, it was not possible to issue a notice under section 126(3)(a) of the Act

The Board now intends to determine the above referral before **23rd November 2020**. The Board will take all such steps as are open to it to ensure that the referral is determined before that date.

Yours faithfully,

Aisling Reilly
Executive Officer
Direct Line: 01-8737131

BPRL90Covid A

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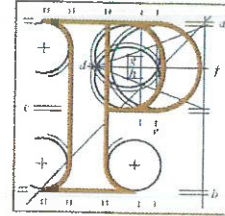
64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Our Case Number: ABP-307207-20

Planning Authority Reference Number: ED/00780

Your Reference: Glassco Recycling Ltd



An
Bord
Pleanála

Tom Phillips & Associates
80 Harcourt Street
Dublin 2
D02 F449

Date: 29 September 2020

Re: Whether the proposed increase in annual intake from 97,000 tonnes to 120,000 tonnes at the Glassco Recycling Facility is or is not development or is or is not exempted development within the meaning of the Act
Unit No4, Osberstown Industrial Park, Caragh Road, Nass, Co. Kildare

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer to the above referral.

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However, due to restrictions applied under section 251A, it was not possible to issue a notice under section 126(3)(a) of the Act

The Board now intends to determine the above referral before **23rd November 2020**. The Board will take all such steps as are open to it to ensure that the referral is determined before that date.

Yours faithfully,

Aisling Reilly

Aisling Reilly
Executive Officer
Direct Line: 01-8737131

BPRL90Covid A

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bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902
64 Marlborough Street
Dublin 1
D01 V902

Baalsta02

Form 6

Case No. ABP-307207-20 Reg Ref: ED/00780 PA Date: 10/03/2020 E.O: Aisling Reilly

Lodged: 19/05/2020 Decide By:
28/09/2020

Development Type: Recycling Facility

Class: Energy and Utilities

Development Description:

Whether the proposed increase in annual intake from 97,000 tonnes to 120,000 tonnes at the Glassco Recycling Facility is or is not development or is or is not exempted development within the meaning of the Act

Unit No4, Osberstown Industrial Park, Caragh Road, Nass, Co. Kildare

ABP Case Type: Referrals Section 5 Section 5 Referrals

Appeal Type: Multiple Appeals? :

PA Decision: Is development

OH Requested:

Senior Inspector: Stephen Kay

A report on this case should be completed and returned before: 25/08/2020

Or

You are requested to consider the case before:

- (a) To determine who in your area will inspect the development
- (b) To recommend if the Board should request further information in respect of deficiencies in the file and to return the file to the section before that date.

Signed: Albawse d

Date: 2/7/2020

File With _____

SECTION 131 FORM

Appeal NO: ABP-307207-20

Defer Re O/H

TO: SEO

Having considered the contents of the submission dated/ received

18/06/2020

from

PA

I recommend that section 131 of the Planning and Development Act, 2000

be not invoked at this stage for the following reason(s): No new material issues raisedE.O.: Aisling KellyDate: 25/06/2020

To EO: _____

Section 131 not to be invoked at this stage.



Section 131 to be invoked – allow 2/4 weeks for reply.



S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

Please prepare BP _____ - Section 131 notice enclosing a copy of the attached submission

to: _____ Task No: _____

Allow 2/3/4 weeks – BP _____

FO: _____

Date: _____

AA: _____

Date: _____

File With _____

CORRESPONDENCE FORM

Appeal No: ABP 327207-20M 50 SullivanPlease treat correspondence received on 18/06/2020 as follows:

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Update database with new agent for Applicant/Appellant _____
2. Acknowledge with BP <u>DL 20</u>
3. Keep copy of Board's Letter <input type="checkbox"/> | 1. RETURN TO SENDER with BP _____
2. Keep Envelope: <input type="checkbox"/>
3. Keep Copy of Board's letter <input type="checkbox"/> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|

Amendments/Comments

Kildare County Council response
to Referral

4. Attach to file

- | | |
|---------------------------------------------|-------------------------------------------|
| (a) R/S <input type="checkbox"/> | (d) Screening <input type="checkbox"/> |
| (b) GIS Processing <input type="checkbox"/> | (e) Inspectorate <input type="checkbox"/> |
| (c) Processing <input type="checkbox"/> | |

RETURN TO EO ☐
Plans Date Stamped ☐
Date Stamped Filled in ☐
EO: Aisling KellyAA: Liam HopleyDate: 19/06/2020Date: 25/06/2020

Comhairle Contae Chill Dara
Kildare County Council



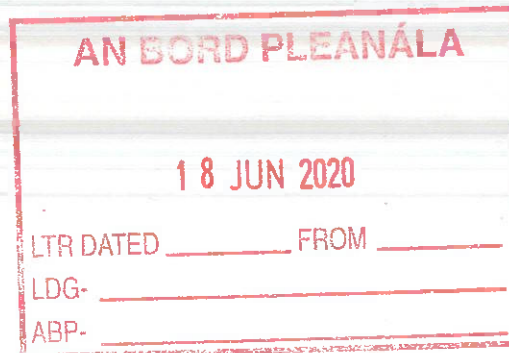
Date: 17 June 2020

Our Ref: ED/00780

Your Ref: 307207-20

REGISTERED POST

An Bord Pleanála,
64 Marlborough Street,
Dublin 1.



RE: Application for a Declaration of Exempted Development under Section 5
NAME: Glassco Recycling Ltd.
ADDRESS: c/o Tom Philips & Associates, 80 Harcourt Street, Dublin 2

Dear Sirs,

I refer to your correspondence which we received on the 28th May 2020 in connection with the above.

As requested, and in accordance with Section 129 of the 2000 Act, (as amended), I can now confirm that Kildare County Council, having examined ED/00780, have nothing further to add, since the Report which was made by Patricia Conlon on the 10th March 2020.

Yours faithfully,

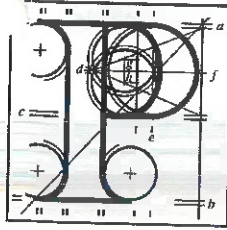
pp Joanne Forrell
Senior Executive Officer.
Planning Department

EIA Pre-screening – EIAR Not Submitted

An Bord Pleanála Case Reference		307207	
Development Summary		whether the proposed increase in annual intake from 97,000 tonnes to 120,000 tonnes is or is not development or is or is not exempted development	
1. Does the proposed development constitute an EIA project? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	<input checked="" type="checkbox"/>
		No	
2. If YES, does the proposed development, or any part of it, fall within a class of development set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations?			
Tick	Threshold	Comment (if relevant)	Conclusion
No	<input checked="" type="checkbox"/>	N/A	No EIAR or Preliminary Examination required
Yes		If YES, tick one of the following:	
	Exceeds / Is equal to / No Threshold		EIAR required
	Sub threshold		Preliminary Examination required (Issue letter to EPA if IED/ IPC/ Waste licence)
3. If Preliminary Examination is required, has Schedule 7A information been submitted?			Yes No N/A

EO/ SEO A Howard Date: 12/6/2020

Inspector to consider EIAR implications



An
Bord
Pleanála

ABP-307207-20

To: Ms. Muiriosa Cassells
Senior Executive Officer

From: Anna Howard
Executive Officer

Desc Whether the proposed increase in annual intake from 97,000 tonnes to 120,000 tonnes at the Glassco Recycling Facility is or is not development or is or is not exempted development within the meaning of the Act. Unit No4, Osberstown Industrial Park, Caragh Road, Nass, Co. Kildare

Date: 8th June 2020

A request for a declaration in relation to the above question was received from Tom Phillips Associates on behalf of Glassco Recycling Limited on 13th February, 2020. Kildare County Council issued a declaration on 11th March, 2020 stating that it considered that the proposed increased intake from 97,000 tonnes to 220,000 tonnes is development and is not exempted development and that a mandatory EIA is required through the submission of a planning application or an application for substitute consent accompanied by an EIAR.

A referral was subsequently received by the Board from Tom Phillips Associates on behalf of Glassco Recycling Limited on 19th May, 2020. Reference is made to the referrer's submission that the planning history associated with this facility, specifically the 2013-2014 Substitute Consent, is described in detail in the applicant's submission dated 10th January, 2020, however, this submission was not enclosed with the documents received by the Board on does was not received by the Board on 29th May, 2020.

A copy of the referral issued to Kildare County Council on 26th May, 2020. No response has been received to date and the last date for a response is 23rd June, 2020. The site was The

The files relating to the application for leave to apply for substitute consent and substitute consent application are LS09.0003 and SU09.SU0015.

I have carried out a search of the Board's website but there does not appear to be any previous referrals of a similar nature.

File herewith for comments.

Ms Howard

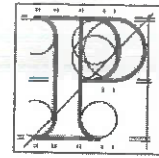
① Please attach previous files

② Please fill out yellow EIA form

+ return to me
③ Inspector to have signed to EIA R
1. Applications
M. Carver
12/6

Screening Checklist

Case Number: ABP-307207-20
Customer: Glassco Recycling Ltd
Screened By: Anna Howard
Screening : Aisling Reilly
Case Type: Section 5 Referrals
PA Name: Kildare County Council
PA Reg Ref: ED/00780



An
Bord
Pleanála

Screening Checklist	Value
NIS Submitted	Not Checked <i>no</i>
OH Hold on Cross Circulation	No
Time Left for Appeal Responses	No
Time Left for Observations	No
Referred to SEO/SAO	No
Last Date for Observations	22/06/2020
Screened Date	05/06/2020
Appeal Circulation Day	26/05/2020
Last Date For Receipt of Appeals	06/04/2020
Last Date for Appeal Responses(22/06/2020

Run at: 08/06/2020 16:36

Run by: Anna Howard

AN BORD PLEANÁLA

LDG- _____

ABP- _____

29 MAY 2020

Fee: € _____

Time: _____ By: regpost

Date: 28 May 2020

Comhairle Contae Chill Dara
Kildare County Council



Our Ref: ED/00780
Your Ref: 307207-20

An Bord Pleanála,
64 Marlborough Street,
Dublin 1.

RE: Application for a Declaration of Exempted Development under Section 5
NAME: Glassco Recycling Ltd.
ADDRESS: c/o Tom Philips & Associates, 80 Harcourt Street, Dublin 2

Dear Sirs,

I refer to your correspondence received on the 28th May 2020 in connection with the above.

As requested, please find enclosed the documentation required as per your letter dated 26th May 2020.

Yours faithfully,

pp. Joanne Ferrell
Senior Executive Officer.
Planning Department

AN BORD PLEANÁLA

29 MAY 2020

LTR DATED _____ FROM _____

LDG- _____

ABP- _____



THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY
5408 S. DICKINSON DRIVE
CHICAGO, ILLINOIS 60637
TEL: 773-936-5000
FAX: 773-936-5001
WWW: WWW.CHEM.UCHICAGO.EDU

Deirdre Egan

From: Damien Cleary
Sent: Thursday 28 May 2020 12:08
To: Deirdre Egan
Subject: RE: ED 780 - Appeal to An Bord Pleanála

Hi Deirdre,

Site owner as listed on the ED application form: **Glassco Recycling LTD**
Company address as listed on ED application form: **Unit 4, Osberstown Industrial Park, Carragh Road, Naas, Co. Kildare**

Please see the recent planning history for this site in the table below.

PI Ref	Name	Description	Address	Decision
18563	Glassco Recycling Limited	Construction of optical sorting unit within existing glass recycling plant. The application relates to a proposed development which is for the purpose of an activity covered by waste licence W0279-01 issued by the Environmental Protection Agency	Unit 4, Osberstown Industrial Park, Carragh Road, Naas, Co. Kildare.	Grant
1624	Rehab Glassco Limited	Construction of surface water treatment plant. The application relates to a proposed development which is for the purposes of an activity covered by waste licence W0279-01 issued by the Environmental Protection Agency,	Unit 4, Osberstown Industrial Park, Carragh Road, Naas, Co. Kildare.	Grant
14579	Rehab Glassco Limited	an extension to existing glass recycling plant	Unit 4, Osberstown Industrial Park, Carragh Road, Naas, Co. Kildare.	Grant
11508	Rehab Glassco Limited	Retention of free standing maintenance building with steel framed, fabric covered structure for company vehicle maintenance	Site 4, Osberstown Business Park, Carragh Road, Naas, Co. Kildare.	Grant
101195	Rehab Glassco Limited	Retention of free-standing plant with steel framed, fabric covered structure for glass recycling	Site 4, Osberstown Business Park, Carragh Road, Naas, Co. Kildare.	Grant
10652	Rehab Glassco Limited	Retention of change of use to office space from industrial space and retention of relocated and amended external staircase	Site 4, Osberstown Business Park, Carragh Road, Naas, Co. Kildare.	Grant
0948	Glassco Recycling Ltd	to extend the site of an existing glass recycling plant to provide additional vehicle parking and external storage areas on land adjoining sites 4 and 5.	Osberstown Business Park, Carragh Rd, Naas, Co Kildare	Grant
061710	Glassco Recycling Ltd	Construction of glass recycling plant	Site 4, Osberstown Business Park, Naas	Grant
0613	Osber Development Ltd.	Additional site development works to those approved under Reg. Ref. 99/2266 comprising additional internal distribution roadways with margins and footpaths	Osberstown Business Park, Carragh Road, Osberstown	Grant

AN BORD PLEANÁLA

29 MAY 2020

LDG-

ABP-

C

Comhairle Contae Chill Dara
Kildare County Council



Date: 11/03/2020
Our Ref: ED/00780

REGISTERED POST

Glassco Recycling Ltd.,
c/o Tom Philips & Associates,
80 Harcourt Street,
Dublin 2.

RE: Application for a Declaration of Exempted Development under Section 5 at Unit 4, Osberstown Industrial Park, Caragh Road, Naas, Co. Kildare.

Dear Sir/Madam,

I refer to your correspondence received on 13th February 2020 in connection with the above.

Please find attached declaration made under Section 5 of Planning and Development Acts 2000 as amended in this regard.

Yours faithfully,


Senior Executive Officer
Planning Department

AN BORD PLEANÁLA

29 MAY 2020

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

AM BORD PLEANAŁA
5 8 MAY 2020
FROM _____
TO _____
BY _____

Comhairle Contae Chill Dara
Kildare County Council



**Declaration of Development & Exempted Development under
Section 5 of the
Planning and Development Act 2000 (as amended)**

ED/00780

WHEREAS a question has arisen as to whether a development comprising:

"Whether the proposed increase in annual intake from 97,000 tonnes to 120,000 tonnes at the Glassco Recycling Facility is or is not development or is or is not exempted development within the meaning of the Act?"

at Unit 4, Osberstown Industrial Park, Caragh Road, Naas, County Kildare.

AS INDICATED on the plans and particulars received by the Planning Authority on 13/02/2020

AND WHEREAS Glassco Recycling Ltd C/O Tom Philips & Associates, 80, Harcourt Street, Dublin 2, requested a declaration on the said question from Kildare County Council

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act (as amended), had regard to;

- (a) Planning and Development Act 2000 (as amended) and
- (b) The Planning and Development Regulations 2001 (as amended);

AND WHEREAS Kildare County Council has concluded that the development comprises works to which the provisions of the following applies:

1. Section 3,4 and 5 of the Planning and Development Act 2000 (as amended)
2. Article 9 (1) (c) of the Planning and Development Regulations 2001 (as amended) -restrictions on exemption where Part 10 of the Act applies (where an EIA is required)
3. Article 13(a) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended)
4. Class 11(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001(as amended)

AN BORD PLEANÁLA

7 9 MAY 2020

LTR D2

FROM

Comhairle Contae Chill Dara
Kildare County Council



NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that –

Whether the proposed increase in annual intake from 97,000 tonnes to 120,000 tonnes at the Glasco Recycling Facility is or is not development or is or is not exempted development within the meaning of the Act?

at Unit 4, Osberstown Industrial Park, Caragh Road, Naas, County Kildare,
is development and is not exempted development, because;

The annual increase in tonnage to the Glasco Recycling Facility exceeds the thresholds stipulated under Article 13(a) of Schedule 5 of Part 2 of the Planning and Development Regulations 2001 (as amended), having regard to the following:

1. The increased intake in annual tonnage of 23,000 tonnes from the previously permitted 97,000 tonnes, exceeds the appropriate threshold of 25,000 tonnes by more than the 50% stipulated in article 13(a) of the Schedule 5 Part 2 of the Planning and Development Regulations 2001(as amended) and therefore triggers a mandatory EIA.

2. The factual information presented in the application indicates that the increased intake in tonnage into the recycling facility in 2018 (most recent year of records presented) was approximately 127,000 tonnes. This figure represents an increase of 30.9% above the previously permitted intake of 97,000 tonnes and therefore is greater than the 25% threshold stipulated in article 13(a) of Schedule 5 Part 2 of the Planning and Development Regulations 2001(as amended) and therefore triggers a mandatory EIA.

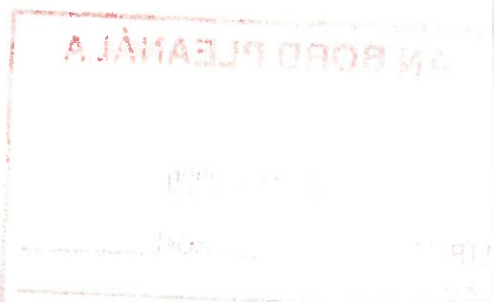
Accordingly, a mandatory EIA is required through the submission of a planning application, or an application for substitute consent, accompanied by an EIAR.

Article 9(1)(c) of the Planning and Development Regulations 2001 (as amended) removes exempted development provisions if it is development to which Part 10 of the Act applies i.e. requirement for Environmental Impact Assessment.

Please note that any person issued with a declaration under Section 5 of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

10th March 2020


Director of Services



KILDARE COUNTY COUNCIL



PLANNING & STRATEGIC DEVELOPMENT DEPARTMENT

Section 5 Declaration on Development & Exempted Development Planning & Development Act 2000 (as amended)

Reference No. ED/00780

Name of Applicant(s):	Glassco Recycling Ltd.
Address of Development:	Unit 4, Osberstown Industrial Park, Caragh Road, Naas, County, Kildare,
Is Fee paid (€ 80)	Yes
Development Description:	Increase in annual intake to its recycling facility from 97,000 tonnes per annum (as assessed during the Substitute Consent (SC) Application pertaining to the site permitted, by An Bord Pleanála (ABP) in June 2014, ABP Ref.No.09. SU. 0015, to 120,000 tonnes per annum.
Is Building Listed	No

Introduction

This is a request for a **DECLARATION** under Section 5(1) of the Planning and Development Act 2000 (as amended) regarding the increase in annual intake to its recycling facility from 97,000 tonnes per annum (as assessed during the Substitute Consent (SC) Application pertaining to the site permitted, by An Bord Pleanála (ABP) in June 2014, ABP Ref.No.09. SU. 0015, to 120,000 tonnes per annum, at its Recycling facility, at Unit 4, Osberstown Industrial Park, Caragh Road, Naas, County, Kildare.

The applicant seeks a Declaration that the increase intake of tonnage to the recycling facility from 97,000 tonnes to 120,000 tonnes is not development.

Under Section 5 of the Act if a question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of the

AN BORD PLEANÁLA

29 MAY 2020

LTR DATED _____ FROM 1

LDG- _____

ABP- _____

Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question.

Site Location and Description

The subject site, approximately 2.13 hectares in area, comprises a glass and can recycling facility, owned and operated by Glassco Recycling Ltd. The site is located at Unit 4, Osbertstown Industrial Park, Caragh Road, Naas, at the northern edge of the industrial park, and adjacent to the Osbertstown WasteWater Treatment Plant. A wayleave runs along the north eastern side of the site for the Newbridge Rising Main.

There are two large buildings on the site; a main processing building where the sorting of glass and cans is undertaken and a drying plant building where glass is dried and bagged. A vehicle maintenance building is also located on the site.

The industrial park is located approximately 2.5 kms west of Naas, close to the M7 motorway. Access to the site is off the Naas-Caragh Regional Road 409.

Description of Development

A description of the development as outlined in the Application for a Declaration of Exempted Development under Section 5 is as follows:

The increase in annual intake to its recycling facility from 97,000 tonnes per annum (as assessed during the Substitute Consent (SC) Application pertaining to the site permitted, by An Bord Pleanála (ABP) in June 2014, ABP Ref.No.09. SU. 0015, to 120,000 tonnes per annum, at Unit 4, Osbertstown Industrial Park, Caragh Road, Naas, County Kildare.

Relevant Development Plan Policy

The site is located on lands previously zoned "NE1" for "Industry and Warehousing" under the Naas Environs Plan, in the Kildare County Development Plan 2011-2017. The site is not currently zoned, pending the preparation and adoption of a Local Area Plan for Naas.

Relevant Planning History

Reg. Ref. 06/1710: Permission granted to **Glassco Recycling Ltd.** for glass recycling plant at Unit 4, Osbertstown Business Park, Naas, subject to 49No. conditions. (No EIS submitted)

Reg. Ref. 09/48: Permission granted to **Glassco Recycling Ltd.** on site adjoining Units 4 & 5 Osbertstown Business Park, for additional vehicle parking area and external storage area, subject to 16No. conditions.

Reg.Ref.10/652: Permission granted to **Rehab Glassco Ltd.** for retention of change of use from industrial use to office space, subject to 13No. conditions.

Reg.Ref.10/1195: Permission granted to **Rehab Glassco Ltd.** for retention of free - standing plant with steel framed fabric covered structure for glass recycling, i.e. a drying plant, subject to No.13 conditions. Condition No.11 stipulated that the

permission did not permit a increase in the volume of glass to be processed on the site over that already permitted.

Reg.Ref.11/508: Permission granted to **Rehab Glassco Ltd.** for retention of a free-standing vehicle maintenance building, for the maintenance of company vehicles, subject to 8No. conditions.

UD 4502. Case closed in 2013

Substitute Consent

An Bord Pleanála Ref. No. 09.SU.0015

An Bord Pleanála granted Substitute Consent to Rehab Glassco Limited for a glass recycling facility, subject to 8No. conditions, at Unit 4 Osbertstown Industrial Park, in May 2014.

EPA Waste Licence Ref W0279-02.

The site is licenced by the EPA for the operation of a glass recycling plant with an allowable processing capacity of up to 150,000 tonnes per annum. The EPA issued the licence in February 2016.

Background

The site was initially operated by Glassco Recycling Limited in 2008 which subsequently merged with Rehab Enterprises. It is noted that this application for a declaration is in the name of Glassco Recycling Ltd. and not Rehab Glassco Limited.

The permission granted by Kildare County Council under Reg. Ref. 06/1710 for a glass recycling facility and subsequent permissions, were found to be defective, by reason of the omission of an EIS accompanying Reg. Ref. 06/1710.

The glass recycling facility is a category of development which is considered to fall into class 11(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001(as amended), i.e. *"Installations for the disposal of waste with an annual intake of greater than 25,000 tonnes not included in Part 1 of this Schedule."*

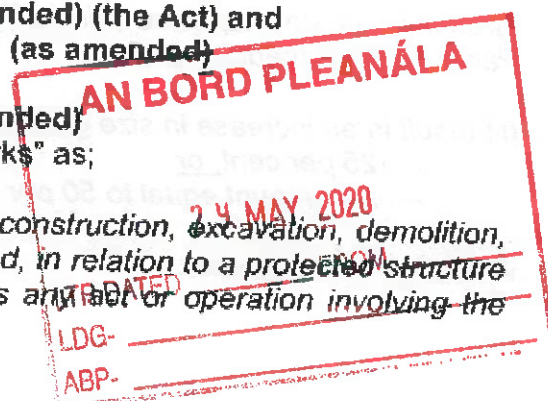
Subsequent Consent granted to Rehab Glassco Limited by An Bord Pleanála, on 14th May 2014, in accordance with section 177k of the Planning and Development Act 2000 (as amended), for a glass recycling facility, subject to 8 No. conditions. A Remedial Environmental Impact Statement was submitted to ABP to facilitate the completion of an Environmental Impact Assessment.

Legislative Background –

**Planning and Development Act 2000 (as amended) (the Act) and
Planning and Development Regulations 2001 (as amended)**

Planning and Development Act 2000 (as amended)
Section 2 of the Act provides a definition of "works" as;

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the



application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3(1) of the Act defines "development" as;

In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4 of the Act prescribes Exempted Development which is further prescribed under Article 6 of the Planning and Development Regulations 2001(as amended).

Section 5(7) of the Act requires a planning authority or an Bord Pleanála as the case may be, in the case of a development specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended), to specify in its declaration or decision whether the development proposed would be likely to have significant effects on the environment by virtue, of at least, of the nature, size or location of such development and require an environmental impact assessment.

The issue of environmental impact assessment is discussed in the assessment section of this report.

Planning and Development Regulations 2001(as amended)

Article 6, subject to Article 9, prescribes development which shall be exempted development, provided that such development complies with the relevant conditions and limitations specified in the Regulations.

Article 9 further restricts the application of Article 6 in certain circumstances. The provisions of Article 9 were reviewed in the context of this declaration and it is considered that Article 9 (1) (c) is of relevance in this case, i.e.

"if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive,"

Schedule 5, Part 2 Article 13(a) relates to "Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:-

(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and

(ii) result in an increase in size greater than-

- *25 per cent, or*
- *An amount equal to 50 per cent of the appropriate threshold,*

whichever is the greater.

Assessment

The question posed by the applicant to be determined by the planning authority is whether the increase in annual intake of glass and aluminium cans from 97,000 tonnes to 120,000 tonnes at the Classco Recycling Facility, is or is not development, or is or is not exempted development, within the meaning of the Planning and Development Act 2000 (as amended).

It is the applicant's contention that the increase in the annual intake of tonnage from 97,000 to 120,000, being an increase of 23,000 tonnes, is sub-threshold for EIA; is not a material change of use, and the increase in tonnage intake is not an intensification of use. It is the applicant's contention that the increase in intake of tonnage from 97,000 to 120,000 is not development.

"Development"

Development is defined in the Act to mean "except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land."

Whilst the applicant contends that the increase in intake of tonnage into the waste recycling facility is not development as defined by the Act, the planning authority considers that the operation at the recycling facility comes under the definition of development having regard to the phrase "except where the context otherwise requires". The context in this case being whether the intake in annual tonnage over that previously permitted by way of Substitute Consent (requiring a remedial EIS(REIS), requires a mandatory EIA.

The planning authority is of the opinion that a mandatory EIA is required and therefore the increased intake of tonnage at the recycling facility is development.

The planning authority's assessment as to why a mandatory EIA is required is set out below.

In addition to the planning report, the application is accompanied by a number of additional reports in support of the contention that the proposed increase in tonnage to 120,000 is not development. Each report is briefly summarised hereunder.

- **A Screening for Appropriate Assessment** compiled by OPENFIELD Ecological Services, dated November 2019 concludes that significant effects are not likely to arise, either alone or in combination with other plans or projects that will result in significant effects on the integrity of the Natura 2000 network.

- **An Environmental Monitoring Assessment** prepared by Patel Tonra Ltd. Environmental Solutions, dated July 2018, considers the impacts of noise, dust and storm water quality and concludes that from the analysis of historic monitoring reports from the facility the increase in tonnage to date, has not had a negative impact on the environmental emissions from the facility.

AN BORD BÉANÁLA

29 MAY 2020

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-A **Traffic Impact Assessment**, prepared by Stephen Reid Consulting, Traffic and Transportation, dated November 2019, concludes that the current operating volumes are accommodated satisfactorily by the existing access arrangements and external road network and has no material impact on the road network when compared to the previously permitted tonnage.

-A **statement from AXIS Environmental Services**, dated the 6th January 2020, provides an overarching assessment of the likely impacts of the increase in tonnage. It is stated that they were commissioned to assess the environmental impacts of the activities of Glassco Recycling Ltd. from the previously assessed intake of 97,000 tonnes per annum to a **"hypothetical"** annual tonnage intake of 120,000 per annum. The statement concludes that based on a review of the reports commissioned by Glassco Recycling, regarding the impacts from air, noise, dust, traffic and the screening for appropriate assessment, together with the EPA Licence capacity to operate up to 150,000 tonnes per annum, *they are satisfied by logic* that the site can operate at the lower amount of 120,000 tonnes without any environmental impacts. The statement goes on to conclude that based on the reports and their assessments to date, the impacts arising from the change in tonnage from the previously assessed 97,000 tonnes per annum at Substitute Consent Stage to 120,000 tonnes per annum will not be significant such that any new material impacts arise.

An examination of the submitted reports reveals that facility is already operating above the *hypothetical* annual tonnage of 120,000 tonnes per annum stated in this application.

On page 25 section 4.3.3 of the Patel Tonra Ltd report, it is clearly stated that,

"In 2015, the tonnage received into the facility was 124,829 tonnes, 124,417 tonnes in 2016 and 126,205 tonnes in 2017".

On page 7 section 3.2 of the Traffic Impact Assessment Report prepared by Stephen Reid Consulting, it is clearly stated that,
"The facility is currently processing approximately 127,000 tons (sic) of glass per annum (2018 full year figures supplied by Glassco Recycling). The previously assessed total tonnage is 97,000 tonnes per annum."

Furthermore, documentation submitted to the EPA for the Waste Licence Review application lodged in February 2015 at "Section H: Materials Handling" indicates at Table H.1.(B) "Annual Quantities and Nature Of Waste," the annual tonnage in 2014 as 122,641 tonnes.

The planning report and accompanying reports submitted with this application for a Declaration under Section 5 of the Act, appears to seek a declaration on a *"hypothetical"* increase in tonnage from the 97,000 tonnes permitted by Substitute Consent to 120,000 tonnes. That is, an increase of 23,000 tonnes over that permitted by Substitute Consent.

However, based on an examination of the documentation submitted to the planning authority, together with documentation submitted to the EPA, Glassco Recycling

Facility, is clearly operating above the 120,000 tonnes indicated in this Declaration application.

Accordingly, the main issue to be decided here is whether the increase in tonnage intake to the facility triggers a mandatory EIA and if so, the increase in tonnage intake is not exempted development.

Consideration of Requirement for Environmental Impact Assessment

The glass recycling facility is a category of development which is considered to fall into class 11(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001(as amended), i.e. *"Installations for the disposal of waste with an annual intake of greater than 25,000 tonnes not included in Part 1 of this Schedule."*

The tonnage intake permitted by Substitute Consent at the facility is 97,000 tonnes.

Article 9 (1) (c) of the Planning and Development Regulations 2001 (as amended) (Restrictions on exemption) states.

"if it is development to which Part 10 applies, [i.e. EIA] unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive,"

Schedule 5, (Development For The Purposes Of Part 10) Part 2 Article 13(a) relates to *"Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:-*

(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and

(ii) result in an increase in size greater than-

- 25 per cent, or
- An amount equal to 50 per cent of the appropriate threshold,

whichever is the greater.

The planning report submitted with the application indicates an increase in annual tonnage of 23,000 tonnes over that permitted, representing less than 25% of the previously assessed annual intake of 97,000 tonnes and therefore, the applicant contends a mandatory EIAR is not required.

However, article 13(a) also stipulates that an increase in size of an amount equal to 50% of the appropriate threshold, whichever is the greater, triggers EIA.

In this application, the question asked relates to an increase in intake of 23,000 tonnes of waste into the recycling facility. The appropriate threshold for this type of development is governed by class 11(b) of Part 2 of Schedule 5 of the Regulations,

which states "installations for the disposal of waste with an annual intake of greater than 25,000 tonnes not included in Part 1 of this Schedule".

Therefore, taking the question asked in this application at face value, the increase in intake of tonnage at 23,000 tonnes, is greater than 50% of the appropriate threshold and accordingly triggers a mandatory EIA. (25,000 tonnes is the appropriate threshold; 50 % = 12,500 tonnes)

Moreover, having regard to the reports submitted with the application, it would appear that this figure of 23,000 tonnes is a "hypothetical" figure and is referred to as such in the statement from AXIS Environmental Services. The factual situation regarding intake of waste tonnage at the facility in 2018 is most clearly indicated on page 7 section 3.2 of the Traffic Impact Assessment Report, prepared by Stephen Reid Consulting, where it is stated that,

"The facility is currently processing approximately 127,000 tons (sic) of glass per annum (2018 full year figures supplied by Glassco Recycling). The previously assessed total tonnage is 97,000 tonnes per annum."

The actual increase in tonnage intake is therefore more proximate to 30,000 tonnes. This represents an increase of ca 30.9 % over the intake of 97,000 tonnes, previously permitted by way of substitute Consent. Accordingly, a mandatory EIA is required in compliance with of Schedule 5, Part 2 Article 13 (a) of the Planning and Development Regulations 2001 (as amended)

Summary.

The question asked in this application is whether the increased intake of tonnage of 23,000 tonnes to the recycling facility over the 97,000 tonnes previously permitted by substitute consent is or is not development or is or is not exempted development within the meaning of the Act.

The planning authority concludes on the basis of the facts presented in the application that;

1. The question asked in this application regarding the increased intake in annual tonnage of 23,000 tonnes from the previously permitted 97,000 tonnes, exceeds the appropriate threshold of 25,000 tonnes by more than the 50% stipulated in article 13(a) of the Schedule 5 Part 2 of the Planning and Development Regulations 2001(as amended) and therefore triggers a mandatory EIA.
2. The factual information presented in the application indicates that the increased intake in tonnage into the recycling facility in 2018 (most recent year of records presented) was approximately 127,000 tonnes. This figure represents an increase of 30.9% above the previously permitted intake of 97,000 tonnes and therefore is greater than the 25% threshold stipulated in article 13(a) of Schedule 5 Part 2 of the Planning and Development Regulations 2001(as amended) and therefore triggers a mandatory EIA.

Therefore, the increase in tonnage intake at Glassco Recycling Facility is development of a type which requires Environmental Impact Assessment; the submission of an EIAR with a planning application or an application for Substitute Consent. Accordingly, the development cannot be considered to be exempted development having regard to Article 9(c) of the Planning and Development Regulations 2001 (as amended)

Conclusion:

Having regard to:

Section 3, 4 and 5 of the Planning and Development Act 2000 (as amended)
Article 9 (1) (c) of the Planning and Development Regulations 2001 (as amended)
Article 13(a) of Schedule 5, Part 2 of the Planning and Development Regulations 2001 (as amended)
Class 11(b) of Schedule 5, Part 2 of the Planning and Development Regulations 2001 (as amended)

It is considered that the development as described:

"Whether the proposed increase in annual intake from 97,000 tonnes to 120,000 tonnes at the Glassco Recycling Facility is or is not development or is or is not exempted development within the meaning of the Act?", is Development and is not Exempted Development because;

The annual increase in tonnage to the Glasco Recycling Facility exceeds the thresholds stipulated under Article 13(a) of Schedule 5 of Part 2 of the Planning and Development Regulations 2001 (as amended).

Accordingly, a mandatory EIA is required through the submission of a planning application, or an application for substitute consent, accompanied by an EIAR.

Article 9(1)(c) of the Planning and Development Regulations 2001 (as amended) removes exempted development provisions if it is development to which Part 10 of the Act applies i.e. requirement for Environmental Impact Assessment.

Recommendation

It is recommended that the applicant be advised that the development as described in the application is Development and is Not Exempted Development.

(see draft Declaration overleaf)

P. Conlon
P. Conlon
Senior Executive Planner
09.03.2020

Note: underline emphasis added.

*See the PHEC
✓ Senior Planner
10/03/20*

**Declaration of Development & Exempted Development under
Section 5 of the
Planning and Development Act 2000 (as amended)**

WHEREAS a question has arisen as to whether a development comprising:

"Whether the proposed increase in annual intake from 97,000 tonnes to 120,000 tonnes at the Glassco Recycling Facility is or is not development or is or is not exempted development within the meaning of the Act?",

at Unit 4, Osbertstown Industrial Park, Caragh Road, Naas, County Kildare.

AS INDICATED on the plans and particulars received by the Planning Authority on 13/02/2020

AND WHEREAS Glassco Recycling Ltd C/O Tom Philips & Associates, 80, Harcourt Street, Dublin 2, requested a declaration on the said question from Kildare County Council

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act (as amended), had regard to;

- (a) Planning and Development Act 2000 (as amended) and
- (b) The Planning and Development Regulations 2001 (as amended);

AND WHEREAS Kildare County Council has concluded that the development comprises works to which the provisions of the following applies:

1. Section 3,4 and 5 of the Planning and Development Act 2000 (as amended)
2. Article 9 (1) (c) of the Planning and Development Regulations 2001 (as amended) -restrictions on exemption where Part 10 of the Act applies (where an EIA is required)
3. Article 13(a) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended)
4. Class 11(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001(as amended)

NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that –

Whether the proposed increase in annual intake from 97,000 tonnes to 120,000 tonnes at the Glassco Recycling Facility is or is not development or is or is not exempted development within the meaning of the Act?

at Unit 4, Osbertstown Industrial Park, Caragh Road, Naas, County Kildare,
is development and is not exempted development, because:

The annual increase in tonnage to the Glasco Recycling Facility exceeds the thresholds stipulated under Article 13(a) of Schedule 5 of Part 2 of the Planning and Development Regulations 2001 (as amended), having regard to the following:

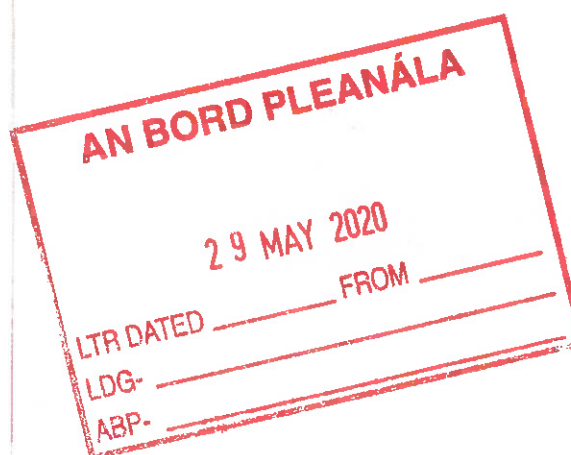
1. The increased intake in annual tonnage of 23,000 tonnes from the previously permitted 97,000 tonnes, exceeds the appropriate threshold of 25,000 tonnes by more than the 50% stipulated in article 13(a) of the Schedule 5 Part 2 of the Planning and Development Regulations 2001(as amended) and therefore triggers a mandatory EIA.
2. The factual information presented in the application indicates that the increased intake in tonnage into the recycling facility in 2018 (most recent year of records presented) was approximately 127,000 tonnes. This figure represents an increase of 30.9% above the previously permitted intake of 97,000 tonnes and therefore is greater than the 25% threshold stipulated in article 13(a) of Schedule 5 Part 2 of the Planning and Development Regulations 2001(as amended) and therefore triggers a mandatory EIA.

Accordingly, a mandatory EIA is required through the submission of a planning application, or an application for substitute consent, accompanied by an EIAR.

Article 9(1)(c) of the Planning and Development Regulations 2001 (as amended) removes exempted development provisions if it is development to which Part 10 of the Act applies i.e. requirement for Environmental Impact Assessment.

Please note that any person issued with a declaration under Section 5 of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

Signed: _____



Comhairle Contae Chill Dara
Kildare County Council



Date: 14/02/2020
Our Ref: ED/00780

Glassco Recycling Ltd.,
c/o Tom Philips & Associates,
80 Harcourt Street,
Dublin 2.


**RE: Application for a Declaration of Exempted Development under Section 5 at
Unit 4, Osberstown Industrial Park, Caragh Road, Naas, Co. Kildare.**

Dear Sir/Madam,

I refer to your correspondence received 13 February 2020 in connection with the above. Your application is now being considered and we will revert in due course.

Please find attached receipt no. 437649 in respect of the €80 fee, received with thanks.

Yours sincerely,


Senior Executive Officer,
Planning Department



FINANCE CASH OFFICE

Kildare County Council

Aras Chill Dara

Devoy Park

Naas

Co. Kildare

13/02/2020 15:39:44

Receipt No. : FIN10/437648

**** REPRINT ****

Glassco Recycling Ltd

PLANNING EXEMPT DEVELOP FEES 80.00

GOODS 80.00

VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :

Cheque 80.00

Change : 0.00

AN BORD PLEANÁLA

29 MAY 2020

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

Issued By : Sally Pallister Finance Section

From : Financial Lodgement Area

Vat reg No 0440571C

Senior Executive Officer
Kildare County Council
Head Office
Áras Chill Dara
Devoy Park
Naas
Co Kildare
W91 X77F



Thursday, 13th February 2020

[By Hand]

Dear Sir/Madam,

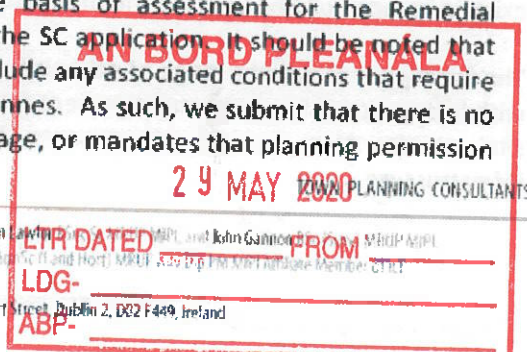
Re: SECTION 5 – GLASSCO RECYCLING, UNIT NO. 4, OSBERTOWN INDUSTRIAL PARK, CARAGH ROAD, NAAS, CO. KILDARE

Introduction Purpose of Section 5 Application

Tom Phillips + Associates, Town Planning Consultants, have been requested by Glassco Recycling Ltd., to seek a Declaration from Kildare County Council (KCC) under Section 5(1) of the *Planning and Development Act 2000*, as amended as to whether an increase in annual intake to its recycling facility from 97,000 tonnes per annum (as assessed during the Substitute Consent (SC) Application pertaining to the site permitted by An Bord Pleanála (ABP) in June 2014 – see ABP Ref. No. 09.SU.0015) to 120,000 tonnes per annum, is or is not development or is or is not exempted development within the meaning of the Act.

By way of background, it should be noted that the site is currently licensed by the Environmental Protection Agency (EPA) via Waste Licence W0279-02 for the operation of a glass recycling plant with an allowable processing capacity up to 150,000 tonnes per annum. The EPA deem that this site has the capability in its operations to function without a significant impact on the local environment. Under the terms of this licence the licensee must manage and operate the facility to ensure that the activities do not cause environmental pollution. The licensee is required to carry out regular environmental monitoring and to submit all monitoring results, and a wide range of reports on the operation and management of the facility, to the Agency. Since the granting of the licence there have been significant improvements in environmental infrastructure and practices on site that have ensured emissions leaving the site are adequately managed, treated and controlled to ensure environmental quality standards are attained.

The above referenced 97,000 tonne figure represented the annual intake at the time the SC application was lodged and assessed and formed the basis of assessment for the Remedial Environmental Impact Statement prepared in respect of the SC application. It should be noted that the aforementioned SC decision of the Board does not include any associated conditions that require the annual intake to be capped or restricted to 97,000 tonnes. As such, we submit that there is no aspect of that decision that precludes an increase in tonnage, or mandates that planning permission must be sought for any increase over 97,000 tonnes pa.





Whilst an increase in annual intake to 120,000 tonnes represents an increase of 23,000 tonnes over what was assessed in 2014, it is our contention that a numerical increase in annual tonnage alone does not necessarily result in material planning impacts such that planning permission is required merely on this basis alone. This principle is also well established in planning case law (see also below). For planning permission to be required, intensification of use would need to occur to such an extent that material planning impacts were apparent. In our opinion, this is not the case here and we enclose relevant assessments in this regard, which confirm that there are no material planning or environmental impacts arising as a result of this change in tonnage particularly in respect of air, noise or traffic levels.

A new Appropriate Assessment Screening was also conducted regarding the revised tonnage (see enclosed), which confirms that significant effects are not likely to arise, either alone or in combination with other plans or projects that will result in significant effects to the integrity of the Natura 2000 network. A Natura Impact Statement is not required. These assessments are described in greater detail below.

Description of Existing Development/Operation

The subject development comprises a glass and can recycling facility, owned and operated by Glassco Recycling Ltd. (hereinafter referred to as 'Glassco'). The site is located at Unit No. 4, Osberstown Industrial Park, Caragh Road, Naas, Co. Kildare (National Grid Reference E 296767 N 220379). It is approximately 2.5km west of the town of Naas, in close proximity to the M7 motorway. Access to the Osberstown Industrial Park is via the R409.

Glassco currently recycles c. 85% of Ireland's glass and cans and is of critical importance in ensuring the country meets its national recycling targets and offers a nationwide collection and recycling service for glass, which is delivered to the subject facility for processing. The facility offers unparalleled experience in glass collection and recycling services in Ireland.

Site Infrastructure and Operations

The site area is 2.13 ha approximately.

The primary items of plant relate to: (i) the Main Process Building, and (ii) Drying Plant.

The Main Process Building applies a range of state-of-the-art sorting and processing techniques to sort the input material into colour-separated glass cullet product and cans/metals for use off-site. The glass cullet output material, designed to meet stringent customer specifications, is market-ready for use in glass/bottle manufacturing.

The Drying Plant building, which processes the residual glass fraction, houses a rotating drying unit, with associated conveyor, bagging and ancillary equipment. In addition, the site accommodates an existing garage building used for the maintenance of Glassco vehicles.

The facility has installed a range of other infrastructural works/environmental control systems in line with best practice for waste management facilities e.g., storage areas, vehicle parking, weighbridge, site security gate, boundary treatments, hardstanding areas and surface water management infrastructure.

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Environmental Impact Assessment Report (EIAR)

As noted above, the increase in annual intake under discussion in this submission is 23,000 tonnes (from 97,000 tonnes to 120,000 tonnes). It is submitted that this change in tonnage is below all relevant mandatory EIA thresholds in respect of this form of development. In this case, Schedule 5, Part 2 (11)(b) of the Regulations relates to 'Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule'. Whilst it is not considered that the above threshold relates to a requirement to complete an EIAR for every 25,000 additional tonnes of annual intake, it is regardless submitted that the proposed increase in this case is below the threshold (23,000 tonnes), so the issue of mandatory EIAR does not arise on that basis.

Similarly, Schedule 5, Part 2 (13)(a) relates to 'any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and (ii) result in an increase in size greater than 25 per cent or an amount equal to 50 per cent of the appropriate threshold, whichever is the greater'.

In this case, no physical change to the size of the existing facility is being proposed. The change in size relates to the annual tonnage intake only, which is an increase of 23,000 tonnes. This is less than 25% of the previously assessed annual intake of 97,000 tonnes (25% = 24,250 tonnes) and as such, a mandatory EIAR would not be required.

We similarly contend that the proposed increase in annual intake would not trigger the requirement for a sub-threshold EIAR, given the negligible impacts that this increase would have on the environment and particularly the aspects of the environment of most relevance to the operation of the recycling facility (air, noise and traffic impacts). In order to demonstrate same, we enclose a number of assessments regarding the above. The enclosed opinion of Axis Environmental Services (dated 6 January 2020) confirms that because the site has been assessed as being capable of operating with an annual intake of 150,000 tonnes without giving rise to significant environmental impact, it follows that an increase to 120,000 tonnes must also be similarly acceptable. This opinion also references the impact assessments carried out by Patel Tonra, Environmental Solutions (see also enclosed), which concludes that:

'The purpose of this assessment was to determine whether an increase in tonnage at the facility would have an adverse impact on the environment with particular reference to noise, dust and surface water emissions. From the analysis of historic monitoring reports from the facility, it does not appear in any instance, that increased tonnage to date has had a negative impact on the environmental emissions from the facility.'

The Applicant also commissioned a traffic impact assessment based on a review of increased tonnage, prepared by Stephen Reid Consulting (see enclosed). This assessment reviews the current operating tonnage at the Glassco facility and seeks to determine whether this has a material impact on traffic in comparison to the previously assessed tonnage (97,000 tonnes). This analysis includes updated traffic counts and a new assessment of the surrounding road network and relevant junctions. (This assessment is based on an annual intake of 127,000 tonnes so can be considered an extremely robust assessment in the context of the 120,000 tonnes under discussion in this Section 5 submission.)

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The traffic impact assessment concludes that:

'It can be seen from the comments in this TIA that the difference in traffic generated by the existing operating volume compared to the previous permitted volume will not be significant during the network AM and PM peak hours, or over the 12-hour period of haul operations, and the percentage impact at the access junction on the R409 and on the Caragh Road Roundabout is not statistically significant nor warrants any specific mitigation measures. Therefore, it is considered that the current operating volumes are accommodated satisfactorily by the existing access arrangements and external road network and this has had no material impacts on the road network when compared the previously permitted tonnage.'

It is submitted that if the recycling facility operating at 127,000 tonnes per annum is deemed to have no material traffic impacts, then the operation at 120,000 tonnes must have similarly acceptable results.

In summary, therefore, the proposed change in annual intake is below any potential mandatory EIA threshold. The assessments carried out on the Applicant's behalf in relation to air, noise and traffic, which assess the impacts arising from increases in annual intake between 97,000 and 127,000 tonnes, conclude that this level of additional tonnage does not give rise to material planning, environmental or traffic impacts. It consequently stands to reason that an increase below that level, as proposed in this submission will be similarly acceptable. As such, the Applicant is entitled to rely on exempted development provisions to determine whether planning permission is required or not in this case. In addition, the updated Appropriate Assessment screening confirms that significant effects are not likely to arise, either alone or in combination with other plans or projects that will result in significant effects to the integrity of the Natura 2000 network.

On the basis that no material impacts will arise on foot of the proposed change, we set out below the further grounds as to why this development constitutes exempted development under the legislation.

Proposed Works - The Question

Having regard to the above, for the purposes of assessment, the question to be determined in respect of the subject works may be described as follows:

'Whether the proposed increase in annual intake from 97,000 tonnes to 120,000 tonnes at the Glassco Recycling Facility is or is not development or is or is not exempted development within the meaning of the Act?'

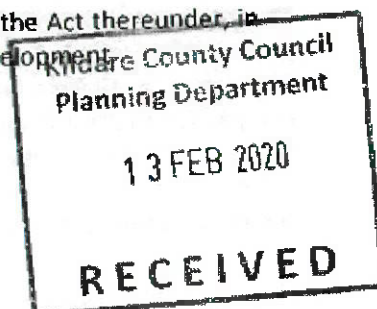
This section considers the proposed issue, having regard to the provisions of the Act thereunder, in order to assess whether the works constitute development and exempted development.

Legislative Context - Relevant Definitions

"Development"

Section 3(1) of the Acts sets out that:

"development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land."





In this case, it is submitted that the increase in annual intake does not constitute development as defined above on the basis of 'works', as no works will be carried out in order to effect the increase in tonnage. Thus, the issue to be resolved is whether or not an intensification of use arises such that a 'material change in the use' of the site will occur, resulting in development and the requirement for planning permission.

The concept of 'intensification of use' has no statutory origin but has been employed in the courts to describe a situation where the activity on land increases in intensity, although the primary purpose for which the land is being used remains the same. Galligan notes that 'as a doctrine, it has been described as "somewhat artificial or semantic", which has tended to obscure the requirement that there must be a change of use which is "material in planning terms" (see *Irish Planning Law and Procedure* by Eamon Galligan, page 73). Case law has established the key test regarding what constitutes an intensification of use such that a material change of use occurs.

In *Galway County Council v. Lackagh Rock*, Barron J held that it was not sufficient for the council to simply establish that an intensification of use had taken place. It had to prove that the intensification of activity amounted to a change of use which was material i.e., had given rise to fresh planning considerations (see *Irish Planning Law and Procedure* by Eamon Galligan, page 74). Barron J described the test as follows:

'To test whether or not the use is materially different it seems to me that what should be looked at are the matters which the planning authority would take into account in the event of a planning application being made either for the use on the appointed day or for the present use. If these matters are materially different, then the nature of the use must equally be materially different'.

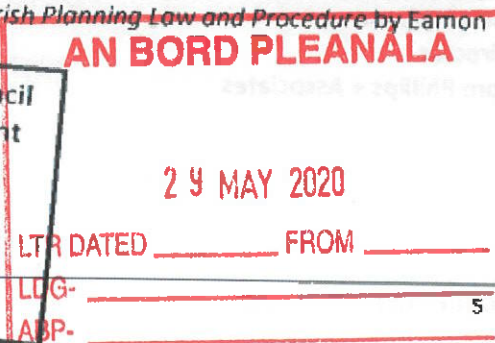
In the case of Glassco Recycling, the matters which the Planning Authority would take into account in respect of the increase in annual intake under discussion here would be unchanged in respect of the existing recycling facility use. In addition, as described above, the Applicant has submitted documentary planning evidence by way of updated impact assessments of the relevant matters that, when compared to the previously assessed annual tonnage, categorically confirm no material impacts arising. On that basis, we contend that there is no material change of use arising in this case and no development taking place such that planning permission is required.

Galligan further states that:

*'It is unlikely that the courts will allow the doctrine of intensification of use to act as an inhibiting factor on the growth of economic activity unless the character of the use has changed' (see *Irish Planning Law and Procedure* by Eamon Galligan, page 77).*

He cites Walsh J who stated:

*'Many businesses expand and grow with the passage of time but, of course, it could not be seriously contended that a material change of use had taken place when some additional machines are installed in a premises to cope with increasing demands. In such a case the use remains the same but it becomes intensified' (see *Irish Planning Law and Procedure* by Eamon Galligan, page 77).*





In this case, no change to the character of the existing use will occur as a result of the increased tonnage, which remains as recycling. As noted by Walsh J above, it is entirely possible for an existing business to intensify and increase its operations without necessarily resulting in a material change of use. We submit that Glassco Recycling is one such example.

De-Exemptions

We have reviewed the restrictions on exemptions as identified in Part 2, Article 9 of the *Planning and Development Regulations 2001*, as amended, and we are satisfied that none of these apply to the increase in annual intake described in this submission.

Conclusion

The question for determination here is *whether the proposed increase in annual intake from 97,000 tonnes to 120,000 tonnes at the Glassco Recycling Facility is or is not development or is or is not exempted development within the meaning of the Act?*

A previous assessment completed and permitted by An Bord Pleanála under the Substitute Consent provisions in 2014 assessed the recycling facility using an annual intake of 97,000 tonnes. We contend that there is nothing in the Board's consequent SC Decision by way of condition that constitutes a cap on the further expansion of this annual intake above this level. In our opinion, it is not considered reasonable that the unstated intent of the SC decision was to restrict the growth of the existing recycling facility to 97,000 tonnes in perpetuity; such a severe restriction would reasonably be expected to be made wholly explicit in the interest of clarity. The logical outcome of this interpretation would be that every additional tonne over 97,000 tonnes would necessitate a separate planning application. In our view, this is clearly a scenario without any basis in planning.

We contend that the proper basis for assessment is whether or not the increase in activity constitutes an intensification such that a material change of use occurs. We are satisfied that based on the updated assessments completed by the Applicant, and having regard to relevant case law, no such materiality arises on foot of the change in annual intake. The increase in tonnage is below all potential mandatory EIAR thresholds and can, therefore, be considered as exempted development. We request that Kildare County Council consider the above matter and determine that the increase in annual intake from 97,000 tonnes to 120,000 tonnes at the Glassco Recycling Facility is not development and is exempted development.

We look forward to acknowledgement of receipt of this submission in due course and please contact the undersigned should any additional clarification or information be required.

Yours sincerely

John Gannon
Director
Tom Phillips + Associates

Kildare County Council
Planning Department

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Glassco recycling Limited,
Unit 4 Oberstown Industrial Park,
Caragh road,
Naas,
Co Kildare,
W91 PF54

Unit 5 Caberdivia Business Park
Caberdivia
Ennis Road
Limerick
Ireland



06-01-2020

To whom it may concern,

AXIS Environmental Services were commissioned to assess the Environmental Impacts of the activities of Glassco Recycling Ltd at their facility at Unit 4 Osberstown Industrial Park, Caragh Road, Naas, Co. Kildare, from the previously assessed intake of 97,000 tonnes per annum to a hypothetical annual tonnage intake figure of 120,000 tonnes per annum. Specifically we were asked to consider the impacts of these activities on Air, Noise, Dust, Traffic and Appropriate Assessment. We were provided with monitoring data and recent expert studies and reports carried out in all of these 5 areas.

These reports summarise the environmental surveys, analysis and records for the installation to determine the impact of an increase in glass tonnage at the facility.

The site is currently licensed by the Environmental Protection Agency (EPA) via Waste Licence W0279-02 for the operation of a glass recycling plant with an allowable processing capacity up to 150,000 tonnes/annum. The EPA deem this site has the capability in its operations to function without a significant impact on the local environment. Under the terms of this licence the licensee must manage and operate the facility to ensure that the activities do not cause environmental pollution. The licensee is required to carry out regular environmental monitoring and to submit all monitoring results, and a wide range of reports on the operation and management of the facility, to the Agency.

Since the granting of the licence there have been significant improvements in environmental infrastructure and practices on site that have ensured emissions leaving the site are adequately managed, treated and controlled to ensure environmental quality standards are attained.

The report of Patel Tonra dated July 2018 which studied monitoring results concludes that the site can process up to 150,000 tonnes without significant impact on water, air quality or noise in the community. The subsequent studies of Traffic and AA Screening also conclude that the site can operate at these levels without any significant Environmental Impact.

Given that this site has the capacity to operate up to 150,000 tonnes and it has been determined that it can operate at this level without having any environmental impact of significance, we are satisfied that by logic, the site can be operated at the lower amount of 120,000 tonnes without any environmental impact.

We are also satisfied that that based on our reviews of these reports and our assessments to date, the impacts arising from the change in tonnage from the previously assessed 97,000 tonnes per annum at the Substitute Consent stage to 120,000 tonnes per annum will not be significant such that any new material impacts arise.

AN BORD PLEANÁLA

24 MAY 2020

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LDG-

ABP-

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Mob: 0035387 6367436

Mark McGarry
 AXIS environmental services



Regards

If you have any further queries, please contact me.

AN BORD PLEANALA
 18 MAY 2020
 FROM _____
 TO _____
 BY _____

Screening Report for Appropriate Assessment of development at Glassco Recycling Ltd, Unit 4, Osberstown Industrial Park, Caragh Road, Naas, Co. Kildare

Compiled by OPENFIELD Ecological Services

Pádraic Fogarty, MSc MIEMA

For Glassco Recycling Ltd.



www.openfield.ie

November 2019



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Introduction

Biodiversity is a contraction of the words 'biological diversity' and describes the enormous variability in species, habitats and genes that exist on Earth. It provides food, building materials, fuel and clothing while maintaining clean air, water, soil fertility and the pollination of crops. A study by the Department of Environment, Heritage and Local Government placed the economic value of biodiversity to Ireland at €2.6 billion annually (Bullock et al., 2008) for these 'ecosystem services'.

All life depends on biodiversity and its current global decline is a major challenge facing humanity. In 1992, at the Rio Earth Summit, this challenge was recognised by the United Nations through the Convention on Biological Diversity which has since been ratified by 193 countries, including Ireland. Its goal to significantly slow down the rate of biodiversity loss on Earth has been echoed by the European Union, which set a target date of 2010 for *halting* the decline. This target was not met but in 2010 in Nagoya, Japan, governments from around the world set about redoubling their efforts and issued a strategy for 2020 called 'Living in Harmony with Nature'. In 2011 the Irish Government incorporated the goals set out in this strategy, along with its commitments to the conservation of biodiversity under national and EU law, in the second national biodiversity action plan (Dept. of Arts, Heritage and the Gaeltacht, 2011). A third plan was published in 2017.

The main policy instruments for conserving biodiversity in Ireland have been the Birds Directive of 1979 and the Habitats Directive of 1992. Among other things, these require member states to designate areas of their territory that contain important bird populations in the case of the former; or a representative sample of important or endangered habitats and species in the case of the latter. These areas are known as Special Protection Areas (SPA) and Special Areas of Conservation (SAC) respectively. Collectively they form a network of sites across the European Union known as Natura 2000. A recent report into the economic benefits of the Natura 2000 network concluded that "there is a new evidence base that conserving and investing in our biodiversity makes sense for climate challenges, for saving money, for jobs, for food, water and physical security, for cultural identity, health, science and learning, and of course for biodiversity itself" (EC, 2013).

Unlike traditional nature reserves or national parks, Natura 2000 sites are not 'fenced-off' from human activity and are frequently in private ownership. It is the responsibility of the competent national authority to ensure that 'good conservation status' exists for their SPAs and SACs and specifically that Article 6(3) of the Directive is met. Article 6(3) requires that an 'appropriate assessment' (AA) be carried out for these sites where projects, plans or proposals are likely to have an effect. In some cases this is obvious from the start, for instance where a road is to pass through a designated site. However, where this is not the case, a preliminary screening must first be carried out to determine whether or not a full AA is required. This screening is carried out by the Local Authority and this report can aid in that decision.

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The Purpose of this document

This document provides for the screening of proposed changes to the operations at an existing recycling facility at Osberstown Industrial Park, Caragh Road, Naas, Co. Kildare, and its potential effects in relation to Natura 2000 sites (SACs and SPAs). Under the Planning and Development Act 2000 (as amended) all developments must be screened for AA by the Planning Authority. This report provides the necessary information to allow the planning authority to carry out this screening.

Methodology

The methodology for this screening statement is clearly set out in a document prepared for the Environment DG of the European Commission entitled 'Assessment of plans and projects significantly affecting Natura 2000 sites' 'Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC' (Oxford Brookes University, 2001). Chapter 3, part 1, of this document deals specifically with screening while Annex 2 provides the template for the screening/finding of no significant effects report matrices to be used.

In accordance with this guidance, the following methodology has been used to produce this screening statement:

Step 1: Management of the Natura 2000 site

This determines whether the project is necessary for the conservation management of the site in question.

Step 2: Description of the Project

This step describes the aspects of the project that may have an impact on the Natura 2000 site.

Step 3: Characteristics of the Natura Site

This process identifies the conservation aspects of the site and determines whether negative impacts can be expected as a result of the plan. This is done through a literature survey and consultation with relevant stakeholders – particularly the National Parks and Wildlife Service (NPWS). All potential effects are identified including those that may act alone or in combination with other projects or plans.

Using the precautionary principle, and through consultation and a review of published data, it is normally possible to conclude at this point whether potential impacts are likely. Deficiencies in available data are also highlighted at this stage.

Step 4: Assessment of Significance

Assessing whether an effect is significant must be made in light of the conservation objectives for that SAC or SPA.

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If this analysis shows that significant effects are likely then a full AA will be required.

The steps are compiled into a screening matrix, a template of which is provided in Appendix II of the EU methodology.

Reference is also made to recently published guidelines for Local Authorities from the Department of the Environment, Heritage and Local Government (DoEHLG, 2009).

A full list of literature sources that have been consulted for this study is given in the References section to this report while individual references are cited within the text where relevant.

Screening Template as per Annex 2 of EU methodology:

This plan is not necessary for the management of the site and so Step 1 as outlined above is not relevant.

Step 1: Brief description of the project

The site location is shown in figures 1 and 2.

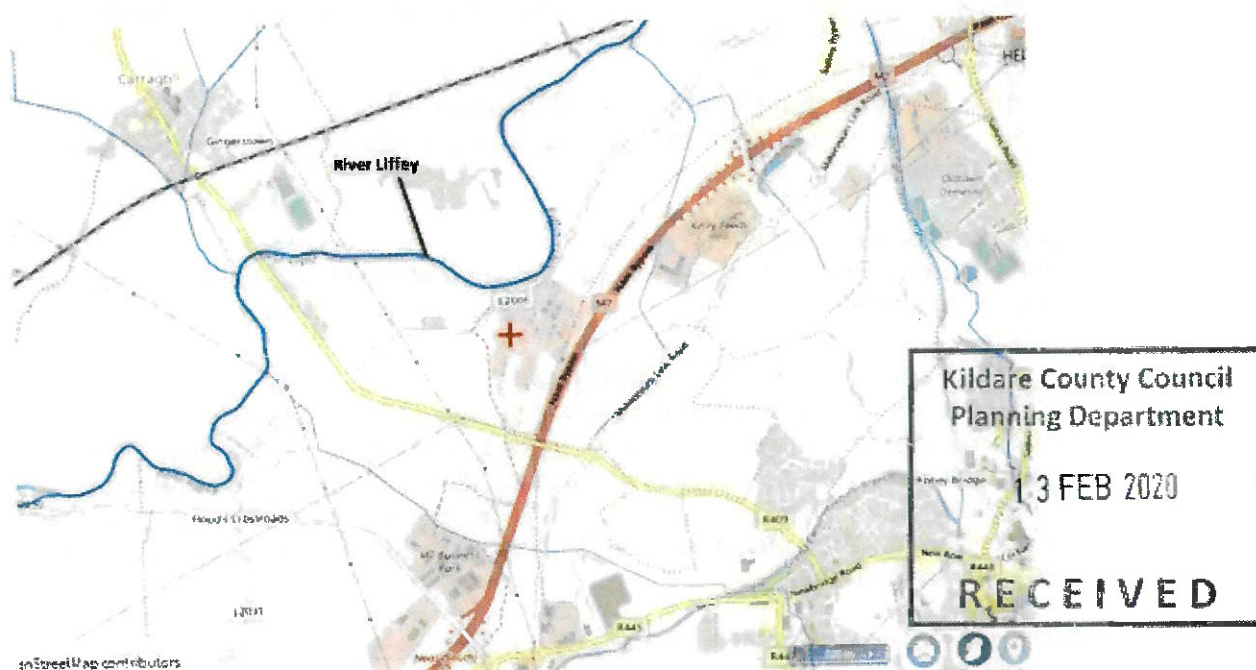


Figure 1 – Site location (red cross) and local water courses (from www.epa.ie). There are no Natura areas in this view.

It is planned to increase the permitted volume of waste material accepted onto the site from 97,000 tonnes to 120,000 tonnes. This will be achieved within the existing site footprint and the proposal does not include any expansion of the site boundary or new built features. The waste material is composed of glass and metallic packaging and no hazardous substances are processed.

Because the site is entirely built-up in nature and is not within or near to any Natura 2000 area, a site visit was not carried out. A remedial Environmental Impact Statement carried out by the applicant, and which included an analysis of the potential impacts of the development on flora and fauna, concluded "The site has no ecological value and the very limited flora and fauna are associated with the peripheral drain and hedges. No habitats or species of interest are on, or associated with, the site. No invasive alien species were encountered."

The proposed increase in waste volumes will not result in any additional effluent leading to the foul sewer. Wastewater from the existing facility passes to the Osberstown wastewater treatment plant (also known as the Upper Liffey Valley Regional Sewerage Scheme). This plant discharges treated wastewater to the River Liffey under licence from the Environmental Protection Agency (EPA).

Surface water from the site will be attenuated on site and this design is fully compatible with SUDS principles and the GDSDS. Surface water at Glassco Recycling is collected through the on-site pipe network and directed through silt traps and oil interceptors before delivery to attenuation. From attenuation, it is pumped to a Pumped Flow Biofilm Reactor (PFBR) which has a daily loading capacity of 53,000 litres. The PFBR was designed to cope with the typical organic/BOD loading for the surface water that comes into contact with waste glass. The surface water is treated in the PFBR by way of a batch process. The reactor tanks remove biological and nutrient contaminants from the surface water before the release of the treated water.

The site is not located within or directly adjacent to any Natura 2000 area (SAC or SPA). This site is located to the west of Naas town centre and surrounding land use is predominantly agricultural in nature, although recent years have seen land use changes with new roads and other built developments. Mapping from the OSI and EPA show no water courses running through the site. The land is close to the River Liffey which is subject to no Natura designations. At Dublin Bay, where it discharges to the Irish Sea, it is within a number of such areas however.

There is no construction phase as part of this project.

Water is supplied from a mains supply which originates from reservoirs at Ballymore Eustace, along the River Liffey. The reservoirs at Poulaphouca are designated as an SPA. There will be no increase in demand for water as part of this application.

There are two air emission points which are licenced at part of the plant's EPA licence.

The operation phase will see expansion of the existing development which is associated with human disturbance as well as noise and artificial light.

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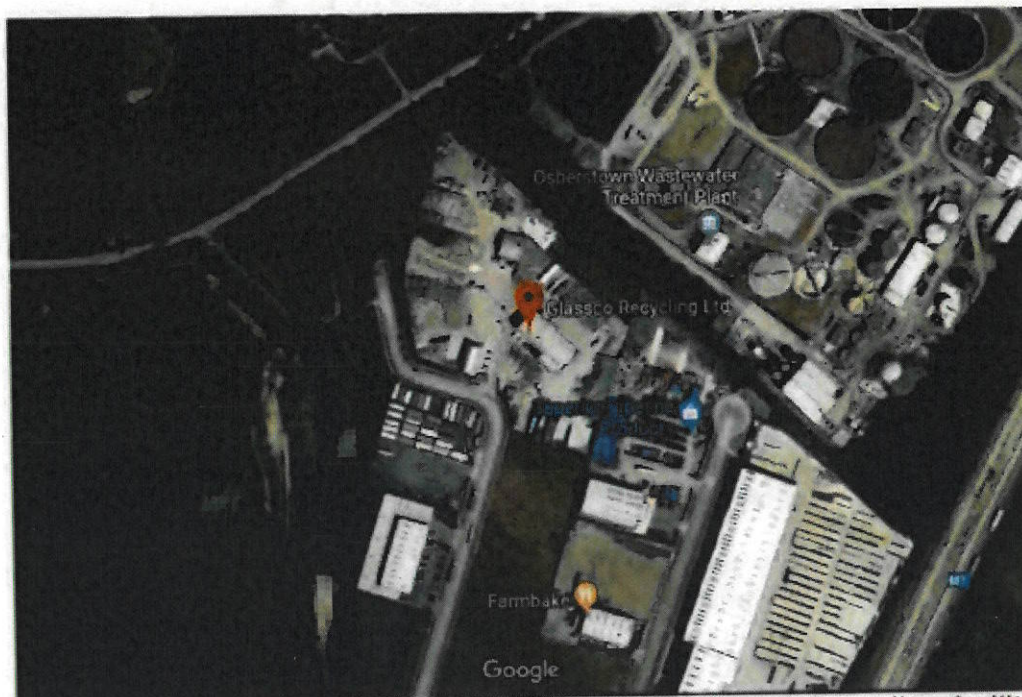


Figure 2 – Aerial view showing the extent of the Glassco Recycling facility (from www.google.com).

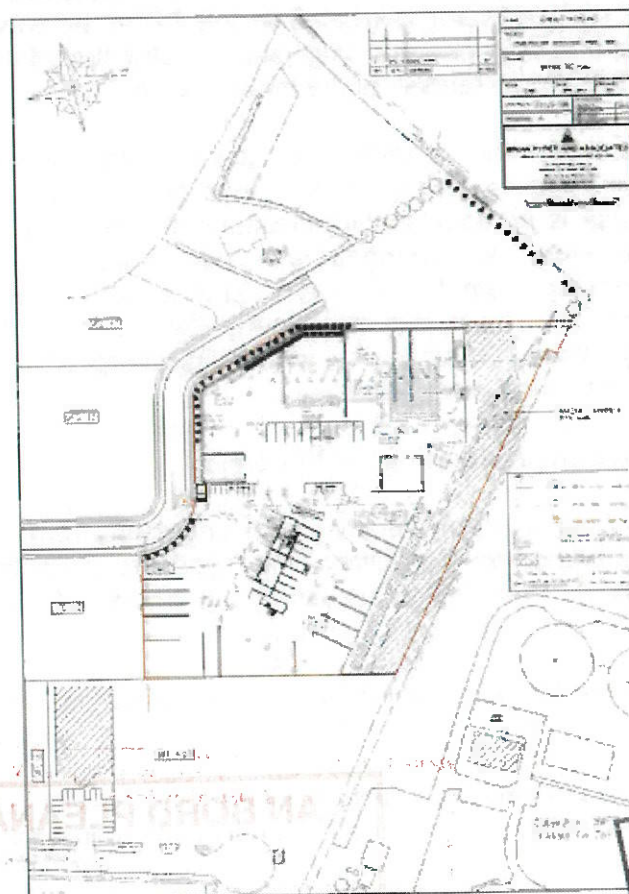


Figure 3 –site layout

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Step 3: Brief description of Natura 2000 sites

In assessing the zone of influence of this project upon Natura 2000 sites the following factors must be considered:

- Potential impacts arising from the project
- The location and nature of Natura 2000 sites
- Pathways between the development and the Natura 2000 network

It has already been stated that the site is not located within or directly adjacent to any Natura 2000 area. For projects of this nature an initial 2km radius is normally examined. This is an arbitrary distance however and impacts can occur at distances greater than this. There are no Natura areas within this radius. Wastewater and surface water pathways lead to Dublin Bay and this area is subject to a number of Natura 2000 designations.

The South Dublin Bay and Tolka Estuary SPA (side code: 4024) is largely coincident with the South Dublin Bay SAC boundary with the exception of the Tolka Estuary. The North Bull Island SPA (site code: 0206) meanwhile is largely coincident with the North Dublin Bay SAC with the exception of the terrestrial portion of Bull Island. These designations encompass all of the intertidal areas in Dublin Bay from south of the Howth peninsula to the pier in Dun Laoghaire. Wintering birds in particular are attracted to these areas in great number as they shelter from harsh conditions further north and avail of the available food supply within sands and soft sediments. Table 1 lists the features of interest for both of the SPAs.

Table 1 – Features of interest for SPAs in Dublin Bay (EU code in square parenthesis)

North Bull Island SPA	South Dublin Bay and Tolka Estuary SPA
Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]
Oystercatcher (<i>Haematopus ostralegus</i>) [A130]	Oystercatcher (<i>Haematopus ostralegus</i>) [A130]
Teal (<i>Anas crecca</i>) [A052]	Ringed Plover (<i>Charadrius hiaticula</i>) [A137]
Pintail (<i>Anas acuta</i>) [A054]	Grey Plover (<i>Pluvialis squatarola</i>) [A140]
Shoveler (<i>Anas clypeata</i>) [A056]	Knot (<i>Calidris canutus</i>) [A143]
Shelduck (<i>Tadorna tadorna</i>) [A048]	Sanderling (<i>Calidris alba</i>) [A144]
Golden Plover (<i>Pluvialis apricaria</i>) [A140]	Dunlin (<i>Calidris alpina</i>) [A149]
Grey Plover (<i>Pluvialis squatarola</i>) [A141]	Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]
Knot (<i>Calidris canutus</i>) [A143]	Redshank (<i>Tringa totanus</i>) [A162]

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Sanderling (<i>Calidris alba</i>) [A144]	Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]
Dunlin (<i>Calidris alpina</i>) [A149]	Roseate Tern (<i>Sterna dougalli</i>) [A192]
Black-tailed Godwit (<i>Limosa limosa</i>) [A156]	Common Tern (<i>Sterna hirundo</i>) [A193]
Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]	Arctic Tern (<i>Sterna paradisaea</i>) [A194]
Curlew (<i>Numenius arquata</i>) [A160]	Wetlands & Waterbirds [A999]
Redshank (<i>Tringa totanus</i>) [A162]	
Turnstone (<i>Arenaria interpres</i>) [A169]	
Black-headed Gull (<i>Larus ridibundus</i>) [A179]	
Wetlands & Waterbirds [A999]	

- **Light-bellied Brent Goose.** There has been a 67% increase in the distribution of this goose which winters throughout the Irish coast. The light-bellied subspecies found in Ireland breeds predominantly in the Canadian Arctic.
- **Sanderling.** This small bird breeds in the high Arctic and winters in Ireland along sandy beaches and sandbars. Its wintering distribution has increased by 21% in the previous 30 years.
- **Dunlin.** Although widespread and stable in number during the winter season, the Irish breeding population has collapsed by nearly 70% in 40 years. Breeding is now confined to just seven sites in the north and west as habitat in former nesting areas has been degraded.
- **Knot.** These small wading birds do not breed in Ireland but gather in coastal wetlands in winter. Their numbers have increased dramatically since the mid-1990s although the reasons for this are unclear.
- **Black-headed Gull.** Widespread and abundant in winter these gulls are nevertheless considered to be in decline. The reasons behind this are unclear but may relate to the loss of safe nesting sites, drainage, food depletion and increase predation.
- **Ringed Plover.** This bird is a common sight around the Irish coast where it is resident. They breed on stony beaches but also, more recently, on cut-away bog in the midlands.
- **Oystercatcher.** Predominantly coastal in habit Oystercatchers are resident birds whose numbers continue to expand in Ireland.
- **Bar-tailed Godwit.** These wetland wading birds do not breed in Ireland but are found throughout the littoral zone during winter months. They prefer estuaries where there are areas of soft mud and sediments on which to feed.
- **Grey Plover.** These birds do not breed in Ireland but winter throughout coastal estuaries and wetlands. Its population and distribution is considered to be stable.

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- **Roseate Tern.** This tern breeds at only a few stations along Ireland's east coast. Most of these are in decline although at Dublin their colony is increasing.
- **Common Tern.** This summer visitor nests along the coast and on islands in the largest lakes. Its breeding range has halved in Ireland since the 1968-1972 period.
- **Arctic Tern.** These long-distance travellers predominantly breed in coastal areas of Ireland. They have suffered from predation by invasive mink and are declining in much of their range.
- **Redshank.** Once common breeders throughout the peatlands and wet grasslands of the midlands Redshanks have undergone a 55% decline in distribution in the past 40 years. Agricultural intensification, drainage of wetlands and predation are the chief drivers of this change.
- **Teal.** In winter this duck is widespread throughout the country. Land use change and drainage however have contributed to a massive decline in its breeding range over the past 40 years.
- **Pintail.** Dabbling duck wintering on grazing marshes, river floodplains, sheltered coasts and estuaries. It is a localised species and has suffered a small decline in distribution in Ireland for unknown reasons.
- **Shoveler.** Favoured wintering sites for this duck are inland wetlands and coastal estuaries. While there have been local shifts in population and distribution, overall their status is stable in Ireland.
- **Shelduck.** The largest of our ducks, Shelduck both breed and winter around the coasts with some isolate stations inland. Its population and range are considered stable.
- **Golden Plover.** In winter these birds are recorded across the midlands and coastal regions. They breed only in suitable upland habitat in the north-west. Wintering abundance in Ireland has changed little in recent years although it is estimated that half of its breeding range has been lost in the last 40 years.
- **Black-tailed Godwit.** Breeding in Ireland these waders winter in selected sites around the Irish coast, but predominantly to the east and southern halves. Their range here has increase substantially of late.
- **Curlew.** Still a common sight during winter at coastal and inland areas around the country its breeding population here has effectively collapsed. Their habitat has been affected by the destruction of peat bogs, afforestation, farmland intensification and land abandonment. Their wintering distribution also appears to be in decline.
- **Turnstone.** This winter visitor to Irish coasts favours sandy beaches, estuaries and rocky shores. It is found throughout the island but changes may be occurring due to climate change.

Bird counts from BirdWatch Ireland are taken from Dublin Bay as a whole and are not specific to any particular portion of the Bay. Dublin Bay is recognised as an internationally important site for water birds as it supports over 20,000 individuals. Table 2 shows the most recent count data available¹.

¹ <https://tl.caspio.com/dp.asp?AppKey=f4db3000060acbd80db9403f857c>

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Table 2 – Annual count data for Dublin Bay from the Irish Wetland Birds Survey (IWeBS)

Year	2010/11	2011/12	2012/13	2013/14	2014/15	Mean
Count	27,931	30,725	30,021	35,878	33,486	31,608

There were also internationally important populations of particular birds recorded in Dublin Bay (i.e. over 1% of the world population): Light-bellied brent geese *Branta bernicula hrota*, Black-tailed godwit *Limosa limosa*, Knot *Calidris canutus* and Bar-tailed godwit *L. lapponica*.

The **South Dublin Bay SAC** (side code: 0210) is concentrated on the intertidal area of Sandymount Strand. It has four qualifying interests: mudflats and sandflats not covered by seawater at low tide (1140), annual vegetation of drift lines (1210), Salicornia and other annuals colonising mud and sand (1310) and Embryonic shifting dunes (2110).

- **Annual vegetation of drift lines (1210)** This habitat of the upper shore is characterised by raised banks of pebbles and stones. They are inhabited by a sparse but unique assemblage of plants, some of which are very rare. The principle pressures are listed as gravel extraction, the building of pipelines and coastal defences.
- **Embryonic shifting dunes (2110)**. As their name suggests these sand structures represent the start of a sand dune's life. Perhaps only a meter high they are a transient habitat, vulnerable to inundation by the sea, or developing further into white dunes with Marram Grass. They are threatened by recreational uses, coastal defences, trampling and erosion.
- **Tidal mudflats (1140)**. This is an intertidal habitat characterised by fine silt and sediment. Most of the area in Ireland is of favourable status however water quality and fishing activity, including aquaculture, are negatively affecting some areas.
- **Salicornia mudflats (1310)**: This is a pioneer saltmarsh community and so is associated with intertidal areas. It is dependent upon a supply of fresh, bare mud and can be promoted by damage to other salt marsh habitats. It is chiefly threatened by the advance of the alien invasive Cordgrass *Spartina anglica*. Erosion can be destructive but in many cases this is a natural process.

The **North Dublin Bay SAC** (site code: 0206) is focussed on the sand spit on the North Bull island. The qualifying interests for it are shown in table 3. The status of the habitat is also given and this is an assessment of its range, area, structure and function, and future prospects on a national level and not within the SAC itself.

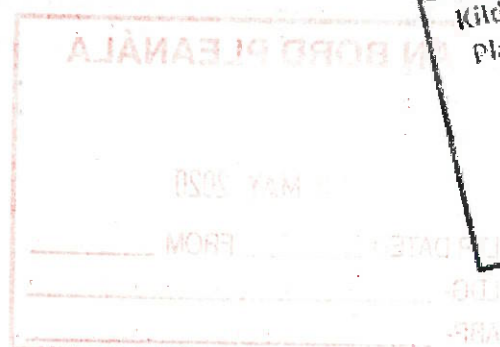


Table 3 – Qualifying interests for the North Dublin Bay SAC

Habitat/Species	Status ²
Mudflats and sandflats not covered by seawater at low tide	Intermediate
Salicornia and other annuals colonizing mud and sand	Intermediate
Atlantic salt meadows	Intermediate
Mediterranean salt meadows	Intermediate
Annual vegetation of drift lines	Intermediate
Embryonic shifting dunes	Intermediate
Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)	Intermediate
Fixed coastal dunes with herbaceous vegetation (grey dunes)	Bad
Humid dune slacks	Intermediate
<i>Petalophyllum ralfsii</i> Petalwort	Good

- **Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) (2120).** These are the second stage in dune formation and depend upon the stabilising effects of Marram Grass. The presence of the grass traps additional sand, thus growing the dunes. They are threatened by erosion, climate change, coastal flooding and built development.
- **Fixed coastal dunes with herbaceous vegetation (grey dunes) (2130).** These are more stable dune systems, typically located on the landward side of the mobile dunes. They have a more or less permanent, and complete covering of vegetation, the quality of which depends on local hydrology and grazing regimes. They are the most endangered of the dune habitat types and are under pressure from built developments such as golf courses and caravan parks, over-grazing, under-grazing and invasive species.
- **Humid dune slacks (2190).** These are wet, nutrient enriched (relatively) depressions that are found between dune ridges. During winter months or wet weather these can flood and water levels are maintained by a soil layer or saltwater intrusion in the groundwater. There are found around the coast within the larger dune systems.
- **Petalwort (1395).** There are 30 extant populations of this small green liverwort, predominantly along the Atlantic seaboard but also with one in Dublin. It grows within sand dune systems and can attain high populations locally.

Poulaphouca Reservoir SPA (site code: 4063)

This is a large artificial lake which was created with the damming of the River Liffey. Its 'features of interest' include the Greylag Goose *Anser anser* and the Lesser Black-backed Gull *Larus fuscus*.

² NPWS, 2013. *The Status of EU Protected Habitats and Species in Ireland. Habitat Assessment*. Volume 2. Version 1.0. Unpublished Report, National Parks & Wildlife Services, Department of Arts, Heritage and the Gaeltacht, Dublin, Ireland.

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Whether any of these SACs or SPAs is likely to be significantly affected must be measured against their 'conservation objectives'. Specific conservation objectives have been set for all of these areas with the exception of the Poulaphouca Reservoir. Generic conservation objectives have been published by the NPWS and are stated as:

To maintain or restore the favourable conservation condition of the Annexed species for which the SPA has been selected. (NPWS, 2011).

In a generic sense 'favourable conservation status' of a habitat is achieved when:

- its natural range, and area it covers within that range, are stable or increasing, and
- the specific structure and functions which are necessary for its long - term maintenance exist and are likely to continue to exist for the foreseeable future, and
- the conservation status of its typical species is favourable.

While the 'favourable conservation status' of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long - term basis as a viable component of its natural habitats, and
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long - term basis.

Whether any of these SACs or SPAs is likely to be affected must be measured against their 'conservation objectives'.

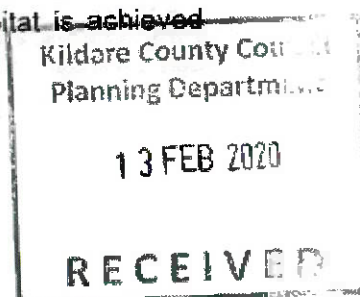
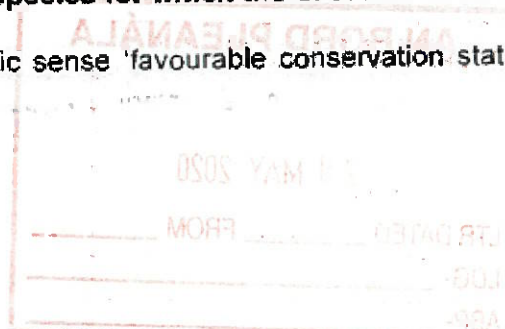
Specific conservation objectives have been set for mudflats in the South Dublin Bay SAC (NPWS, 2013) and for all qualifying interests the North Dublin Bay SAC (NPWS, 2013). The objectives relate to habitat area, community extent, community structure and community distribution within the qualifying interest. There is no objective in relation to water quality.

For the South Dublin Bay & Tolka Estuary SPA and the North Bull Island SPA the conservation objectives for each bird species relates to maintaining a population trend that is stable or increasing and maintaining the current distribution in time and space (NPWS, 2015a & b).

For the Poulaphouca Reservoir SPA generic conservation objectives have been published by the NPWS and are stated as:

To maintain or restore the favourable conservation condition of the Annexed species for which the SPA has been selected.

In a generic sense 'favourable conservation status' of a habitat is achieved when:



- its natural range, and area it covers within that range, are stable or increasing, and
- the specific structure and functions which are necessary for its long - term maintenance exist and are likely to continue to exist for the foreseeable future, and
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While the 'favourable conservation status' of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long - term basis as a viable component of its natural habitats, and
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long - term basis.

Data collected to carry out the assessment

Habitats on the site are not associated with any of the habitats or species listed in table 3 or which are suitable for roosting wetland birds.

The EU's Water Framework Directive (WFD) stipulates that all water bodies were to have attained 'good ecological status' by 2015. This includes estuarine waters and Dublin Bay is located within the Eastern River Basin District. In 2009 a management plan was published to address pollution issues and includes a 'programme of measures' which must be completed. This plan was approved in 2010 (ERBD, 2010). The Tolka Estuary has most recently (2014) been assessed by the Environmental Protection Agency (EPA) as 'potentially eutrophic' – a term which implies moderate pollution either from point or diffuse sources (from www.epa.ie). It was assessed as 'moderate' in terms of its status under the Water Framework Directive for the 2010-12 reporting period. This classification indicates that water quality in the estuary is of an insufficient standard to meet the requirements of the WFD. Measures must therefore be taken in the coming years to address existing problems and any new developments within the catchment must not contribute to the pollution loading. The status of the coastal water in Dublin Bay meanwhile is 'good'.

The Glassco site is within Liffey Water Management Unit and the majority of the Liffey river system was assessed as satisfactory (good or high) in 2010 according to the Programme of Measures in the ERBD Management Plan. This report suggests that main pressures on water quality are from abstractions, physical modifications and wastewater discharges. The Naas Stream is not assessed under the Water Framework Directive (WFD) reporting period 2010-15 (from www.epa.ie). Downstream, the Liffey is of 'good' status until reaching Celbridge, whereupon it deteriorates for the remainder of its course. This assessment is 'unsatisfactory' and so remedial

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measures will be required to restore 'good ecological status', something that was due by 2015.

A more recent assessment from www.catchment.ie shows that 21 out of 37 water bodies (56%) are at 'high' or 'good' status. This sub-catchment report states: "Siltation and physical habitat degradation are the significant issues throughout this subcatchment."

Details from the NPWS site synopsis report and the most recent data from BirdWatch Ireland's Wetlands Bird Survey (IWeBS) (Crowe et al., 2011) indicate that Dublin Bay is of international importance for wintering birds meaning that it regularly holds a population of over 20,000 birds. Total counts from IWeBS are shown in table 2.

Of the species listed in table 1 six: Curlew, Dunlin, Redshank, Pintail, Shoveler and Black-headed Gull are listed as of high conservation concern, and on BirdWatch Ireland's red list (Colhoun & Cummins, 2013).

- Dunlins do not breed on the east coast of Ireland while their winter range, which includes a number of coastal and wetland areas across the country, has declined by over 50% between 1994/5 and 2008/09. The reason for this decline is unclear.
- Wintering Redshank numbers in Ireland have changed little since the early 1980s while their breeding sites, based around wetlands west of the River Shannon and some eastern coastal areas, has fallen by 55% in 40 years. This can be attributed to habitat loss from agricultural intensification and drainage.
- Black-headed Gulls remain a frequent winter presence and their red listing relates to their breeding status only. This has seen a 55% decline in 40 years for reasons which are not clear but may relate to loss of nesting sites, predation, food depletion or drainage. They are not recorded as breeding in the Dublin area (Balmer et al., 2013).

A 'supporting document' has been published by the NPWS which gives a detailed assessment of the features of interest for which SPAs in Dublin Bay have been designated (NPWS, 2014). In particular it presents information on the trends of these features and the pressures which are likely to affect these trends. It has determined that five species: Grey Plover, Shelduck, Pintail, Shoveler, Golden Plover and Black-headed Gull, are of unfavourable status while the remainder are 'favourable'. In the case of the Grey Plover it was found that its population trend is decreasing both within Dublin Bay and at an all-Ireland level. For this reason, it is reasonable to assume that the factors for its decline are not unique to Dublin Bay. The Black-headed Gull population was not assessed in this way. Only for Shoveler is it considered that significant declines are being experienced due to site conditions.

Of relevance to this study this report highlights that poor water quality has long been an issue in Dublin Bay. This was manifest in macroalgal blooms of brown and green algae, particularly around Bull Island and the Tolka Estuary. Some improvements in the trophic status has occurred since the 1990s.

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particularly as a result of new wastewater treatment facilities at Ringsend in 2003. On-going improvements to water quality are highlighted as a potential risk to certain bird populations as a reduction in primary production (i.e. food for birds) may arise both as densities of invertebrates and algal mats is reduced.

Step 4: The Assessment of Significance of Effects

Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 site.

In order for an effect to occur there must be a pathway between the source (the development site) and the receptor (the SAC or SPA). Where a pathway does not exist, an impact cannot occur.

The proposed development is not located within, or adjacent to, any SAC or SPA.

Habitat loss

The site is nearly 35km from the boundary of the South Dublin Bay and River Tolka estuary SPA/SAC as the crow flies but following the flow of the River Liffey this distance is significantly greater. Because of this distance separating the two areas there is no pathway for loss or disturbance of species listed in table 1 or other semi-natural habitats that may act as ecological corridors for important species associated with the qualifying interests of the Natura 2000 sites.

Hydrological pathways - wastewater

There is a pathway from the site via surface and wastewater water flows to Dublin Bay via the Osberstown wastewater treatment plant and the River Liffey. As surface water from the site does not flow to the River Tolka there is no pathway between the site and the Tolka Estuary.

The plant at Osberstown is licenced to discharge treated effluent to the River Liffey by the EPA (licence no.: D0002-01). It has a capacity to treat wastewater for a population equivalent (P.E.) of 130,000. The Annual Environmental Report (AER) for 2017 (the most recent) shows that the average loading was well within this capacity while the standard of effluent was fully compliant with emission limit values set under the Urban Wastewater Treatment Directive. Monitoring of the receiving water (i.e. the River Liffey) takes place at points upstream and downstream of the discharge point. The AER states that "the discharge from the wastewater treatment plant may have an impact on the Water Framework Directive status. However, the upstream BOD is close to the EQS threshold and improvements in the sewer network are expected to lead to further improvements in the receiving water quality. This development will increase demand on the treatment plant however the existing evidence suggests that this will not result in pollution problems.

Water quality in Dublin Bay meanwhile is 'good'

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Hydrological pathways – surface water/operation phase

The existing surface water attenuation measures ensure that there will be no negative impact to water quality or quantity arising from the increase in volumes received at the site.

Hydrological pathways – construction phase

There is no construction phase as part of this project.

Disturbance

The site is too far from bird roosting areas to result in impacts from noise or other forms of human disturbance.

The development is not likely to affect amenity use at Natura 2000 sites due to the location of the development.

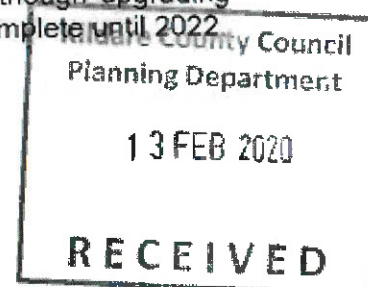
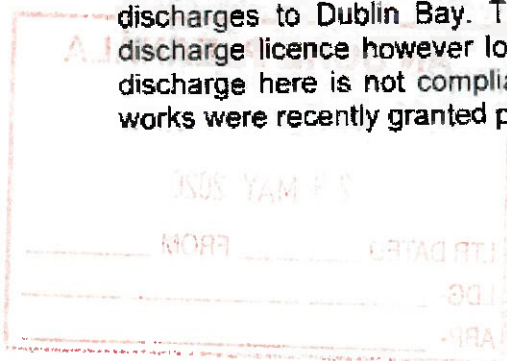
Are there other projects or plans that together with the project or plan being assessed could affect the site?

Eventual implementation of the WFD will result in overall improvements to water quality throughout the Liffey catchment although these targets have not been met by the 2015 deadline.

Environmental water quality can be impacted by the effects of surface water run-off from areas of hard standing. These impacts are particularly pronounced in urban areas and can include pollution from particulate matter and hydrocarbon residues, and downstream erosion from accelerated flows during flood events (Mason, 1996). There will no impact to surface water quality and quantity from this development due to the incorporation of proven SUDS methods.

Significant land use change has occurred in this region in the past decade as part of the growth of Naas town, and which has seen agricultural land converted to built development. This can impact upon biodiversity through disturbance effects and the cumulative impact of water pollution. Impacts to water quality arising from this project have been assessed and are not predicted to result in pollution.

Water quality in Dublin Bay can be influenced by multiple sources of effluent including diffuse run-off from agriculture or one-off houses. Substantial point sources also exist, particularly from the wastewater treatment plants at Leixlip (the Lower Liffey Regional Sewerage Scheme which also discharges to the Liffey) and the main treatment plant for Dublin city at Ringsend, which discharges to Dublin Bay. The former plant is currently compliant with its discharge licence however long-standing problems at Ringsend persist. The discharge here is not compliant with licence values and although upgrading works were recently granted permission, they may not be complete until 2022.



However, evidence suggests that some nutrient enrichment in coastal estuaries is benefiting wintering birds for which SPAs have been designated in Dublin Bay (Naim & O'Hallaran eds, 2012).

This project will not result in any additional loading to the Osberstown plant.

There are no further effects which can act in combination with other similar effects, to result in significant effects to the SAC or SPAs in question.

List of agencies consulted

No third parties were contacted for nature conservation observations due to the low ecological sensitivity of the site.

Conclusion and Finding of No Significant Effects

This project has been screened for AA under the appropriate methodology. It has found that significant effects are not likely to arise, either alone or in combination with other plans or projects that will result in significant effects to the integrity of the Natura 2000 network.



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Glassco Recycling Ltd.

**Environmental Monitoring Assessment for
Glassco Recycling Ltd., EPA Licence W0279-
02**

July 2018

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Client Name:	Glassco Recycling Ltd.
Client Address:	Unit 4 Osberstown Industrial Park, Carragh Road, Naas, Co. Kildare, W91 PF54
Report Title:	Environmental Monitoring Assessment for Glassco Recycling Ltd., EPA Licence W0279-02
Project Code:	RG0208

Project Manager (Name):	Kerstie Flanagan
Project Manager (Sign):	
Project Manager (Date):	23 rd July 2018

Approved by Project Director (Name):	Conor Tonra
Approved by Project Director (Sign):	
Approved by Project Director (Date):	23 rd July 2018

Issue No.	Date	Status
01	23/07/2018	Draft Issued to Client

Notes/Comments:

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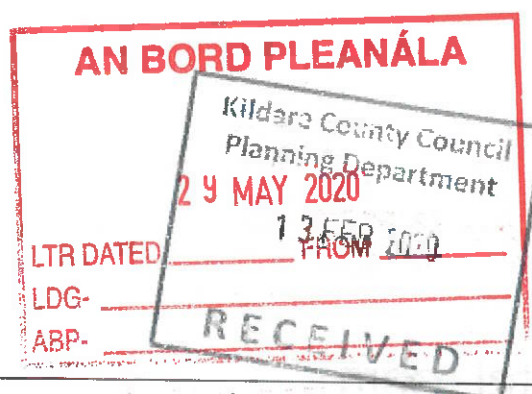
Appendices

Appendix 1: Site Layout Drawing

Appendix 2: Statistical Analysis of Surface Water Results

Appendix 3: Dust Monitoring Locations

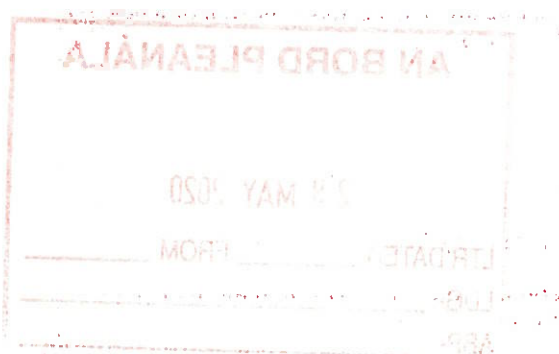
Appendix 4: Noise Monitoring Locations



1.0 Introduction

1.1 About this Report

- 1.1.1 Patel Tonra Ltd. was commissioned by Glassco Recycling Ltd. to prepare a short assessment on the environmental monitoring records of its glass and can recycling facility at Unit 4 Osberstown Industrial Estate, Carragh Road, Naas, Co. Kildare (EPA Licence W0279-02) to determine whether an increase in tonnage at the facility would have an adverse impact on the environment with particular reference to noise, dust and surface water emissions.
- 1.1.2 Glassco Recycling Ltd. is Ireland's largest collector and recycler of post-consumer glass and can packaging.
- 1.1.3 Glassco Recycling Ltd. holds an EPA Waste Licence (ref. W0279-02), granted in February 2016, for the operation of a glass and can recycling facility at Unit 4 Osberstown Industrial Estate, Carragh Road, Naas, Co. Kildare.
- 1.1.4 The licensee is required to undertake environmental monitoring as per the EPA Waste Licence requirements set out in *Schedule C: Control and Monitoring*, for storm water monitoring, dust, noise and air.
- 1.1.5 The facility is licenced to accept 150,000 tonnes per annum of bottles and jars, aluminium and steel cans. The facility sorts glass into colour-separated glass cullet and segregates ferrous and non-ferrous metals.
- 1.1.6 Under the terms of the licence, the licensee must manage and operate the facility to ensure that activities do not cause environmental pollution. The licensee is required to carry out routine environmental monitoring and submit all monitoring results to the Agency. The results for storm water, dust and noise have been used in the preparation of this report to assess the impact of the facility on the local receiving environment.
- 1.1.7 This report will also assess, where possible if there is any impact on the receiving environment as a result of increasing tonnage being accepted and processed at the facility.



2.0 Storm Water

2.1 Introduction

2.1.1 Glassco Recycling Ltd., is required to carry out monitoring of storm water in accordance with Condition 6.11 and 'Schedule C' of Waste Licence W0279-02:

6.11.2 *The licensee shall maintain, to the Agency's satisfaction, suitable trigger levels for total suspended solids, BOD and mineral oils in storm water discharges, such that storm waters exceeding these levels will be diverted for retention and suitable disposal. The licensee shall have regard to the Environmental Protection Agency "Guidance on the setting of trigger levels for storm water discharges to off-site surface waters at EPA IPPC and Waste Licence facilities" when establishing the suitable trigger levels.*

This includes a visual assessment of the storm water quality in the immediate environs of the facility on a weekly basis to be reported on a quarterly basis.

2.1.2 Storm water sampling is carried out by Glassco Recycling Ltd. personnel on a weekly basis. IAS Laboratories Ltd. has been engaged by the licensee to perform the required analysis on the samples.

2.1.3 Storm water monitoring locations at the facility are listed in Table 2.1. See **Appendix 1: Site Layout Drawing**.

Table 2.1: Location of Storm Water Monitoring Points

Sampling Point	Location
SW-1 ¹	North of facility.
SW-2 ²	West of facility.
SW-1A ³ (13/07/2016 to 26/12/2017)	North of facility – at discharge from waste water treatment plant.

2.1.4 SW-1 and SW-2 were the initial storm water emission points for the facility. In 2016, it became apparent that the facility was not in compliance with its storm water discharges and the Licensee decided to install a waste water treatment plant to improve the quality of the storm water emissions from the facility.

2.1.5 SW-1 and SW-2 became obsolete with the commissioning of the waste water treatment plant at the facility in August 2016 and the subsequent installation of an alternative combined emission point post treatment (as per Site Layout Drawing in **Appendix 1**). This point, which is referred to as "SW-1+SW-2" operationally in the laboratory documentation, will henceforth be referred to as SW-1A in this report.

2.1.6 The parameters which are required to be measured at the storm waste emission point on a weekly basis are as listed below. The licensee set trigger levels for the parameters below (EDEN Ref: LR0305131).

¹ Sampling ceased at this location in January 2016.

² Sampling ceased at this location in June 2016.

³ Sampling commenced at this location in July 2016. This monitoring location replaces SW-1 and SW-2 as the only surface water emission point at the facility.

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Table 2.2: Trigger Levels for Storm Water Monitoring Parameters

Parameter	Trigger Level
Biochemical Oxygen Demand (BOD)	30mg/L
Suspended Solids	27mg/L
Conductivity	552µm/cm
Mineral Oil	0.26mg/l

- 2.1.7 A total of 201 (No.) storm water samples were taken from the 7th of January 2015 to the 26th of December 2017. The annual sampling breakdown is outlined in Table 2.2.

Table 2.3: No. of Storm Water samples taken from each sampling point in each quarter 2015 – 2017.

Year	Quarter	SW-1	SW-2	SW-1A
2015	Q1	12	12	-
	Q2	13	13	-
	Q3	13	13	-
	Q4	12	13	-
2016	Q1	3	13	-
	Q2	-	10	-
	Q3	-	-	12
	Q4	-	-	12
2017	Q1	-	-	13
	Q2	-	-	12
	Q3	-	-	12
	Q4	-	-	13
Total Samples	-	53	74	74

2.2 Biochemical Oxygen Demand

- 2.2.1 Biochemical Oxygen Demand (BOD) is defined as the amount of oxygen needed for aerobic organisms to breakdown organic material present in a given water sample. Pollution can cause increased nutrients in water bodies, these results in the increased uptake of oxygen by aerobic bacteria causing oxygen depletion in the water body. Depleted oxygen supplies in a water body are noted by a high BOD level and can lead to depletion in fish populations.

- 2.2.2 Storm Water samples taken from SW-1 for BOD analysis are presented in **Chart 2.1.**

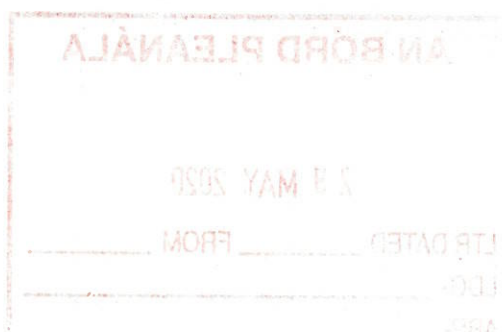
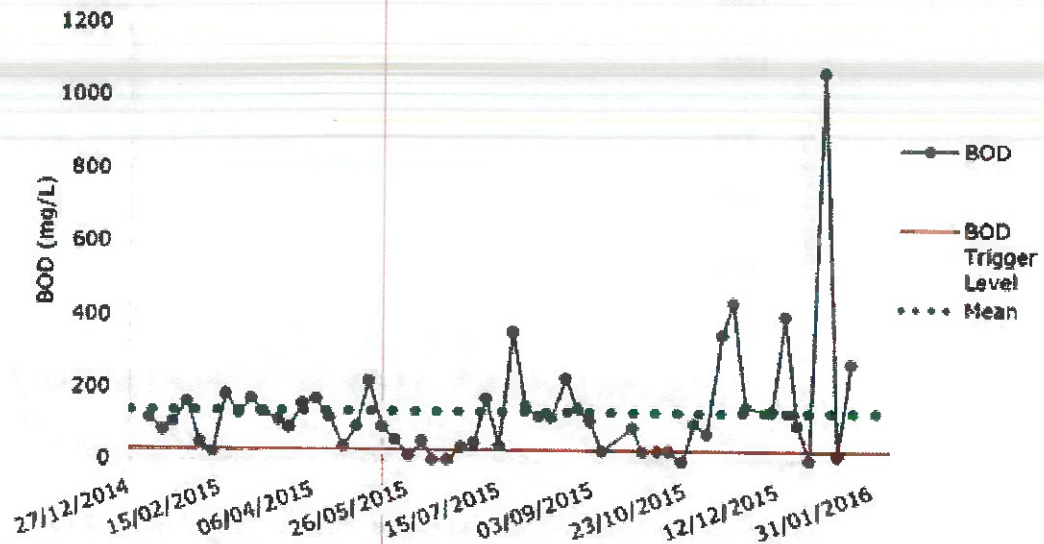


Chart 2.1: Biochemical Oxygen Demand at SW-1 (07/01/2015 to 20/01/2016)

- 2.2.3 53 (No.) Storm Water monitoring events were carried out at SW-1 under EPA Licence W0279-02, commencing in January 2015 and ending in January 2016. In that time, the BOD trigger level of 30mg/L was breached 45 times. The overall compliance rate for BOD at this location during this period was 15%.
- 2.2.4 The highest result for BOD at SW-1 was found to be 1069 mg/L (Chart 2.1) measured from the sample taken on 6th of January 2016. This result is approximately 36 times the BOD trigger level for the facility.
- 2.2.5 Storm water samples taken from SW-2 for BOD analysis are presented in Chart 2.2.

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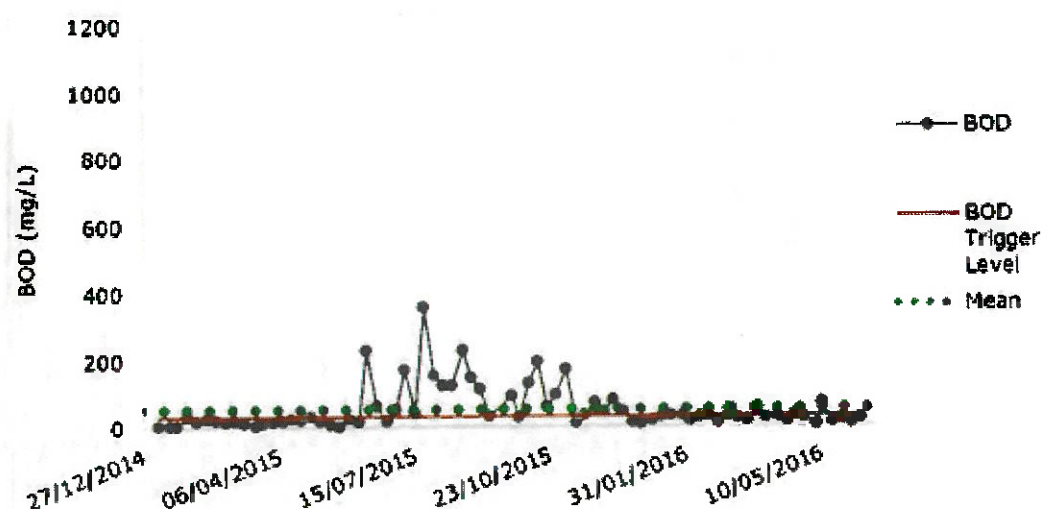
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Chart 2.2: Biochemical Oxygen Demand at SW-2 (07/01/2015 to 08/06/2016)

- 2.2.6 74 (No.) Storm Water monitoring events were carried out at SW-2 commencing on 7th of January 2015 and ceasing on 8th of July 2016. In that time, the BOD trigger level (30mg/L) was breached 31 times. The overall compliance rate for BOD at this location during this period was 58%.
- 2.2.7 The highest result for BOD at SW-2 was found to be 357 mg/L as measured on the 22nd of July 2015 (**Chart 2.2**). This result is approximately 12 times the BOD trigger level at this location.
- 2.2.8 Storm Water samples taken from SW-1A for BOD analysis are presented in **Chart 2.3**.

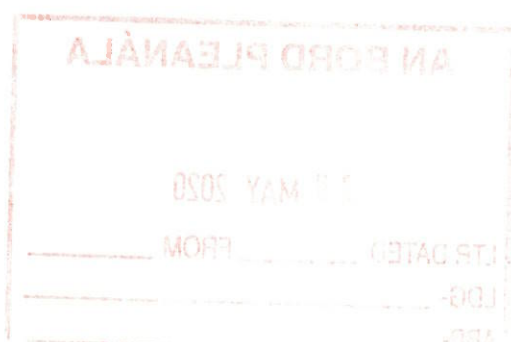
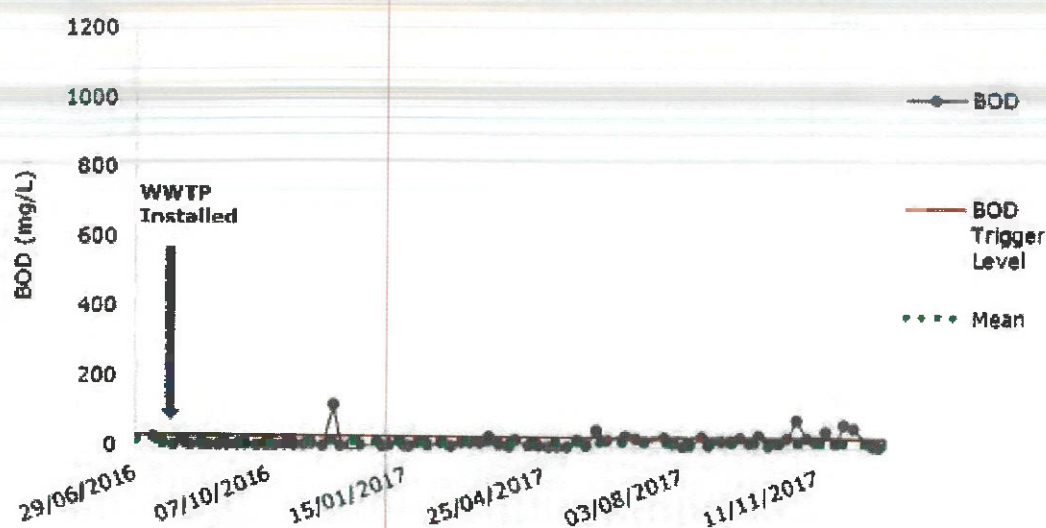
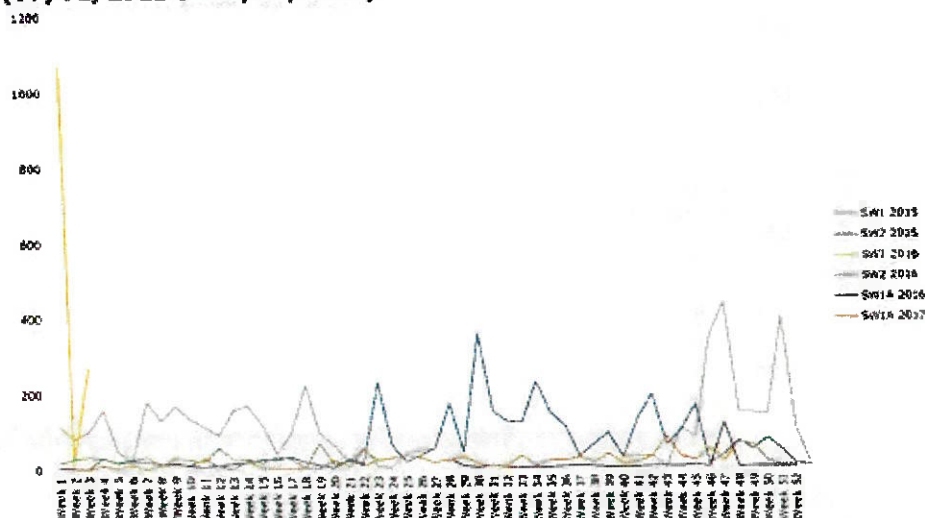


Chart 2.3: Biochemical Oxygen Demand at SW-1A (13/07/2016 to 26/12/2017)

- 2.2.9 Following the commissioning of the waste water treatment plant at the facility in August 2016 storm water sampling commenced at SW-1A (Chart 2.3).
- 2.2.10 74 (No.) Storm Water monitoring events have been carried out at SW-1A since commissioning in August 2016 (to date). In that time, the BOD trigger level (30mg/L) was breached 9 (No.) times. The overall compliance rate at this location is 88%.
- 2.2.11 SW-1A has a mean BOD (15.77 mg/L) which is lower than the BOD trigger level (30 mg/L).
- 2.2.12 Annual results of BOD analysis from SW-1, SW-2 and SW-1A are presented in Chart 2.4.

Chart 2.4: All Biochemical Oxygen Demand results for Week 1 to Week 52 (07/01/2015 to 26/12/2017)

- 2.2.10 In **Chart 2.4**, the highest BOD levels occurred in 2015 and early 2016 before the installation of the waste water treatment plant. A significant drop in BOD levels was observed after the waste water treatment plant was installed in August 2016.
- 2.2.11 BOD results from the plant are observed to be above the trigger level value at various points throughout the year at SW-1, SW-2 and SW-1A monitoring locations. It does not appear that the time of the year when sampling is carried out has an impact on the BOD levels in the storm water emissions at Glassco Recycling Ltd.

Table 2.4 BOD Compliance Rate at Storm Water Monitoring Locations in Relation to Tonnage

Relation to Tonnage				
Year	Tonnage	SW-1	SW-2	SW-1A (%)
2015	124,829	15%	58%	-
2016	124,417			
August 2016	Waste Water Treatment Plant Commissioned			
2017	126,205	-	-	88%

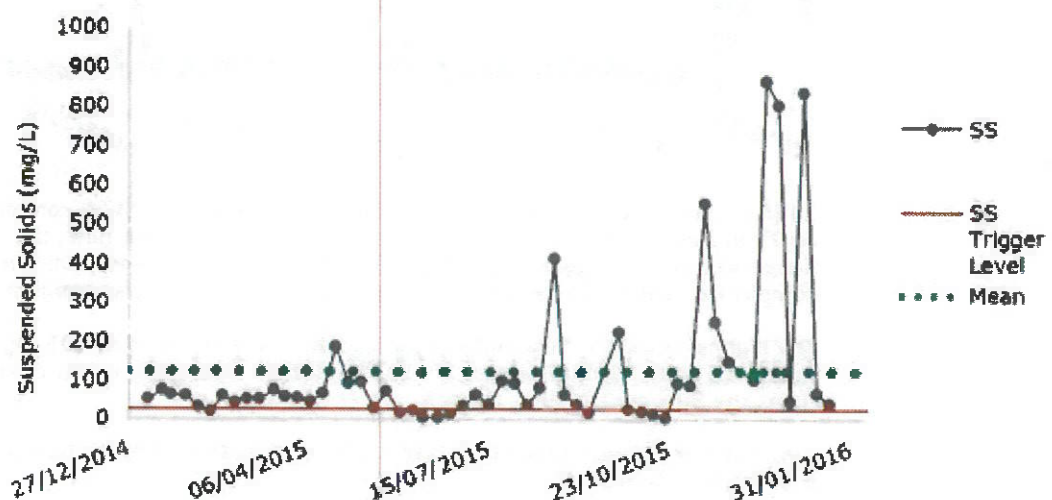
- 2.2.12 BOD compliance at SW-1 and SW-2 during 2015 and 2016 was poor, with a compliance rate of 15% at SW-1 and 58% at SW-2. Tonnage intake at the facility was static in 2015 and 2016.
- 2.2.13 BOD compliance increased in 2017, to 88%, following the commissioning of the waste water treatment plant at the facility in August 2016. Tonnage accepted increased from 2016 and 2017 from 124,417 tonnes to 126,205 tonnes.
- 2.2.14 It does not appear that increased tonnage has a negative impact on BOD compliance. The 8 (No.) breaches in 2017 may be attributed to the waste water treatment plant not operating efficiently and requiring ongoing maintenance.

2.3 Suspended Solids

2.3.1 Suspended Solids accounts for all the matter that does not settle in a water body. Suspended Solids can indicate a pollution incident in a water body, whereby the water body has become saturated with particulate matter. Suspended Solids decrease the transparency of the water allowing less light to penetrate into the water body, negatively impacting on photosynthesising plant and algae within the water body. It also may increase nutrients load in the water body which will in turn increase BOD levels within the water body.

2.3.2 Storm Water samples taken from SW-1 for Suspended Solids analysis are presented in Chart 2.5.

Chart 2.5: Suspended Solids at SW-1 (07/01/2015 to 20/01/2016)



2.3.3 53 (No.) Storm Water monitoring events were carried out at SW-1 under EPA Licence W0279-02, commencing in January 2015 and ending in January 2016. In that time, the Suspended Solids trigger level of 27mg/L was breached 42 times. The overall compliance rate for Suspended Solids at this location during this period was 21%.

2.3.4 The highest level of Suspended Solids measured at SW-1 was 863 mg/L on the 15th of December 2015 (Chart 2.5). This is approximately 32 times higher than the trigger level value.

2.3.5 Storm Water samples taken from SW-2 for Suspended Solids analysis are presented in Chart 2.6.

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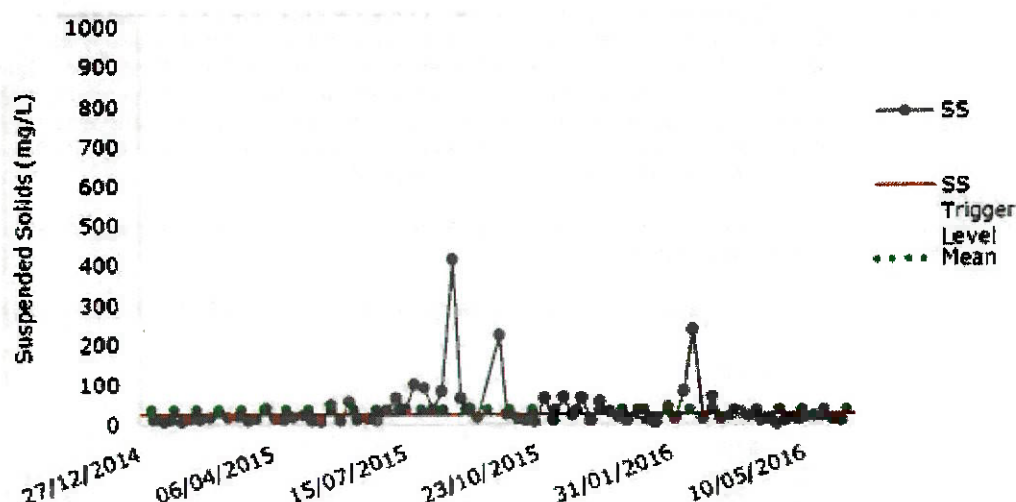
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Chart 2.6: Suspended Solids at SW-2 (07/01/2015 to 08/06/2016)



- 2.3.6 74 (No.) Storm Water monitoring events were carried out at SW-2 commencing on 7th of January 2015 and ceasing on 8th of July 2016. In that time, the Suspended Solids trigger level (27 mg/L) was breached 32 times. The overall compliance rate for Suspended Solids at this location during this period was 57%.
- 2.3.7 The highest result for Suspended Solids at SW-2 was found to be 415 mg/L as measured on the 20th of August 2015 (Chart 2.6). This result is approximately 15 times the Suspended Solids trigger level at this location.
- 2.3.8 Storm Water samples taken from SW-1A for Suspended Solids analysis are presented in Chart 2.7.

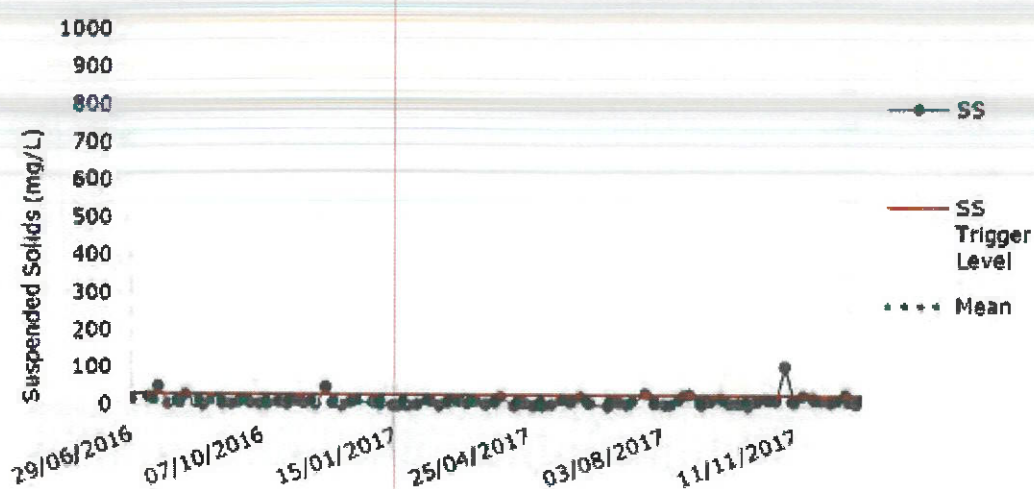
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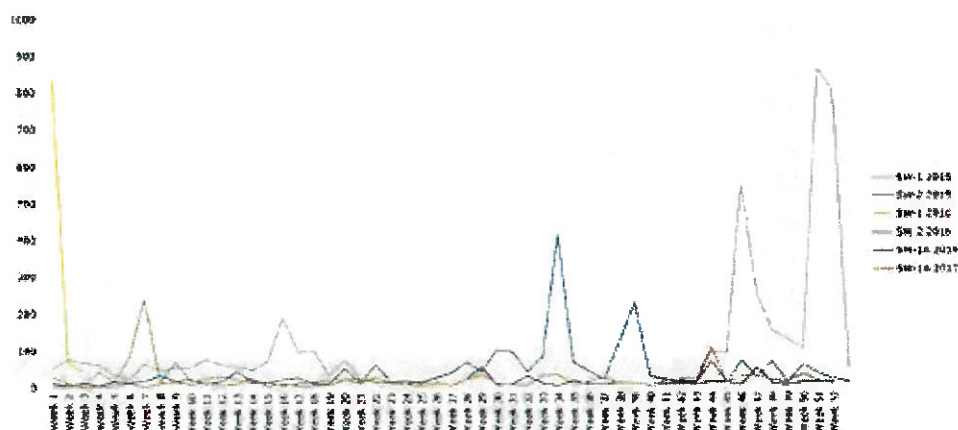


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Chart 2.7: Suspended Solids at SW-1A (13/07/2016 to 26/12/2017)

- 2.3.9 Following the commissioning of the waste water treatment plant at the facility in August 2016, storm water sampling commenced at SW-1A.
- 2.3.10 74 (No.) Storm Water monitoring events have been carried out at SW-1A since commissioning in August 2016 (to date). In that time, the Suspended Solids trigger level (27 mg/L) was breached 7 (No.) times. The overall compliance rate at this location is 91%.
- 2.3.11 The highest recorded breach of suspended solids at SW-1A (106 mg/L) was on the 3rd of November 2016 (**Chart 2.7**). SW-1A has a mean Suspended Solids (12.5 mg/L) which is lower than the trigger level (27 mg/L).
- 2.3.12 Annual results of Suspended Solids analysis from SW-1, SW-2 and SW-1A are presented in **Chart 2.8**.



Chart 2.8: All suspended solids results for Week 1 to Week 52 (07/01/2015 to 26/12/2017)

2.2.13 In **Chart 2.8**, the highest Suspended Solids levels occurred in 2015 and early 2016 prior to the installation of the waste water treatment plant. A significant drop in Suspended Solids levels was observed after the waste water treatment plant was installed in August 2016.

2.2.14 Suspended Solids results from the plant are observed to be above the trigger level value at various points throughout the year at all monitoring locations. It does not appear that the time of the year when sampling is carried out has an impact on the Suspended Solids levels in the storm water emissions at Glassco Recycling Ltd.

Table 2.5: Suspended Solids Compliance Rate at Storm Water Monitoring Locations in Relation to Tonnage

Locations in Relation to Tonnage				
Year	Tonnage	SW-1	SW-2	SW-1A
2015	124,829	21%	57%	-
2016	124,417			
August 2016	Waste Water Treatment Plant Commissioned			
2017	126,205	-	-	91%

2.3.15 Suspended Solids compliance at SW-1 and SW-2 during 2015 and 2016 was poor, with a compliance rate of 21% at SW-1 and 57% at SW-2. Tonnage intake at the facility was static in 2015 and 2016.

2.2.16 Suspended Solids compliance increased in 2017, to 91%, following the commissioning of the waste water treatment plant at the facility in August 2016. Tonnage accepted increased from 2016 and 2017 from 124,417 tonnes to 126,205 tonnes.

2.2.17 It does not appear that increased tonnage has a negative impact on Suspended Solids compliance. The 2017 breaches may be attributed to the waste water treatment plant not operating efficiently and requiring maintenance.

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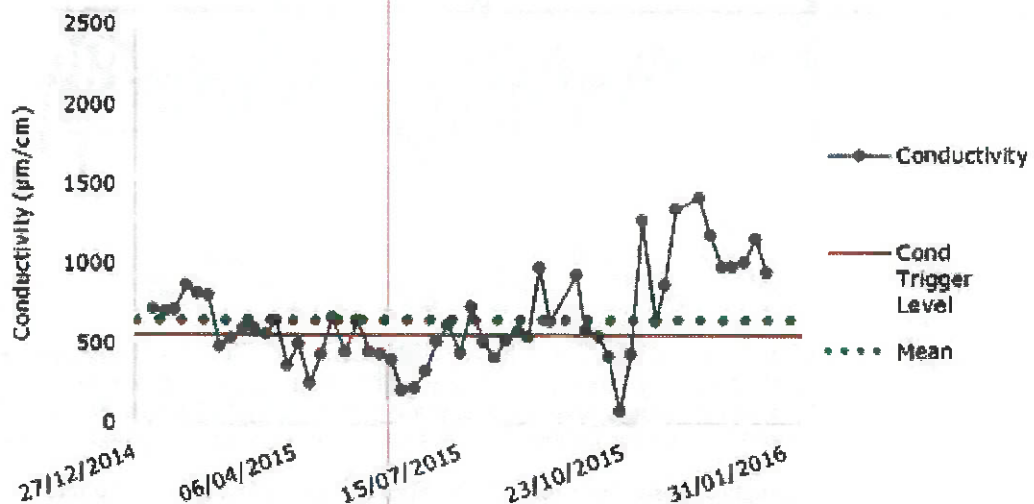
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2.4 Conductivity

2.4.1 Conductivity is the measure of a water samples ability to conduct electrical current. Conductivity is used to indicate how much salt is in a water sample. A high conductivity can indicate pollution in a water body.

2.4.2 Storm Water samples taken from SW-1 for Conductivity analysis are presented in Chart 2.9.

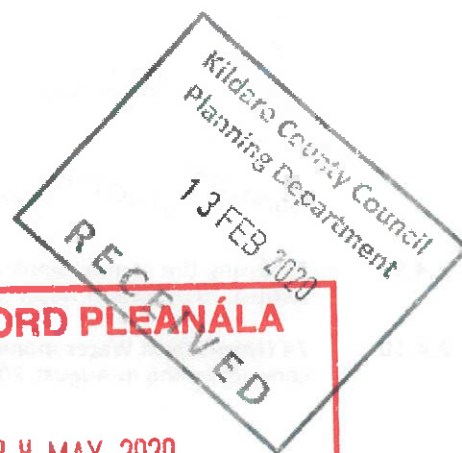
Chart 2.9: Conductivity at SW-1 (07/01/2015 to 20/01/2016)



2.4.3 53 (No.) Storm Water monitoring events were carried out at SW-1 under EPA that time, the Conductivity trigger level (552µm/cm) was breached 30 times. The overall compliance rate for Conductivity at this location during this period was 43%.

2.4.4 The highest result for Conductivity at SW-1 was found to be 1411 µm/cm as measured on the 9th of December 2015 (Chart 2.9). This result is approximately 2.5 times the Conductivity trigger level at this location.

2.4.5 Storm Water samples taken from SW-2 for Conductivity analysis are presented in Chart 2.10.



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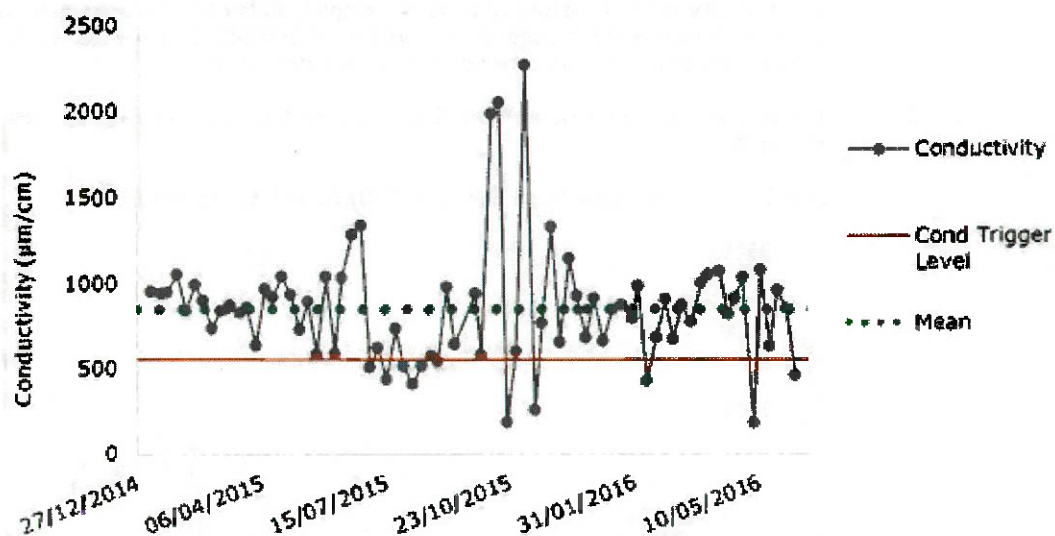
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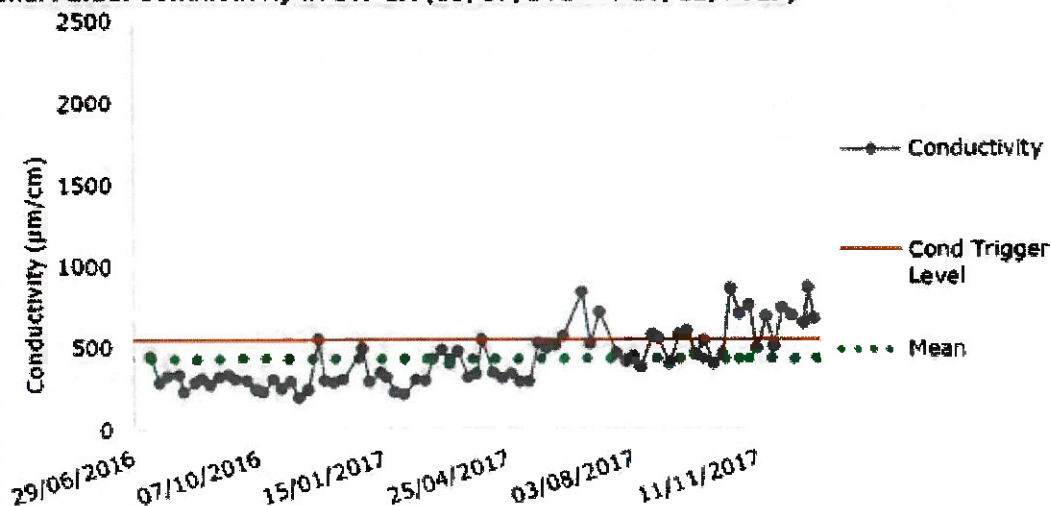
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Chart 2.10: Conductivity at SW-2 (07/01/2015 to 08/06/2016)



- 2.4.6 74 (No.) Storm Water monitoring events were carried out at SW-2 commencing on 7th of January 2015 and ceasing on 8th of July 2016. In that time, the Conductivity trigger level (552 $\mu\text{m}/\text{cm}$) was breached 63 times. The overall compliance rate for Conductivity at this location during this period was 15%.
- 2.4.7 The highest result for Conductivity at SW-2 was found to be 2270 $\mu\text{m}/\text{cm}$ as measured on the 4th of November 2015 (Chart 2.6). This result is approximately 4 times the Conductivity trigger level at this location.
- 2.4.8 Storm Water samples taken from SW-1A for Conductivity analysis are presented in Chart 2.11.

Chart 2.11: Conductivity at SW-1A (13/07/2016 to 26/12/2017)

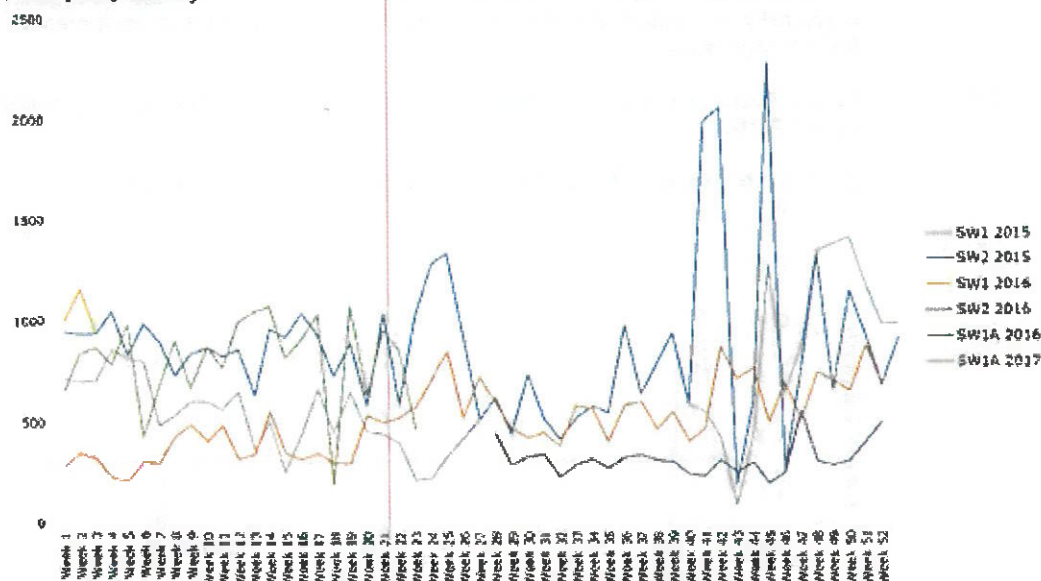


- 2.4.9 Following the commissioning of the waste water treatment plant at the facility in August 2016, storm water sampling commenced at SW-1A.
- 2.4.10 74 (No.) Storm Water monitoring events have been carried out at SW-1A since commissioning in August 2016 (to date). In that time, the Conductivity trigger

level (552 $\mu\text{m}/\text{cm}$) was breached 16 times. The overall compliance rate at this location is 78%.

- 2.4.11 The highest recorded breach of Conductivity at SW-1A (875 $\mu\text{m}/\text{cm}$) was on the 21st of December 2017 (Chart 2.11). This result is approximately 1.5 times the Conductivity trigger level at this location.
- 2.4.12 Annual results of Conductivity analysis from SW-1, SW-2 and SW-1A are presented in Chart 2.12.

Chart 2.12: All conductivity results for Week 1 to Week 52 (07/01/2015 to 26/12/2017)



- 2.4.13 In Chart 2.12, the highest conductivity levels occurred in 2015 and early 2016 prior to the installation of the waste water treatment plant. A drop in conductivity levels was observed after the waste water treatment plant was installed in August 2016.
- 2.4.14 Conductivity results from the plant are observed to be above the trigger level value at various points throughout the year at all monitoring locations. It does not appear that the time of the year when sampling is carried out has an impact on the conductivity levels in the storm water emissions at Glassco Recycling Ltd.

Table 2.6: Conductivity Compliance Rate at Storm Water Monitoring Locations in Relation to Tonnage

Year	Tonnage	SW-1	SW-2	SW-1A
2015	124,829	43%	15%	-
2016	124,417			
August 2016	Waste Water Treatment Plant Commissioned			
2017	126,205	-	-	78%

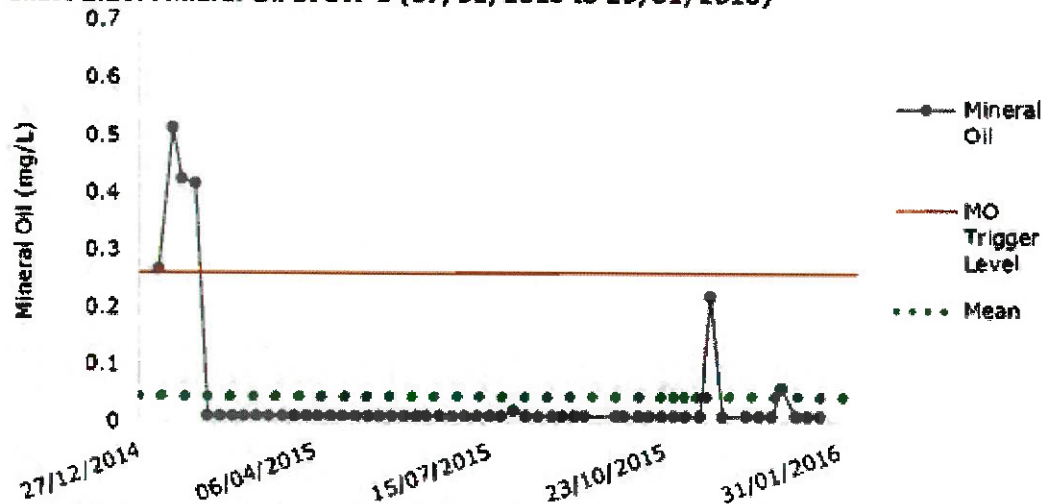
- 2.4.15 Conductivity compliance at SW-1 and SW-2 during 2015 and 2016 was poor, with a compliance rate of 43% at SW-1 and 15% at SW-2. Tonnage intake at the facility was static in 2015 and 2016.

- 2.4.16 Conductivity compliance increased in 2017, to 78%, following the commissioning of the waste water treatment plant at the facility in August 2016. Tonnage accepted increased from 2016 and 2017 from 124,417 tonnes to 126,205 tonnes.
- 2.4.17 It does not appear that increased tonnage has a negative impact on conductivity compliance. The breaches may be attributed to the waste water treatment plant not operating efficiently and requiring maintenance.

2.5 Mineral Oil

- 2.5.1 Mineral Oil is a parameter which is analysed in waterbodies where there is a risk of pollution from hydrocarbon sources. The presence of mineral oil in a waterbody is typically as a result of a leak or spill from vehicles, plant and equipment or a fuel storage area.
- 2.5.2 Storm Water samples taken from SW-1 for Mineral Oil analysis are presented in Chart 2.16.

Chart 2.16: Mineral Oil at SW-1 (07/01/2015 to 20/01/2016)



- 2.5.3 53 (No.) Storm Water monitoring events were carried out at SW-1 under EPA Licence W0279-02, commencing in January 2015 and ending in January 2016. In that time, the Mineral Oil trigger level of 0.26mg/L was breached 4 times. The overall compliance rate for Mineral Oil at this location during this period was 92%.
- 2.5.4 The highest level of mineral oil measured at SW-1 was 0.5 mg/L on the 15th of January 2015 (Chart 2.16). This is approximately twice the trigger level value.
- 2.5.5 Storm Water samples taken from SW-2 for Mineral Oil analysis are presented in Chart 2.17.

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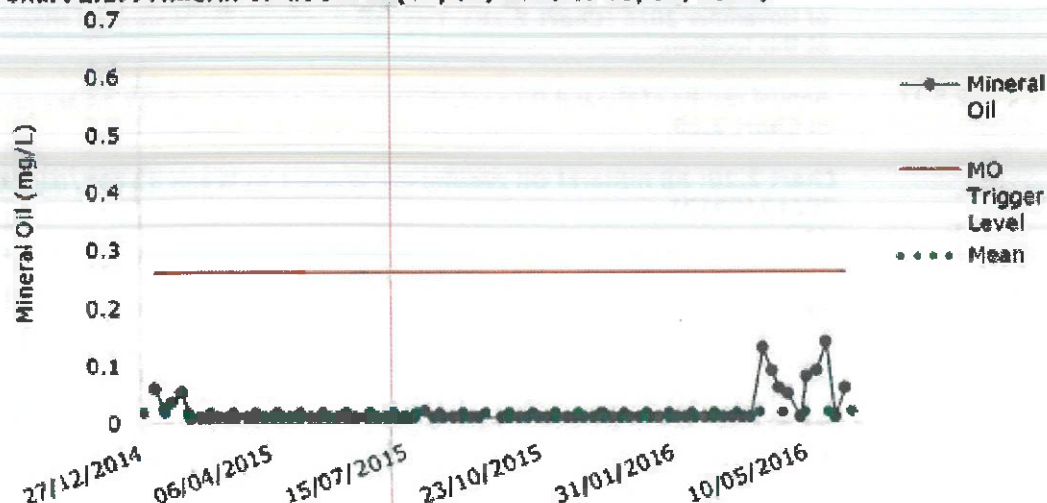
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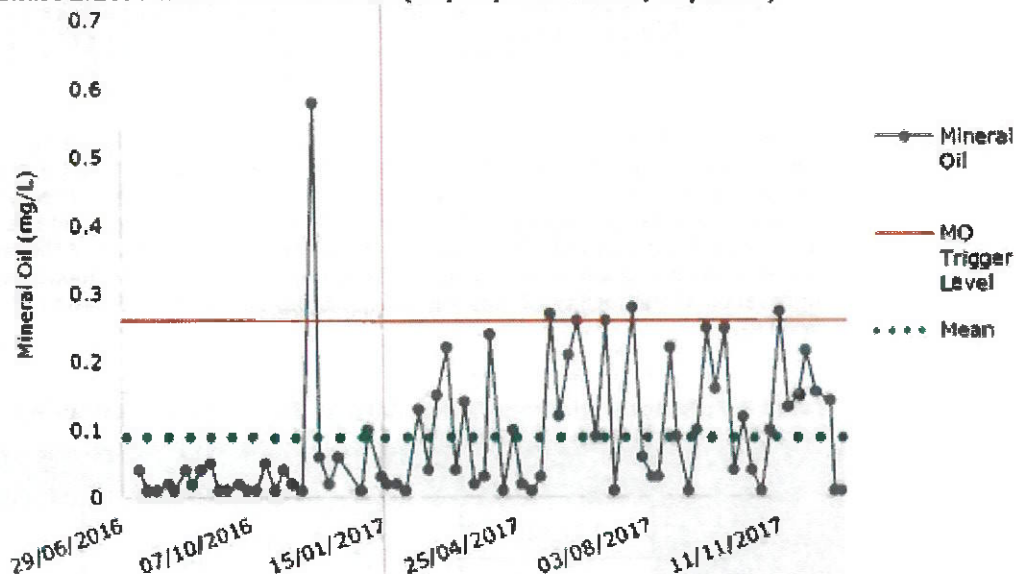
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Chart 2.17: Mineral Oil at SW-2 (07/01/2015 to 08/06/2016)



- 2.5.6 74 (No.) Storm Water monitoring events were carried out at SW-2 commencing on 7th of January 2015 and ceasing on 8th of July 2016. No samples breached the Mineral Oil trigger level at this point during this time.
- 2.5.7 Storm Water samples taken from SW-1A for Mineral Oil analysis are presented in Chart 2.18.

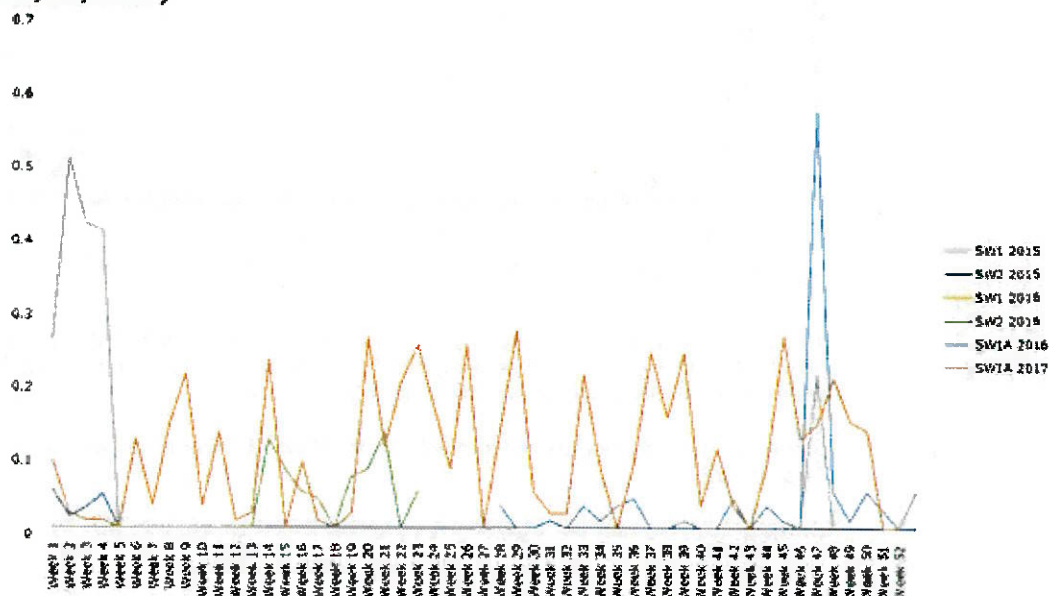
Chart 2.18: Mineral Oil at SW-1A (13/07/2016 to 26/12/2017)



- 2.5.8 Following the commissioning of the waste water treatment plant at the facility in August 2016, storm water sampling commenced at SW-1A.
- 2.5.9 74 No. Storm Water monitoring events have been carried out at SW-1A since commissioning in August 2016 (to date). In that time, the Mineral Oil trigger level (0.26mg/L) was breached 4 No. times. The overall compliance rate at this location is 95%.

- 2.5.10 The highest recorded breach of Mineral Oil at SW-1A (0.58mg/l) was on the 24th of November 2016 (**Chart 2.18**). This result is twice the Mineral Oil trigger level at this location.
- 2.5.11 Annual results of Mineral Oil analysis from SW-1, SW-2 and SW-1A are presented in **Chart 2.20**.

Chart 2.20: All mineral Oil results for Week 1 to Week 52 (07/01/2015 to 26/12/2017)



- 2.5.12 In **Chart 2.20**, Mineral Oil results from the plant are observed to be above the trigger level value at various points throughout the year at SW1, SW-2 and SW-1A monitoring locations. It does not appear that the time of the year when sampling is carried out has an impact on the Mineral Oil levels in the storm water emissions at Glassco Recycling Ltd. It is also noted that the commissioning of the waste water treatment plant in August 2016 did not have a discernible impact on mineral oil at the facility (it was well controlled prior to the installation of the WWTP).

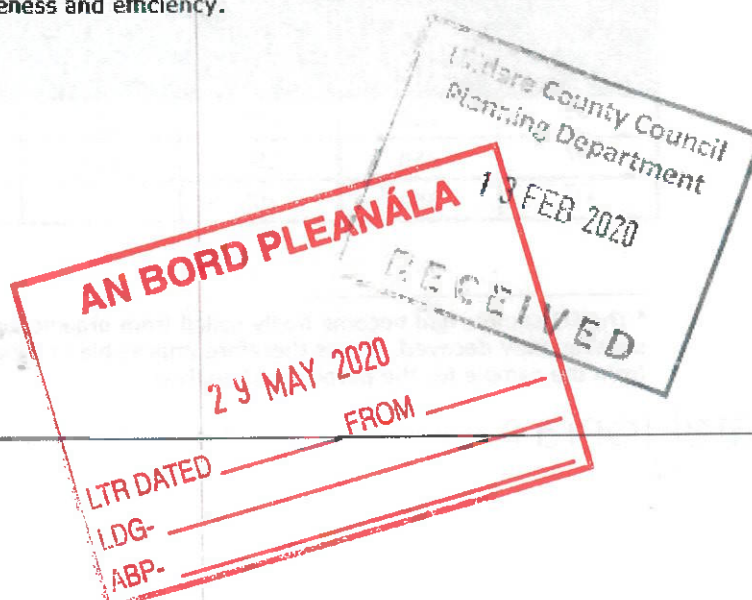
Table 2.7: Mineral Oil Compliance Rate at Storm Water Monitoring Locations in Relation to Tonnage

Year	Tonnage	SW-1	SW-2	SW-1A
2015	124,829	92%	100%	-
2016	124,417			
August 2016	Waste Water Treatment Plant Commissioned			
2017	126,205	-	-	95%

- 2.5.13 Mineral Oil compliance at the site has been consistently at a high level in 2015, 2016 and 2017. It does not appear that increased tonnage has a negative impact on Mineral Oil. The small number of breaches that have occurred may be attributed to the interceptor on the site requiring maintenance.

2.6 Discussion and Conclusion

- 2.6.1 Prior to the installation of the waste water treatment plant at the facility, BOD, Suspended Solids and Conductivity were persistently breaching the permitted levels at SW-1 and SW-2 monitoring locations. This was likely as a result of untreated run-off from the glass processing activities undertaken entering the storm water infrastructure prior to discharge from the facility.
- 2.6.2 In order to bring the parameter trigger levels into compliance, the Licensee installed a waste water treatment plant in August 2016 to treat the storm water run-off prior to discharge from the facility. This resulted in the installation of monitoring location SW-1A. The effectiveness of the WWTP is clearly seen as compliance rate for all three parameters increased dramatically in 2017.
- 2.6.3 Simultaneously, there was an increase in tonnage accepted at the facility from 124,417 tonnes in 2016 to 126,205 tonnes in 2017. As can be seen from the compliance rate, it does not appear that an increase in tonnage at the facility influenced the BOD, suspended solids or conductivity levels at the facility.
- 2.6.4 Regular, ongoing cleaning of the storm water retention pond and maintenance and servicing of the waste water treatment plant is required by the Licensee in order to ensure that the permitted trigger levels are not breached, which should result in an increased compliance rate.
- 2.6.5 Mineral Oil has generally been in compliance with the permitted trigger level at the facility. There are two interceptors in operation at the facility. Regular cleaning and maintenance of the interceptors will assist in keeping compliance levels high.
- 2.6.6 Following the installation of the waste water treatment plant (sampling period from 13/07/2016 to 26/12/2017) a statistical analysis of the results (detailed in **Appendix 2**) shows that there has been an increase in correlation between BOD with conductivity and mineral oil sampled at SW-1A, which was not seen previously at the individual sampling locations, SW-1 and SW-2. The statistical analysis indicate that conductivity and BOD levels in the storm water samples are elevated on the same sampling dates but the increase is occurring at different rates. There was no strong correlation between BOD and conductivity measured in SW-1 and SW-2 so it would be unreasonable to suggest that they are affecting each other, however it is likely that there is a source of contamination affecting the parameters causing the rate of their relationship to change.
- 2.6.7 This correlation is unlikely to be as a result of the volume of the material entering the site, but rather the source and composition of contaminants in the glass. The waste water treatment plant has been shown to be effective in the treatment of the storm water discharge to ensure that the discharge from the facility is below the permitted level. Ongoing and regular cleaning and maintenance of the storm water retention pond and waste water treatment plant is critical to ensure its ongoing effectiveness and efficiency.



3.0 Dust

3.1 Introduction

3.1.1 Glassco Recycling Ltd. is required to carry out monitoring of dust in accordance 'Schedule C' of Waste Licence W0279-02. Under Schedule C, Glassco Recycling is required to carry out quarterly assessments of dust at 3 No. monitoring locations.

3.1.2 Dust sampling is carried out by Glassco Recycling Ltd. personnel. ORS, Boylan Engineering, and AXIS Environmental Services were commissioned to perform the required analysis on a quarterly basis.

3.1.3 Dust monitoring locations (as specified in Waste Licence W0279-02) are listed in **Table 3.1**. See **Appendix 3: Dust Monitoring Locations**.

Table 3.1: Location of Dust Monitoring Points

Sampling Point	Location
D1	South western boundary of the site adjacent to site entrance.
D2	North boundary of the site.
D3	Eastern boundary of the site.

3.1.4 A total of 35 samples were taken from the 20th of January 2015 to the 5th of October 2018. The breakdown of the amount of samples taken in each year is outlined in **Table 3.2**.

Table 3.2: No. of dust samples from sampling points in each between 2015 – 2017

Year	D1	D2	D3
2015	4	4	3 ¹
2016	4	4	4
2017	4	4	4
Total Samples	12	12	11

3.2 Dust Monitoring

3.2.1 W0279-02 set an emission limit value of 350 mg/m²/day for dust at the facility. Dust monitoring results from 2015, 2016 and 2017 are summarised in **Table 3.3**, **Table 3.4** and **Table 3.5** below.

Table 3.3: Dust Monitoring Results for W0279-02 for 2015

Monitoring Location	W0279-02 Emission Limit (mg/m ² /day)	Q1, 2015 (mg/m ² /day)	Q2, 2015 (mg/m ² /day)	Q3, 2015 (mg/m ² /day)	Q4, 2015 (mg/m ² /day)
D1	350	235	231	206	110
D2	350	154	157	18	62
D3	350	253	-	45	618

¹ The D3 sample had become badly soiled from organic matter which had subsequently decayed. It was therefore impossible to separate any dust particles from the sample for the purposes of analysis.

- 3.2.2 There were 11 (No.) samples analysed in in 2015, and there was one exceedance of the ELV at monitoring location D3 in Q4, 2015. The exceedance was approximately 1.5 times the ELV. The compliance rate for this year was 91%.

Table 3.4: Dust Monitoring Results for W0279-02 for 2016

Monitoring Location	W0279-02 Emission Limit (mg/m ³ /day)	Q1, 2016 (mg/m ³ /day)	Q2, 2016 (mg/m ³ /day)	Q3, 2016 (mg/m ³ /day)	Q4, 2016 (mg/m ³ /day)
D1	350	229	1191	1206	5286
D2	350	77	128	246	574
D3	350	193	628	901	1321

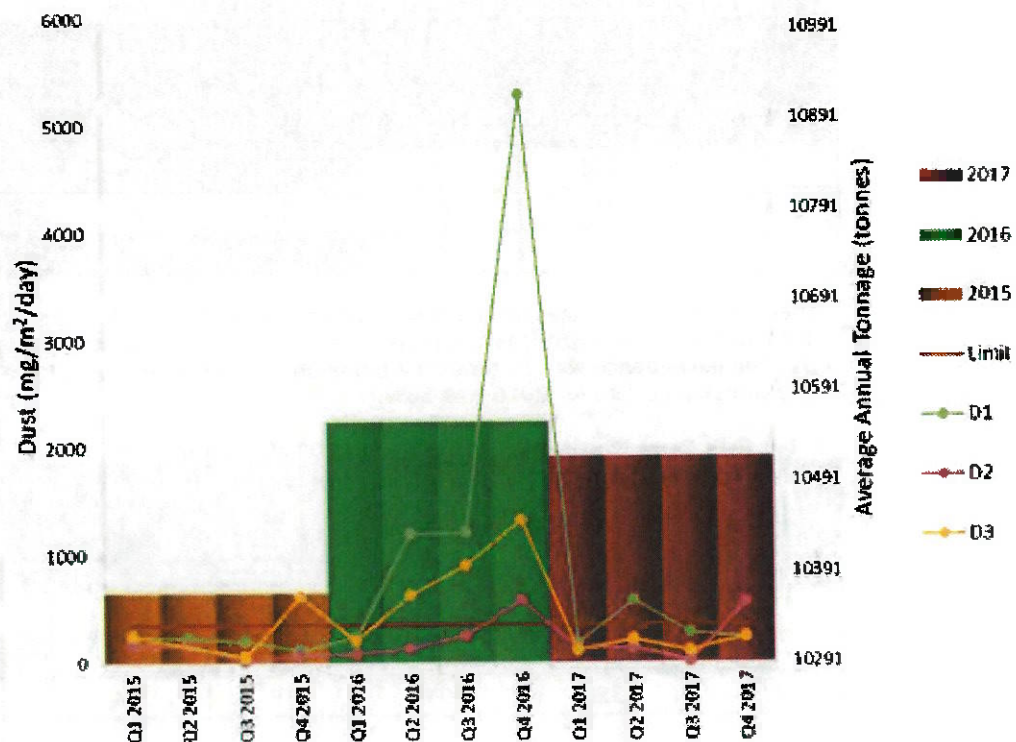
- 3.2.3 There were 7 (No.) exceedances of the ELV at the facility in 2016. The highest exceedance (5286 mg/m³/day) was recorded in Q4, 2016 at monitoring location D1. The exceedance was 15 times the emission limit value for dust at the facility. The compliance rate for 2016 was 58%.

Table 3.5: Dust Monitoring Results for W0279-02 for 2017

Monitoring Location	W0279-02 Emission Limit (mg/m ³ /day)	Q1, 2016 (mg/m ³ /day)	Q2, 2016 (mg/m ³ /day)	Q3, 2016 (mg/m ³ /day)	Q4, 2016 (mg/m ³ /day)
D1	350	171	579	269	238
D2	350	122	125	11	554
D3	350	104	216	101	234

- 3.2.4 There were 2 (No.) exceedances of the ELV at the facility in 2017. The highest exceedance (579 mg/m³/day) was recorded in Q2, 2017 at monitoring location D1. The exceedance was 1.5 times the emission limit value for dust at the facility. The compliance rate for 2016 was 83%.
- 3.2.5 Dust deposition rates at D1, D2 and D3 are compared against average monthly tonnage accepted at the facility in 2015, 2016 and 2015 as per Chart 3.1.



Chart 3.1: Dust at all monitoring points against average monthly tonnage totals. (2015 to 2017)

- 3.2.6 It can be observed from **Chart 3.1**, that increased tonnage does not have an impact on dust deposition rates at the facility. The highest number of dust breaches occurred in 2016 when the site had an accepted 126,672 tonnes of material. There were only 2 No. dust breaches in 2017 when the site accepted 126,205 tonnes of material.
- 3.2.7 Dust deposition rates at D1, D2 and D3 are compared against average quarterly rainfall totals in 2015, 2016 and 2015 as presented in **Chart 3.2**.

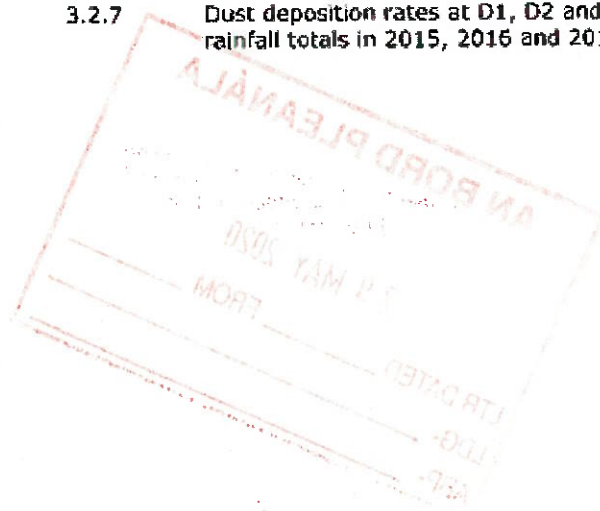
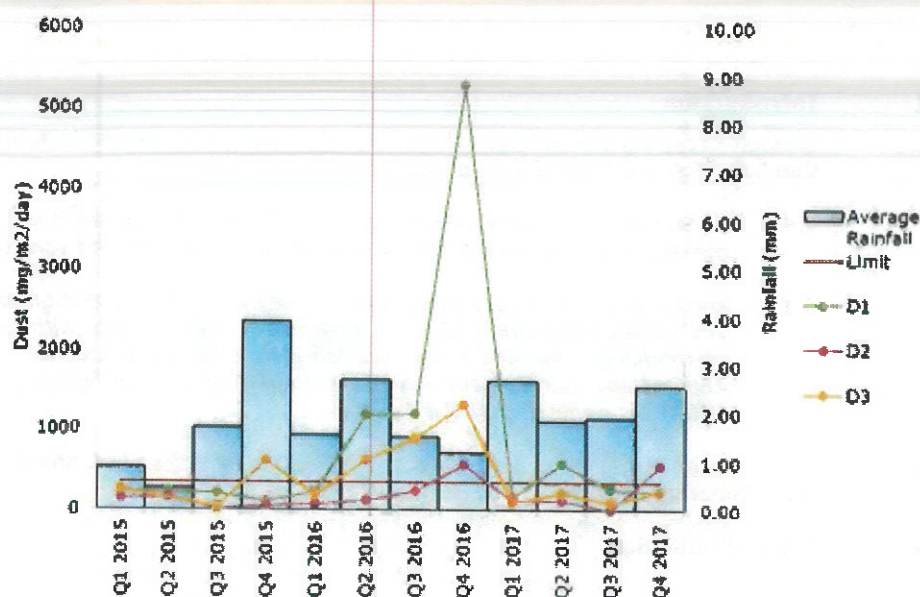
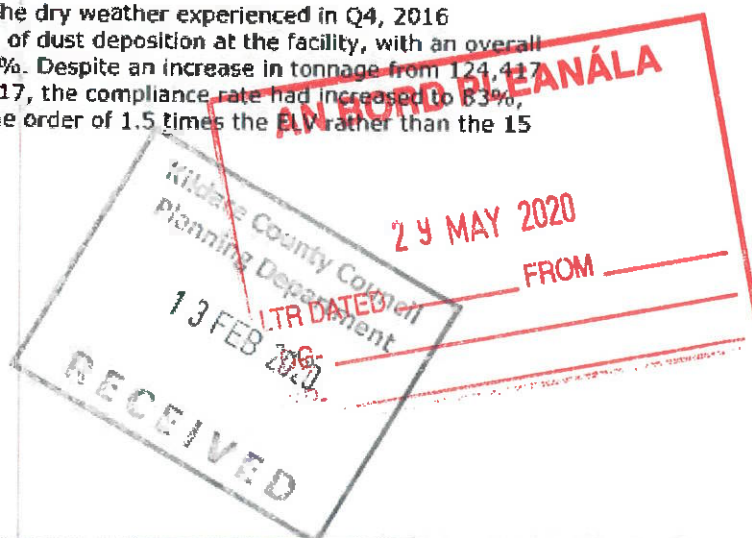


Chart 3.2: Dust at all monitoring points with average rainfall during the monitoring period. (2015 to 2017)

- 3.2.5 As per **Chart 3.2**, the highest recorded dust breach was in Q4, 2016 (5286mg/m²/day). When compared against rainfall, the average rain for this for Q4, 2016, was lower than for most other quarters. Dust samples taken at D2 and D3 during Q4, 2016 also breached the ELV. Elevated levels of dust deposition at the site may be linked to the unusually low levels of rainfall for that quarter.

3.3 Discussion and Conclusion

- 3.3.1 Dust deposition levels vary across the monitoring period analysed at the Glassco Recycling Ltd. facility. 2016, in particular Q4, 2016, saw the highest levels of dust deposition at the facility, with the Q4, 2016 measurement at D1 almost 15 times above the ELV for the facility.
- 3.3.2 There are many factors which can cause a rise in dust level at the facility including dry weather, storage of materials outdoors and increased vehicular movements at the site (possibly related to increased tonnage).
- 3.3.3 In this instance, it is likely that the dry weather experienced in Q4, 2016 contributed to the elevated level of dust deposition at the facility, with an overall compliance score for 2016 at 58%. Despite an increase in tonnage from 124,417 in 2016 to 126,205 tonnes in 2017, the compliance rate had increased to 63%, and the highest breach was in the order of 1.5 times the ELV rather than the 15 times breach seen in Q4, 2016.



4.0 Noise

4.1 Introduction

4.1.1 Glassco Recycling Ltd. is required to carry out monitoring of noise in accordance Condition 4.4 and 6.12 of Waste Licence W0279-02.:

4.4 *Noise from the facility shall not give rise to sound pressure levels ($L_{Aeq,T}$) measured at the NSLs of the facility which exceed the limit value(s).*

6.12 *The licensee shall carry out a noise survey of the site operations annually. The survey programme shall be undertaken in accordance with the methodology specified in the "Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4)" as published by the Agency.*

4.1.2 Noise monitoring surveys are conducted at Glassco Recycling Ltd. annually by Axis Environmental Surveys.

4.2 Noise Monitoring

4.2.1 As required by Waste Licence W0279-02, Conditions 4.4 and 6.12, an environmental noise survey has been conducted at the facility annually in December 2015, August 2016 and August 2017 in order to quantify the noise environment. The surveys were carried out in strict accordance with the standard ISO 1996 Parts 1 – 3, Acoustics – description, measurement and assessment of environmental noise. Reference was also made to the EPA guidelines NG4 "Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities", January 2016.

4.2.2 Noise monitoring results for 2015, 2016 and 2017 are summarised below. Noise was measured during daytime; evening and night-time at the following locations. See **Appendix 4: Noise Monitoring Locations**.

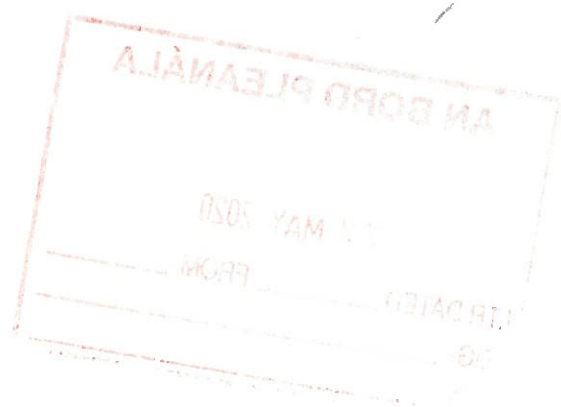


Table 4.1 Summary of 2015 Noise Monitoring Results

Ref	Location	Time	Limit Value	(L _{Aeq} T)
NM1	Located at the entrance of the site on the Southern boundary, close to the Main Process Building	Day	55dB(A)	63
		Evening	50dB(A)	61
		Night	45dB(A)	60
NM2	This noise monitoring point was located on the North Western boundary of the site, close to Storage Bays and the Drying Shed.	Day	55dB(A)	58
		Evening	50dB(A)	54
		Night	45dB(A)	51
NM3	Noise monitoring point NM3 was situated on the North Eastern boundary of the site, close to the main Storage Bays on site and the Main Process Building.	Day	55dB(A)	63
		Evening	50dB(A)	57
		Night	45dB(A)	57
NSL1 ⁵	This noise sensitive location, which is situated to the west of the site, is approximately 20m from a residence.	Day	55dB(A)	55
		Evening	50dB(A)	48
		Night	45dB(A)	44

4.2.3 AXIS Environmental concluded the following about the noise environment at Glassco Recycling Ltd, in 2015:

"All monitoring points were determined to comply in full with licence requirements. There was no tonal or impulsive noise observed at any location for the duration of the assessment." (AXIS Environmental, Environmental Noise Report, Noise Survey, 2015).

Table 4.2 Summary of 2016 Noise Monitoring Results

Ref	Location	Time	Limit Value	(L _{Aeq} T)
NM1	Located at the entrance of the site on the Southern boundary, close to the Main Process Building	Day	55dB(A)	66
		Evening	50dB(A)	59
		Night	45dB(A)	59
NM2	This noise monitoring point was located on the North Western boundary of the site, close to Storage Bays and the Drying Shed.	Day	55dB(A)	55
		Evening	50dB(A)	51
		Night	45dB(A)	50
NM3	Noise monitoring point NM3 was situated on the North Eastern boundary of the site, close to the main Storage Bays on site and the Main Process Building.	Day	55dB(A)	53
		Evening	50dB(A)	48
		Night	45dB(A)	49
NSL1	This noise sensitive location, which is situated to the west of the site, is approximately 20m from a residence.	Day	55dB(A)	44
		Evening	50dB(A)	45
		Night	45dB(A)	41

4.2.4 AXIS Environmental concluded the following about the noise environment at Glassco Recycling Ltd, in 2016:

"All monitoring points were determined to comply in full with licence requirements. There was no tonal or impulsive noise observed at any location for the duration of the assessment." (AXIS Environmental, Environmental Noise Report, Noise Survey, 2016).

⁵ NSL1 is a noise sensitive location which is located in close proximity to a residence. This monitoring point is required to be compliant with noise emission limit values [Day - 55dB (A), Evening - 50 dB (A) & Night - 45dB (A)]. NM1, NM2 and NM3 are boundary monitoring points which are located within the confines of the site and are in close proximity to all activities in operation. Under the aforementioned EPA guidelines boundary locations are not required to be compliant with noise emission limit values [Day - 55dB (A), Evening - 50 dB (A) & Night - 45dB (A)] as they are not noise sensitive locations.

Table 4.3 Summary of 2017 Noise Monitoring Results

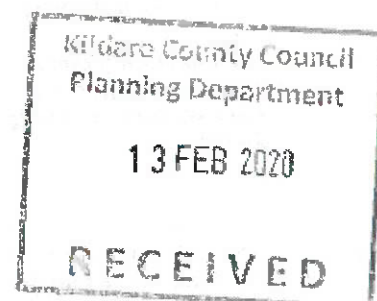
Ref	Location	Time	Limit Value	(L _{Aeq} T)
NM1	Located at the entrance of the site on the Southern boundary, close to the Main Process Building.	Day	55dB(A)	64
		Evening	50dB(A)	48
		Night	45dB(A)	55
NM2	This noise monitoring Point was located on the North Western boundary of the site, close to Storage Bays and the Drying Shed.	Day	55dB(A)	50
		Evening	50dB(A)	56
		Night	45dB(A)	45
NM3	Noise monitoring point NM3 was situated on the North Eastern boundary of the site, close to the main Storage Bays on site and the Main Process Building.	Day	55dB(A)	55
		Evening	50dB(A)	58
		Night	45dB(A)	60
NSL1	This noise sensitive location, which is situated to the west of the site, is approximately 20m from a residence.	Day	55dB(A)	48
		Evening	50dB(A)	53
		Night	45dB(A)	57

- 4.2.5 AXIS Environmental concluded the following about the noise environment at Glassco Recycling Ltd, in 2017:

"All monitoring points were determined to comply in full with licence requirements. There was no tonal or impulsive noise observed at any location for the duration of the assessment."

4.3 Discussion

- 4.3.1 As per the reports prepared by AXIS Environmental and submitted to the Agency, Glassco Recycling Ltd. have been found to be in compliance with the noise monitoring requirements set in in Waste Licence W0279-02 in 2015, 2016 and 2017.
- 4.3.2 The Glassco Recycling Ltd. facility is situated in close proximity to the M7 motorway. According to the noise monitoring reports, although site operations were subjectively audible at the boundary noise monitoring locations, there was "significant interference" from traffic noise during the noise survey.
- 4.3.3 In 2015, the tonnage received into the facility was 124,829 tonnes, 124,417 tonnes in 2016 and 126,205 tonnes in 2017. It does not appear that an increase in tonnage has impacted on compliance with the licence requirements in relation to noise at the facility.



5.0 Conclusion

- 5.1.1 The facility is licenced to accept 150,000 tonnes per annum of bottles and jars, aluminium and steel cans. In 2015 it accepted 124,829 tonnes; in 2016 it accepted 124,417 tonnes of these materials and in 2017 increased to 126,205 tonnes. It does not appear in any instance, that increased tonnage has had a negative impact on the environmental emissions from the facility.
- 5.1.2 The installation of the waste water treatment plant had a significant positive impact on the quality of the storm water discharge at the Glassco Recycling Ltd. facility. Simultaneously, there was an increase in tonnage at the facility from 124,417 in 2016 to 126,205 tonnes in 2017. It does not appear that an increase in tonnage at the facility influenced the BOD, suspended solids or conductivity levels at the facility.
- 5.1.3 Dust deposition levels vary across the monitoring period analysed at the Glassco Recycling Ltd. facility. 2016, in particular Q4, 2016, saw the highest levels of dust deposition at the facility, with the Q4, 2016 measurement at D1 almost 15 times above the ELV for the facility. In this instance, it is likely that the unusually dry weather experienced in Q4, 2016 contributed to the elevated level of dust deposition at the facility.
- 5.1.4 In 2015, the tonnage received into the facility was 124,829 tonnes, 124,417 tonnes in 2016 and 126,205 tonnes in 2017. The highest breach of dust was in the order of 1.5 times the ELV rather than the 15 times breach seen in Q4, 2016.
- 5.1.5 As per the reports prepared by AXIS Environmental and submitted to the Agency, Glassco Recycling Ltd., have been found to be in compliance with the noise monitoring requirements set in in Waste Licence W0279-02 in 2015, 2016 and 2017.
- 5.1.6 In 2015, the tonnage received into the facility was 124,829 tonnes, which increased to 124,417 in 2016 and 126,205 tonnes in 2017. It does not appear that an increase in tonnage has impacted on compliance with the licence requirements in relation to noise at the facility.
- 5.1.7 The purpose of this assessment was to determine whether an increase in tonnage at the facility would have an adverse impact on the environment with particular reference to noise, dust and surface water emissions. From the analysis of historic monitoring reports from the facility, it does not appear in any instance, that increased tonnage to date has had a negative impact on the environmental emissions from the facility.

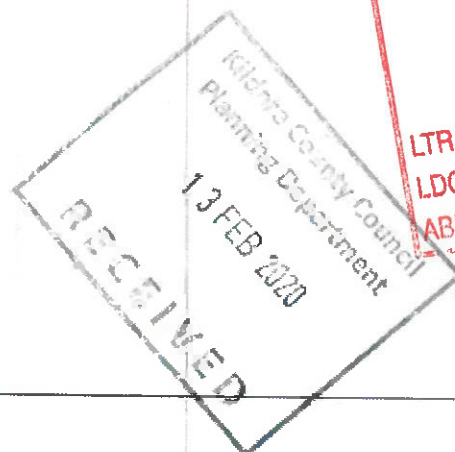
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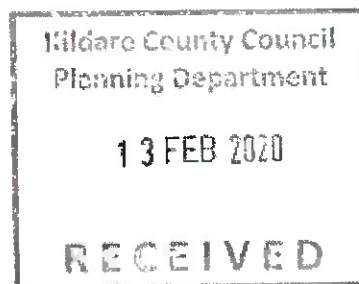
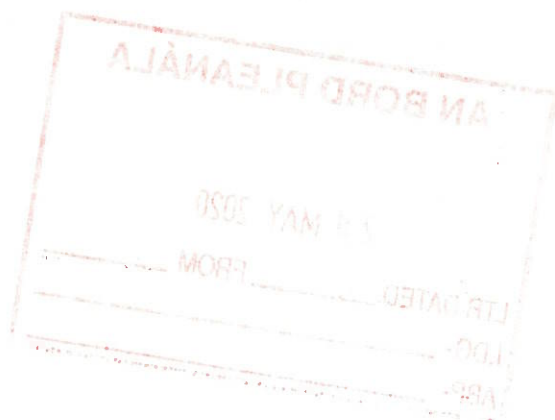
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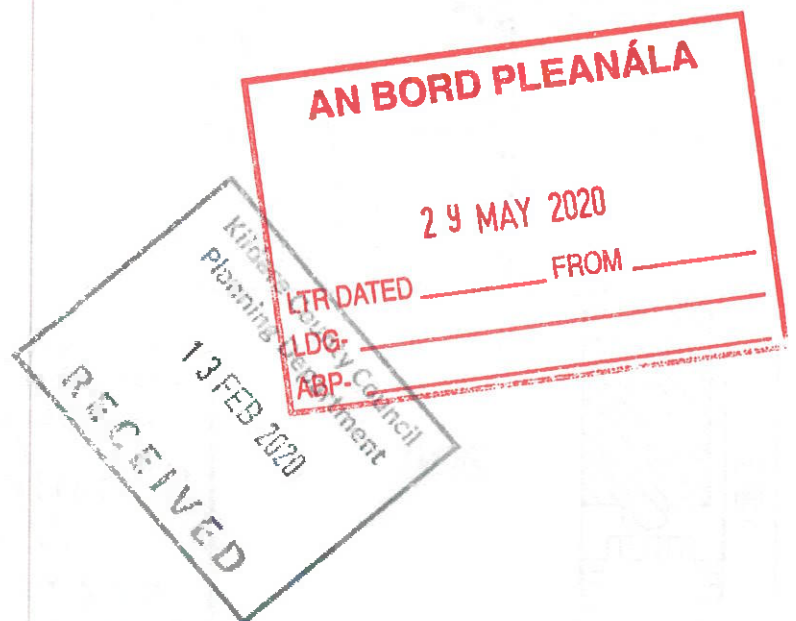
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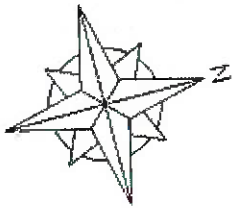


APPENDICES



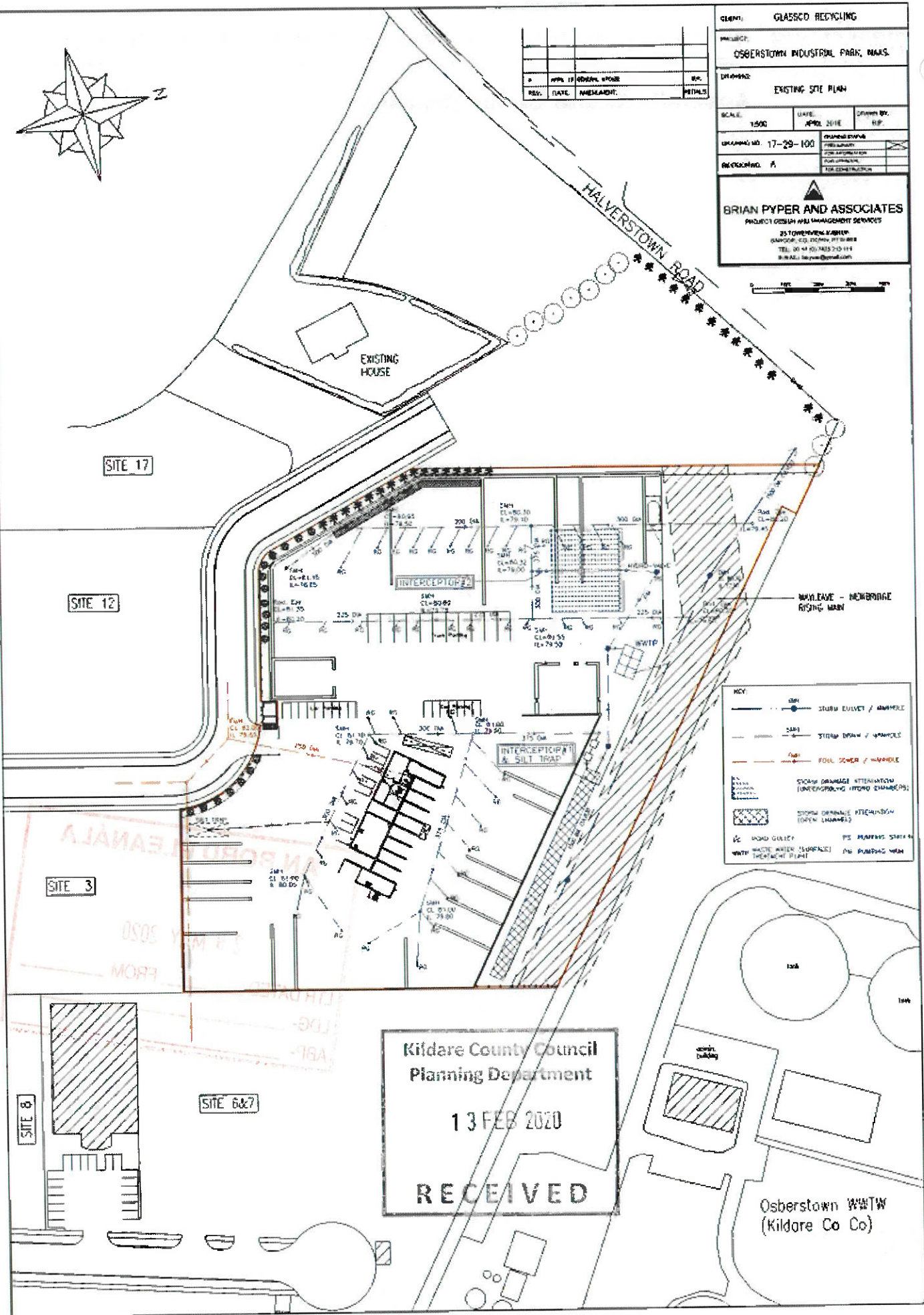
Appendix 1: Site Layout Drawing













APP. 17	OTHER	SP. 18	DATE	REVISION	DETAILS

CLIENT:	GLASSCO RECYCLING		
PROJECT:	OSBERTOWN INDUSTRIAL PARK, NAAS.		
DATE:	EXISTING SITE PLAN		
SCALE:	1:500	DATE:	APRIL 2016
DESIGNED BY:	BRIAN PYPER AND ASSOCIATES		
PROJECT NO.:	17-29-100	PROJECT NAME:	OSBERTOWN INDUSTRIAL PARK
PROJECT TYPE:	FOR CONSTRUCTION		
BRIAN PYPER AND ASSOCIATES PROJECT DESIGN AND MANAGEMENT SERVICES 25 TOWNVIEW KILBARR DUBLIN, CO. DUBLIN, D18 1B8 TEL: 01 454 803 710-111 WWW.BPYPER.COM			

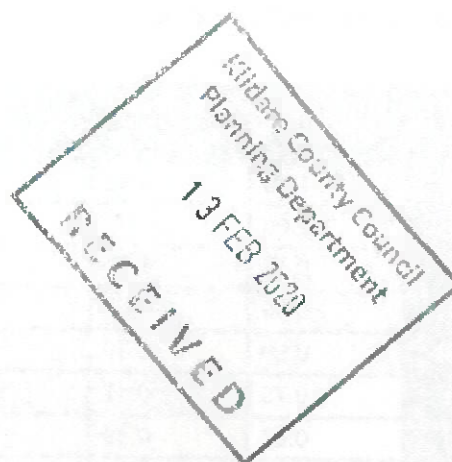


KEY		STORM GULLY / MANHOLE
		STORM DRAIN / MANHOLE
		FOUL SEWER / MANHOLE
		STORM DRAINAGE ATTENUATION (UNDERGROUND TYPED CHAMBERS)
		STORM DRAINAGE ATTENUATION (OPEN CHAMBERS)
		WASTE WATER (SURFACE) TREATMENT PLANT
		PS PUMPS STATION
		PS PUMPS MAIN

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Planning Department
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(Kildare Co Co)

Appendix 2: Statistical Analysis of Surface Water Results



Statistical Analysis of Storm Water Discharge – Pearson and Spearman Correlations

Table 1. Correlation Results for all Samples taken at SW-1

SW1	BOD	Suspended Solids	Conductivity	Mineral Oil
BOD (P)	1.00	0.68	0.30	0.02
BOD (S)	1.00	0.64	0.29	0.08
SS (P)	0.68	1.00	0.39	-0.06
SS (S)	0.64	1.00	0.47	0.13
Cond (P)	0.30	0.39	1.00	0.13
Cond (S)	0.29	0.47	1.00	0.25
MO (P)	0.02	-0.06	0.13	1.00
MO (S)	0.08	0.13	0.25	1.00

Very Weak
Weak
Moderate
Strong
Very Strong

Table 2 Correlation Results for all Samples taken at SW-2

SW2	BOD	Suspended Solids	Conductivity	Mineral Oil
BOD (P)	1.00	0.42	0.20	-0.16
BOD (S)	1.00	0.33	0.07	-0.16
SS (P)	0.42	1.00	-0.22	-0.15
SS (S)	0.33	1.00	-0.41	-0.28
Cond (P)	0.20	-0.22	1.00	0.06
Cond (S)	0.07	-0.41	1.00	0.16
MO (P)	-0.16	-0.15	0.06	1.00
MO (S)	-0.16	-0.28	0.16	1.00

Very Weak
Weak
Moderate
Strong
Very Strong

Table 3 Correlation Results for all Samples taken at SW-1A

SW1A	BOD	Suspended Solids	Conductivity	Mineral Oil
BOD (P)	1.00	0.42	0.59	0.68
BOD (S)	1.00	0.55	0.75	0.63
SS (P)	0.42	1.00	0.39	0.39
SS (S)	0.55	1.00	0.47	0.52
Cond (P)	0.59	0.39	1.00	0.40
Cond (S)	0.75	0.47	1.00	0.50
MO (P)	0.68	0.39	0.40	1.00
MO (S)	0.63	0.52	0.50	1.00

Very Weak
Weak
Moderate
Strong
Very Strong

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Appendix 3: Dust Monitoring Locations

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29 MAY 2020

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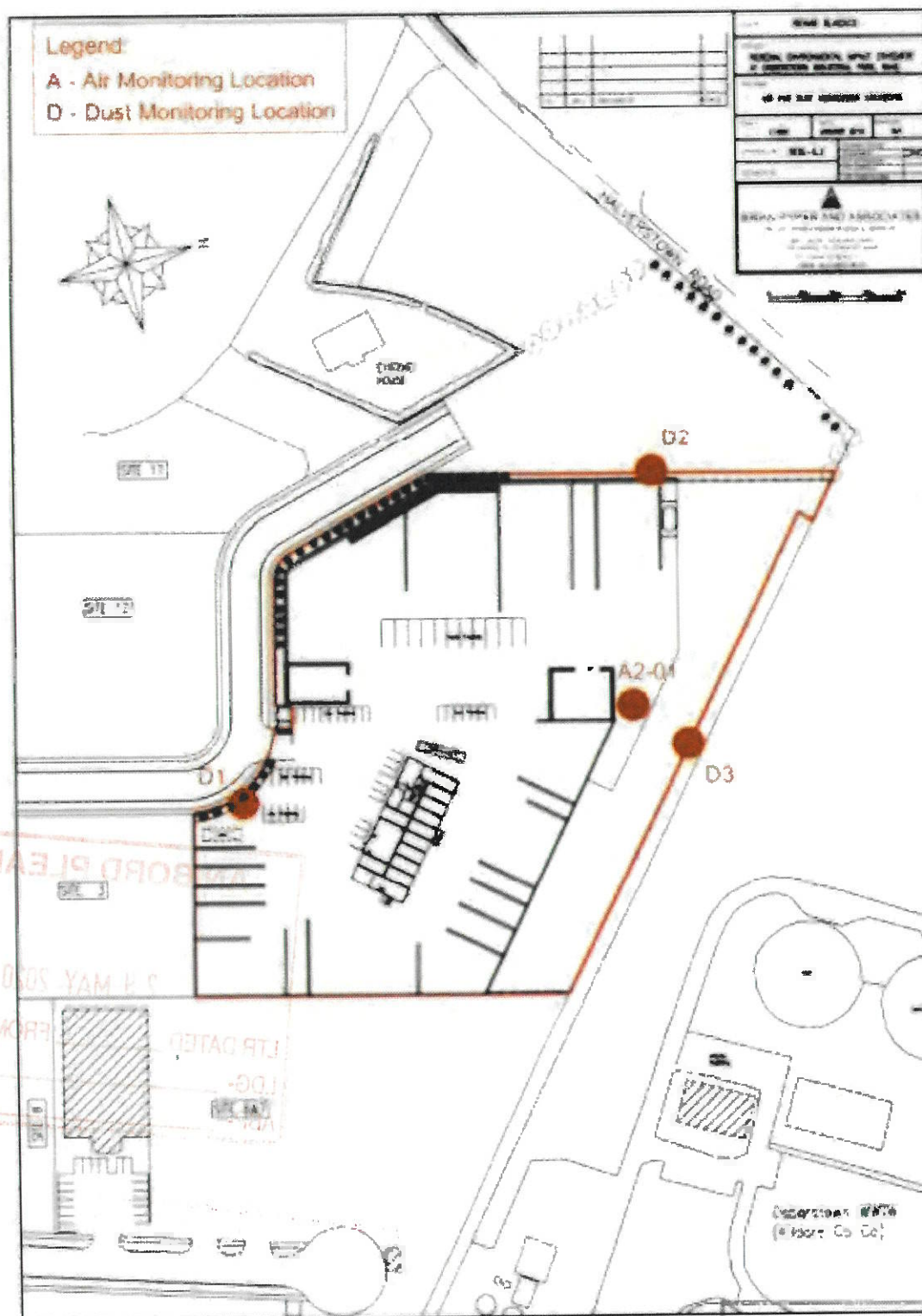
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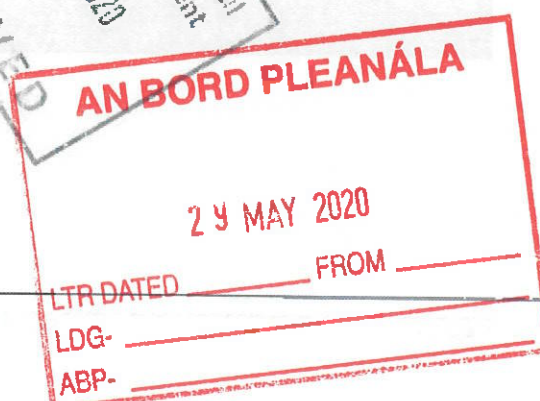
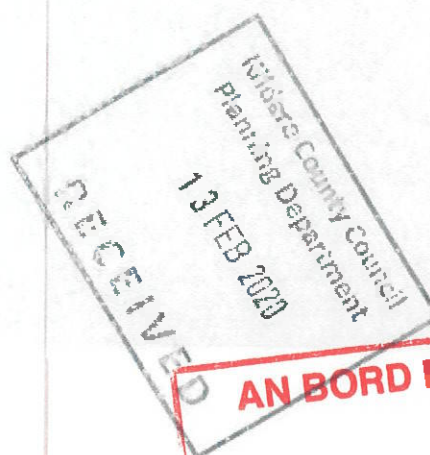
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Planning Department
13 FEB 2020



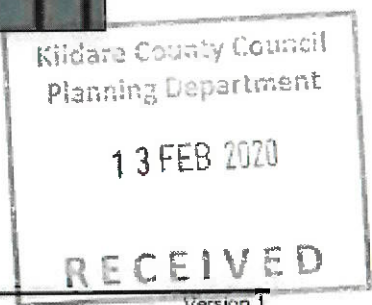
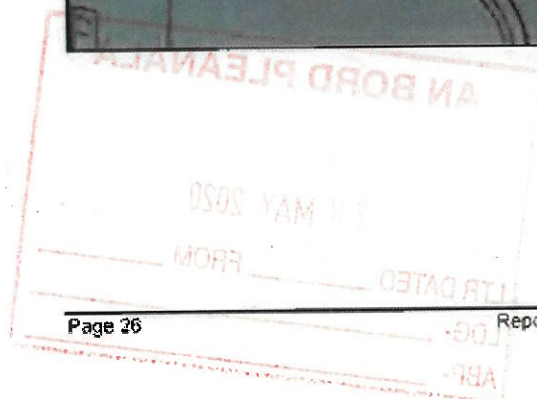
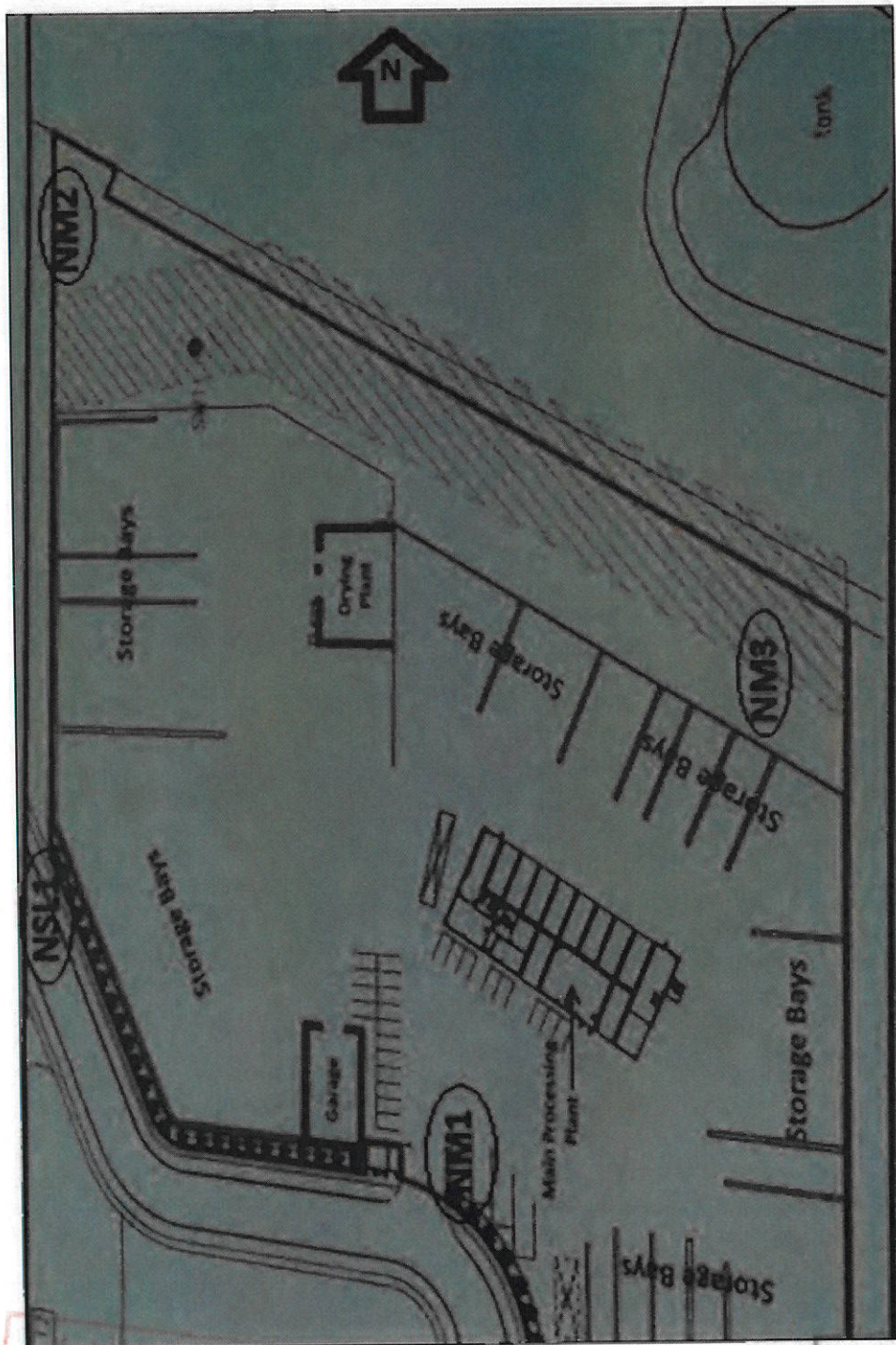
Appendix II Site Map



Appendix 4: Noise Monitoring Locations



Appendix II Site Map





Stephen Reid Consulting
Traffic and Transportation

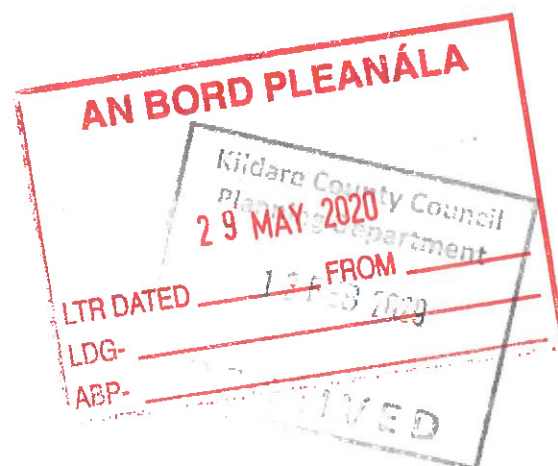
Increased Tonnage Review

Traffic Impact Assessment

Osberstown Industrial Park, Osberstown, Co Kildare

Client: Glassco Recycling Ltd

NOVEMBER 2019



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Rev	Date	Purpose of Issue	Approved
-	08.04.2019	Draft for Review	SR
1	12.04.2019	Draft Issue to Client	SR
2	18.04.2019	Issue to Client	SR
3	20.04.2019	Final Issue	SR
4	14.11.2019	Revised Final Issue	SR

Prepared by: 099

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1 INTRODUCTION

1.1 BACKGROUND

Stephen Reid Consulting Traffic and Transportation Limited (SRC) have prepared this report on behalf of Glassco Recycling to review the current operating tonnage at the Glassco Osberstown facility and determine whether this has a material impact on traffic in comparison to the previously assessed tonnage.

This TIA report takes reference from previous TIA work carried out by Atkins in June 2017, and includes information from recent traffic counts on the Industrial Park access junction and the current upgrade works on the M7 Motorway including the new J9a Osberstown Interchange and revised J10 Newhall Interchange, which will result in revised routes to/from the facility from the M7.

The site location is indicated in Figure 1.1.

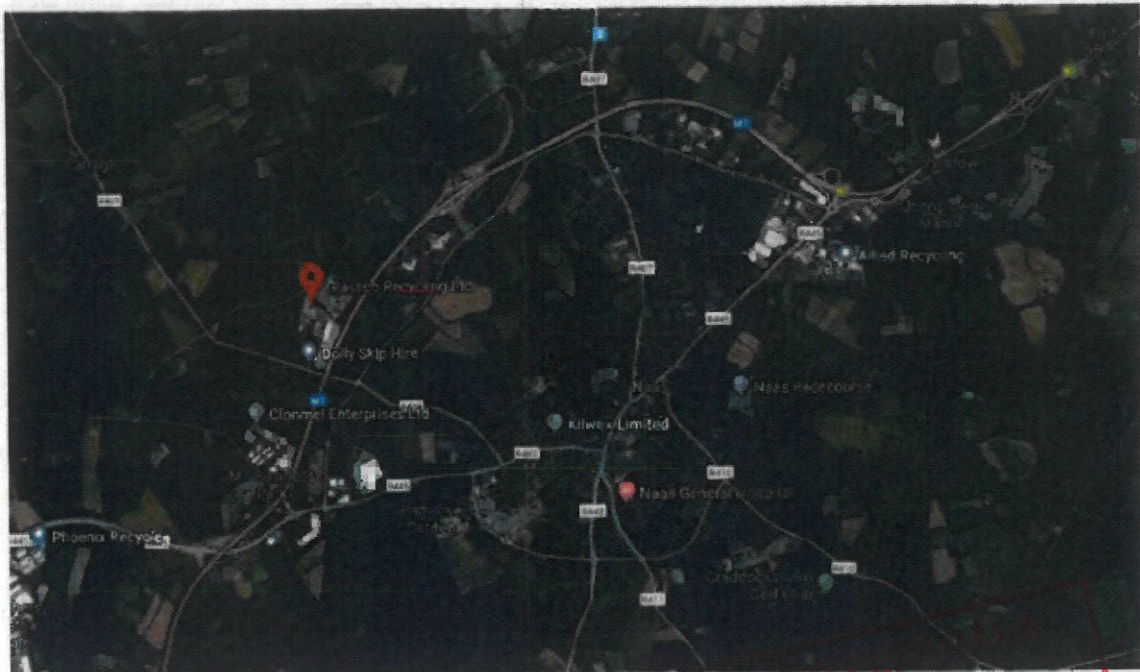


Figure 1.1: Site Location, Osberstown Industrial Park, Plooptuck, Naas
(source: www.google.ie/maps)

1.2 METHODOLOGY

Traffic Counts were carried out in 2017 at nine junctions in the study area by Atkins for a previous report.

It should be noted that there has been a significant amount of disruption to the traffic flows on the road network in the area between J9 Naas and J10 Newhall, primarily in the last two years due to the traffic management and construction works for the M7 Motorway widening and associated Osberstown Interchange.

A new count was carried out at the Industrial Park entrance in January 2019. From these counts, SRC determined the network peak hours (when the traffic volumes using the network are highest).

It is noted that the current route for Glassco operational traffic (from trucks) accessing to/from the site from the M7 is via Junction 10 (Newhall) and the R445 ring road (north) to the Caragh Road Roundabout junction with the R409 Caragh Road.

Following completion of the new Osberstown Interchange (which will be designated M7 J9a, it is proposed that all operational traffic to/from Glassco will use the new interchange and the R445 Ring Road, passing the Kerry Global Centre to access the Caragh Road roundabout.

2 SITE LOCATION & EXISTING CONDITIONS

2.1 GENERAL

The site is identified in Figures 1.1 and 2.1 and is located in the north west area of the Osberstown Industrial Estate, which is to the north of the R409 Caragh Road, and east of the M7 corridor, south west of Naas town.



Figure 2.1: Site Location and Surrounding Lands (source: www.google.ie/maps)

2.2 ROAD NETWORK

The Osberstown Industrial Park is accessed on the R409 Caragh Road, 425m from the Caragh Road roundabout. The R409 is constructed as a single carriageway road, with the section from the Industrial Park access to the roundabout including the overbridge of the M7 in reasonable condition. The section from the roundabout to north of the Industrial Park access is subject to a 60kph speed limit, while there is a crest in the vertical alignment formed by the approaches to the overbridge.

The R445 Ring Road (north) generally follows a parallel route to the M7 from Monread Road (at J9, the northern end) to the Newbridge Road roundabout and Bundle of Sticks roundabout at Newhall (at J10, the southern end). It is a single carriageway road with a series of roundabouts serving development zones to the northwest of Naas urban area.

The R445/R409 Caragh Road junction is a four-arm roundabout with a 48 metre outer diameter, with the R409 extending south eastwards from this junction towards Naas town. There are pedestrian footpaths and off-road cycle paths on the four approaches to the roundabout, and these extend along the R409 east and both ways along the R445 Ring Road north.

On the R409 Caragh Road, the footpath and cycle path on the southern side of the road and footpath on the northern side terminate to the east side of the overbridge, with a hard shoulder marking and rubbing kerb across the bridge deck section, while there is a short section of footpath to rear of verge entering and exiting the Industrial Park.

The Osberstown Industrial Park access is formed by a wide roadway with a central splitter island housing a security gatepost hut. There are barrier arms for access control although these are raised during working hours. The speed limit inside the Industrial Park is 20kph. There are adequate sightlines of 90m x 3m for the access junction on the R409 (to TII DN-GEO-03060-02 standard).

Directly north of the gatepost area the left side of the road tapers back in at the entrance to the Dolly Skips site, before forming a standard 9m industrial estate roadway with a footpath behind grass verge on both sides. The roadway extends northwards through the Industrial Park, with a side road junction some 180m north of the Caragh Road access (this is the turn to/from the north west zone of the Industrial Park including the Glassco facility).

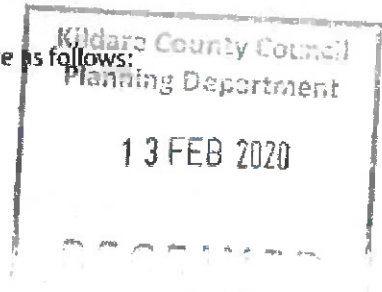
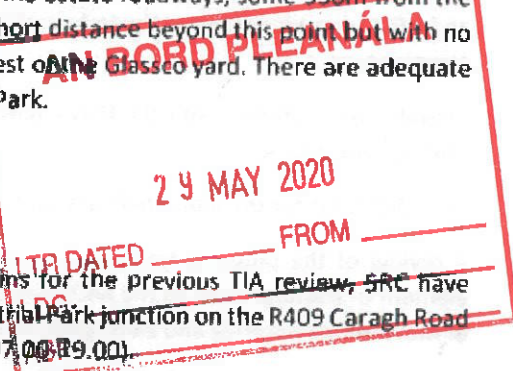
The Glassco access is on the outside of a 90-degree bend on the estate roadways, some 550m from the Caragh Road access, and the access road continues on for a short distance beyond this point but with no other accesses, terminating at an undeveloped plot to the west of the Glassco yard. There are adequate sightlines at the accesses and junctions within the Industrial Park.

2.3 EXISTING TRAFFIC FLOWS

Further to a review of the March 2017 data collected by Atkins for the previous TIA review, SRC have reviewed the volumes of traffic entering and exiting the Industrial Park junction on the R409 Caragh Road (survey was carried out on Tuesday 29th January 2019, from 07.00-19.00).

The network peak hours (highest volumes in a one-hour period) were determined as 08.00-09.00 and 17.00-18.00.

Key flows at the R409 Caragh Road/Osberstown Industrial Park T-junction are as follows:



- 08.00-09.00 'AM peak hour' (total inflow volume 939 pcu):
 - 711 pcu southbound and 189 pcu northbound on the R409 to the north of the junction;
 - 205 pcu northbound and 707 pcu southbound the R409 to the south of the junction;
 - 23 pcu exiting and 43 pcu entering the Industrial Park.
- 17.00-18.00 'PM peak hour' (total inflow volume 1,120 pcu):
 - 203 pcu southbound and 876 pcu northbound on the R409 to the north of the junction;
 - 860 pcu northbound and 223 pcu southbound the R409 to the south of the junction;
 - 57 pcu exiting and 23 pcu entering the Industrial Park.

From these results there is a clear tidal flow towards the Caragh road roundabout in the AM peak and away from it in the PM peak, due to commuter traffic to/from Naas and the R445.

Over the entire 12 hour survey period, the total volumes recorded at the Industrial Park access were as follows:

- 07.00-19.00 'working day' (total inflow volume 7,710 pcu):
 - 3,383 pcu southbound and 3,668 pcu northbound on the R409 to the north of the junction;
 - 3,881 pcu northbound and 3,607 pcu southbound the R409 to the south of the junction;
 - 446 pcu exiting and 435 pcu entering the Industrial Park.

The existing volumes entering and exiting the Industrial Park are not significant, being in the order of 1-2 pcu per minute during both network peak hours.

In terms of HGV percentages, it is noted that over the 12-hour survey period, a total of 89 HGVs (OGV1 and OGV2 combined) exited the Industrial Park, of which 93% turned left towards the R445/Caragh Road roundabout.

Arrivals were similar, with 94 HGVs (OGV1 and OGV2 combined), of which 87% arrived from the roundabout junction.

Flow diagrams for the Industrial Park junction are appendicised to this report.

A review of the previous traffic counts in the 2017 Atkins TIA has identified that there has been an element of traffic growth on the R409 passing the site access, in addition to small changes to the volumes of movements entering and exiting the Industrial Park during the AM and PM peak hours.

The largest increase in traffic appears to be during the PM peak due to commuter trips towards Caragh, which may be partly due to diversions to traditional routes caused by the current M7 widening works.



2.4 PEDESTRIAN AND CYCLIST ACCESSIBILITY

As noted previously there is a good level of pedestrian provision on the R445 Ring Road and on the R409 Caragh Road to the south east of the roundabout (to/from Naas town).

The link from the roundabout to the Industrial Park is not continuous as the footpath is dropped at the overbridge, and there is a hard shoulder zone provided instead.

There is street lighting along the R445, and on the R409 approach to the roundabout. There is no street lighting on the overbridge section but there is lighting at the Industrial Park junction, and along the footpaths within the Industrial Park.

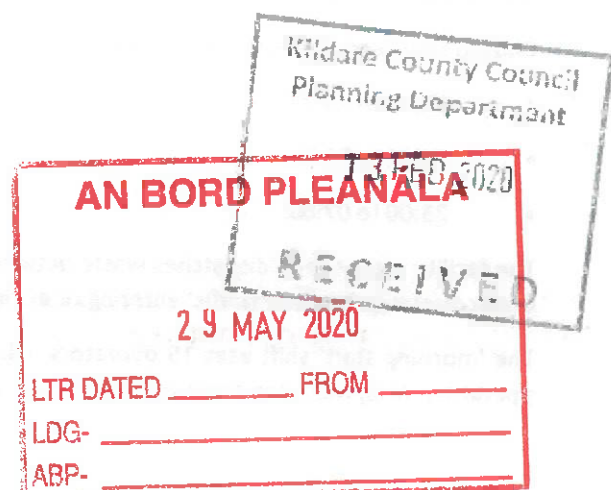
There are dedicated off-road cyclist provisions on both sides of the R445, and on the R409 to the east of the roundabout, with a short section of off-road provision on the R409 approach to the roundabout (as with the footpaths, these terminate before the overbridge). There are no dedicated cycle facilities within the Industrial Park access road network.

2.5 PUBLIC TRANSPORT ACCESSIBILITY

There is an hourly bus service (no.826) operating between Monasterevin and Naas Hospital, which includes a section of the route looping through Naas via Sallins Road, Dublin Road and Monread Road and a spur to the R445 roundabout at the Kerry Global Centre.

The stop at the Kerry Global Centre is a 2km walk from the Industrial Estate access so would be beyond a reasonable catchment for staff travel to/from the Glassco facility.

A number of Bus Eireann coaches were observed entering and exiting the Industrial Park on the day of the traffic count survey, but these are related to the Naas Bus Depot where they are maintained/stored within the area for operation on routes elsewhere (town and school bus services) and do not operate as passenger services to/from the Industrial Park.



3 EXISTING GLASSCO RECYCLING DEVELOPMENT

3.1 GENERAL

The Glassco Recycling facility sorts and processes recycled glass bottles into a broken glass material known as cullet.

The glass is received from various facilities across Ireland (i.e. from bottle bank operators and recycling collection facilities).

Following the processing on site, the cullet material is mostly collected by bulk articulated trailers for onward transport to customers such as Encirc based at Derrylin in Northern Ireland, where it is used in the fabrication of new glass products.

The Glassco Recycling facility plays a critical role in the recycling and recovery of glass in the context of the Irish waste management sector. The operation of this facility makes a substantive contribution towards meeting Ireland's recycling and recovery targets for glass. The facility accounts for approximately 85% of the country's glass recycling.

There are two-unit operations used to carry out the works on site;

- The main glass processing line;
- The drying plant operation.

3.2 CURRENT OPERATING QUANTUM

The facility is currently processing approximately 127,000 tons of glass per annum (2018 full year figure supplied by Glassco Recycling). The previously assessed total tonnage is 97,000 tonnes per annum.

3.3 GLASSCO OPERATING HOURS AND STAFFING

The facility generally operates on a 24-hour basis, Monday to Friday. It also operates from 07:00 to 23:00 Saturday.

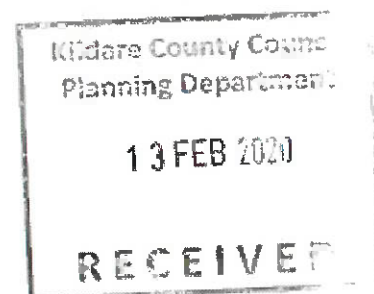
The drying plant operates from 07:00 to 19:00 Monday to Saturday.

Glassco Recycling processes glass using the shifts listed below:

- 07:00 to 16:00;
- 14:00 to 23:00;
- 23:00 to 07:00.

The facility accepts and dispatches waste between 07:00 and 19:00 Monday to Saturday, so there is no Glassco-related 'haulage traffic' entering or exiting the Industrial Park outside of this period.

The 'morning start' shift uses 15 operators, while 'afternoon start' and 'night start' shift each use 10 operators. Also, there are approximately 17 no. dayshift office staff at work from 09:00 to 17:00.



The shift patterns listed above have been configured in such a way as to mitigate the impact of the arrival and departure of staff on the AM or PM commuter peaks on the surrounding road network.

3.4 SITE LAYOUT

The overall site layout is shown below:



Figure 3.1: Glassco Recycling Layout (source: www.google.ie/maps)

The existing car parking allocation is in accordance with the Kildare County Development Plan 2017-2023 for the 'industry/manufacturing' development type.

The Kildare County development Plan 2017-2023 requirement for cycle parking at the facility is 1no. space per 100 square metre of gross floor area.

There is an area dedicated to cycle parking within the site, in accordance with the development plan in a convenient and secure location.

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4 GLASSCO FACILITY TRAFFIC GENERATION

4.1 TRIP GENERATION

Operational Traffic Movements

Weigh Bridge data was obtained from the Glassco Recycling Centre for 2018.

The following assumptions were made in order to calculate the number of HGV vehicle loads per hour generated by the site during 2018.

Hours per Week	Weeks per Annum	Hours per Annum	Tonnes per Annum	Tonnes per Hour	Tonnes per HGV	HGV Loads In / Hour (Day)	HGV Empty Out / Hour (Day)
72	52	3,744	120,000	32.05	20	1.6 (19.2)	1.6 (19.2)

Table 4.1: Current Haulage Loads based on 2018 Import Total of 120,000 Tonnes
(source: Glassco Recycling)

It can be seen from the above that the volume averages out at 1.6 loads in per hour or 19.2 loads in per day. In addition to the loads in per hour (and per day), there will be a similar quantum of unladen HGVs departing the site.

The cullet material exported from the facility is generally collected by Encirc using a larger 6 axle Euro VI HGV, with a 29 Tonne payload. These trucks arrive in empty from Derrylin to the Glassco facility during two periods of the day, with 8 trucks arriving after 07.00 to load up and departing before 08.00 on the return trip to Derrylin via M7, M50 and M3/N3. A second trip is made by each truck arriving to the Glassco facility, with 8 trucks arriving after 12.00 to load up and departing before 13.00 on the return trip to Derrylin.

Hours per Week	Weeks per Annum	Hours per Annum	Tonnes per Annum	Tonnes per HGV	HGV Empty In / Day	HGV Loads Out / Day
72	52	3,744	120,000	29	16	16

Table 4.2: Current Haulage Loads based on 2018 Export Total of 120,000 Tonnes
(source: Glassco Recycling)

Therefore, by combining the totals in Tables 4.1 and 4.2, there is a total of 36 trucks per day arriving and 36 trucks departing.

Staff Traffic Movements (Daytime Period)

Having regard for staff travel during the 07.00-19.00 operational haul traffic period, as noted in section 3, there are the following movements:

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24 MAY 2020
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- 15 operators arriving before start of shift at 07.00 (i.e. arriving between 06.30 and 07.00, before haul movements commence);
- 10 operators departing after end of shift at 07.00 (i.e. departing between 07.00 and 07.30);
- 17 office/admin staff arriving before start of their shift at 09.00 (i.e. arriving between 08.30 and 09.00);
- 10 operators arriving before start of shift at 14.00 (i.e. arriving between 13.30 and 14.00);
- 15 operators departing after end of shift at 16.00 (i.e. departing between 16.00 and 16.30);
- 17 office staff departing after end of shift at 17.00 (i.e. departing between 17.00 and 17.30);

Staff Traffic Movements (Network Peak Hours)

During the 08.00-09.00 AM peak hour, there could be the following staff movements:

- 17 staff arrivals, 0 staff departures

During the 17.00-18.00 PM peak hour, there could be the following staff movements:

- 0 staff arrivals, 17 staff departures

It is noted that these represent the highest volume of staff arrivals and departures in a single hour, with the operator movements in different hours due to the staggered shift start and end times.

It is noted that there may also be a number of movements in/out during the lunchtime period if staff travel off site to access shops, food and drink outlets, etc, but these occur when the network traffic is much lower.

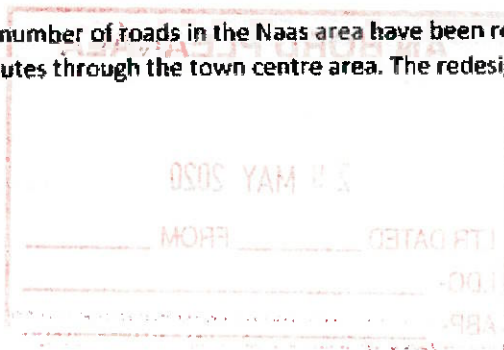
4.2 HAUL TRAFFIC ROUTES

The current designated HGV route for all drivers accessing the Glassco Recycling facility approaches the Industrial Park access from the R445/R409 Caragh Road roundabout, having departed the M7 at Junction 10 (Newhall) and following the R445 Ring Road to the roundabout junction.

All haul departures follow this route in reverse to return to the M7 at Junction 10.

This ensures there are no haul trucks using the Monread Road section of the R445 or the Dublin Road or Caragh Road routes into/out of Naas town centre.

A number of roads in the Naas area have been redesignated recently by KCC to minimise through traffic routes through the town centre area. The redesignated routes are illustrated in the following diagram.



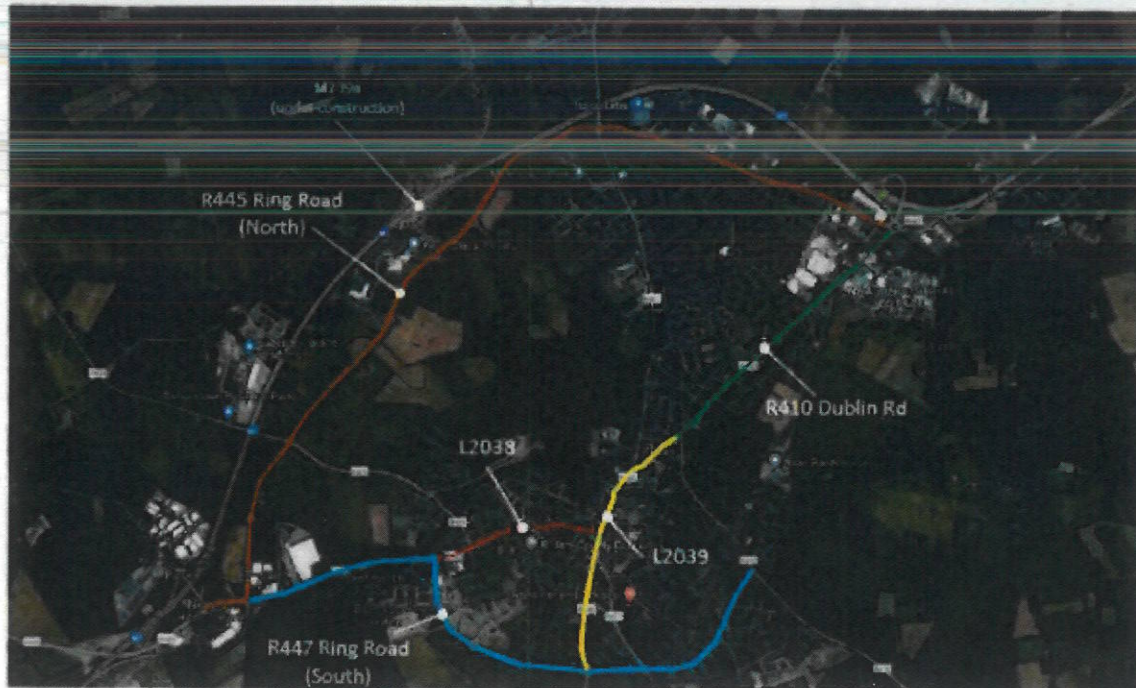


Figure 4.1: Recent Redesignation of Regional Routes in Naas Area (source: www.google.ie/maps)

It should be noted that following the completion of the Osberstown Interchange to the north (Junction 9a), the haul route for trucks arriving and departing from the M7/N7 to the north (including haul trucks to/from the M50) should be revised to use this interchange instead, which will shorten the route and remove unnecessary haul traffic from the Newbridge Road roundabout and Junction 10.

Following completion of J9a, any trucks delivering glass recycling to the facility which are arriving and departing from the M7 south of Junction 10 could continue to use the existing route to/from J10.

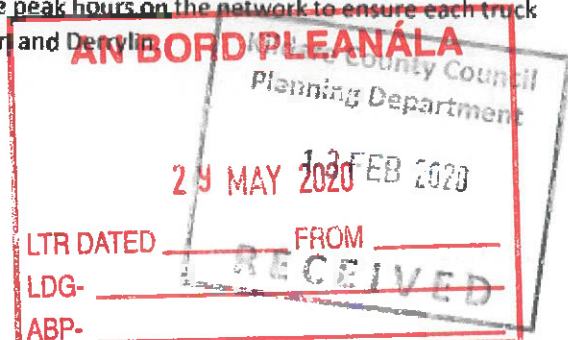
5 DEVELOPMENT IMPACT

5.1 COMPARISON OF PREVIOUSLY ASSESSED V CURRENT ANNUAL TONNAGE

Current Operations

As set out in Section 4, the current operating tonnage (120,000 tonnes total for 2018) equates to 1.6 HGV loads in and 1.6 empty HGVs out per hour (or 19.2 HGV loads in and 19.2 empty HGV loads out, per 12-hour daytime period).

In addition, there is 8 unladen arrivals and 8 laden departures from/to Encirc in Derrylin, twice per day, equating to a total of 16 unladen HGV arrivals and 16 laden HGV departures per day. The Encirc truck movements are not spread across the day and avoid the peak hours on the network to ensure each truck can make two return trips per day between Osberstown and Derrylin.



Therefore, the total (worst-case) for laden and unladen HGVs combined is 9.6 HGVs in and 9.6 HGVs out (from 07.00 to 08.00, and again from 12.00-13.00), while across other hours in the working day it is only 1.6 HGVs in and 1.6 HGVs out per hour on average.

Previously Assessed Operations

The previous assessed operating annual tonnage was 97,000 tonnes. Using the same assumptions set out in Table 4.1, the following HGV loads would occur.

Hours per Week	Weeks per Annum	Hours per Annum	Tonnes per Annum	Tonnes per Hour	Tonnes per HGV	HGV Loads In / Hour (Day)	HGV Empty Out / Hour (Day)
72	52	3,744	97,000	25.91	20	1.3 (15.6)	1.3 (15.6)

Table S.1: Import Haulage Loads based on previous assessed total of 97,000 Tonnes per annum

Hours per Week	Weeks per Annum	Hours per Annum	Tonnes per Annum	Tonnes per HGV	HGV Empty In / Day	HGV Loads Out / Day
72	52	3,744	97,000	29	11	11

Table S.2: Export Haulage Loads based on previous assessed total of 97,000 Tonnes per annum
{source: Glassco Recycling}

Therefore, the difference between the previous assessed 97,000 Tonnes p.a. and current 120,000 Tonnes p.a. in terms of HGV movements is as follows:

- 12-hour total (from 07.00 to 19.00) +16.2 HGV movements (two-way total);
- Peak hour (08.00-09.00) +0.6 HGV movements (two-way total).

Therefore, the impact on the current peak hour and 12-hour total volumes entering and exiting the Industrial Park on the R409 is expected to be low, and this is demonstrated in the following table, with the flows in pcu (therefore the HGV movements are converted also, using a standard OGV2 factor of 2.3, to 1.4 pcu (peak hour) and 37.3 pcu (for the 12-hour total)).



Time Period	Junction Inflow (2019)	Difference (From Existing to Previous Assessed)	Percentage difference
AM peak hour 08.00-09.00	939	+1.4	+0.15%
PM peak hour 17.00-18.00	1,120	+1.4	+0.13%
12 hour total (07.00-19.00)	7,710	+37.3	+0.48%

Table 5.3: Comparison of Glassco Traffic Impact Previously Assessed v Existing Operations at the Industrial Park access junction with the R409 Caragh Road (in pcu)

As the development traffic will disperse at the downstream junctions on the R445, which in themselves carry much higher volumes of traffic than the Industrial Estate junction, it is considered that the difference between the current and previous permitted traffic generation is not statistically significant, and will lead to no material increases in traffic or impact on the operating conditions at the junction.

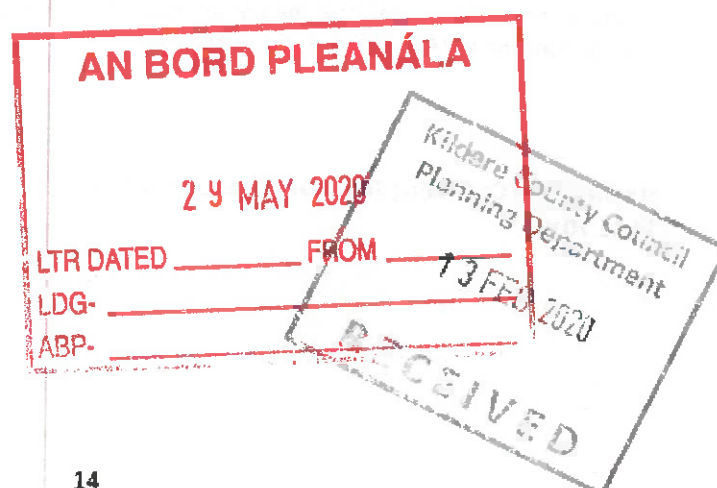
For example, looking at the previous survey data in the 2017 Atkins report for the R445/R409 roundabout, the following is noted for the peak hours:

Time Period	Junction Inflow (2017)	Difference (From Existing to Previous Assessed)	Percentage difference
AM peak hour 08.00-09.00	2,067	+1.4	+0.07%
PM peak hour 17.00-18.00	2,183	+1.4	+0.06%

Table 5.4: Comparison of Glassco Impact Previously Permitted v Existing Operations on Traffic Volumes at the R445/R409 Caragh road Roundabout (in pcu)

It should be noted that the percentage impact at the roundabout junction for a 2019 assessment year would probably diminish slightly due to general traffic growth from 2017 to 2019.

It is submitted that there are no specific traffic mitigation measures required to accommodate the traffic increase between the previously permitted and current operations at the Glassco Recycling facility.



6 SUMMARY

6.1 GENERAL

Stephen Reid Consulting Traffic and Transportation Limited (SRC) have prepared this report on behalf of Glassco Recycling Ltd to determine whether there is a material impact in terms of traffic on the road network resulting from the increased operating volumes (120,000 tonnes per annum in 2018) compared with the previously assessed total (97,000 tonnes per annum), at the Glassco Recycling facility in the Osberstown Industrial Park, Ploopluck, Naas, Co Kildare.

6.2 EXISTING AND PREVIOUSLY ASSESSED TRAFFIC VOLUMES

Traffic flow data was collected in March 2017 across a number of junctions serving this area by Atkins for a previous TIA report for Glassco Recycling.

A more recent traffic count at the Industrial Estate access junction was obtained by SRC in late January 2019, for the 12-hour daytime period, which matches the period of haul traffic movements in/out of the Glassco Recycling facility.

This more recent count data would include the existing operating Glassco Recycling traffic movements by staff and haul traffic.

The staff commuter movements have not increased due to the increased operating tonnage, and therefore only the haul traffic movements are considered in carrying out the comparison.

It can be seen from the comments in this TIA that the difference in traffic generated by the existing operating volume compared to the previous permitted volume will not be significant during the network AM and PM peak hours, or over the 12-hour period of haul operations, and the percentage impact at the access junction on the R409 and on the Caragh Road Roundabout is not statistically significant nor warrants any specific mitigation measures.

Therefore, it is considered that the current operating volumes are accommodated satisfactorily by the existing access arrangements and external road network and this has had no material impacts on the road network when compared the previously permitted tonnage.

It is noted that the imminent completion of the Osberstown Interchange (J9a on the M7) will provide an improved haul route to/from the Caragh Road roundabout for haul traffic to/from Glassco Recycling (i.e. to/from the M7/N7 to the north of Naas).

Stephen Reid Consulting Traffic and Transportation
14.11.2019

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Appendix 1: 2019 Baseline Traffic Flow Diagrams
(at R409 Caragh Road/Osberstown Industrial Park Access Junction)



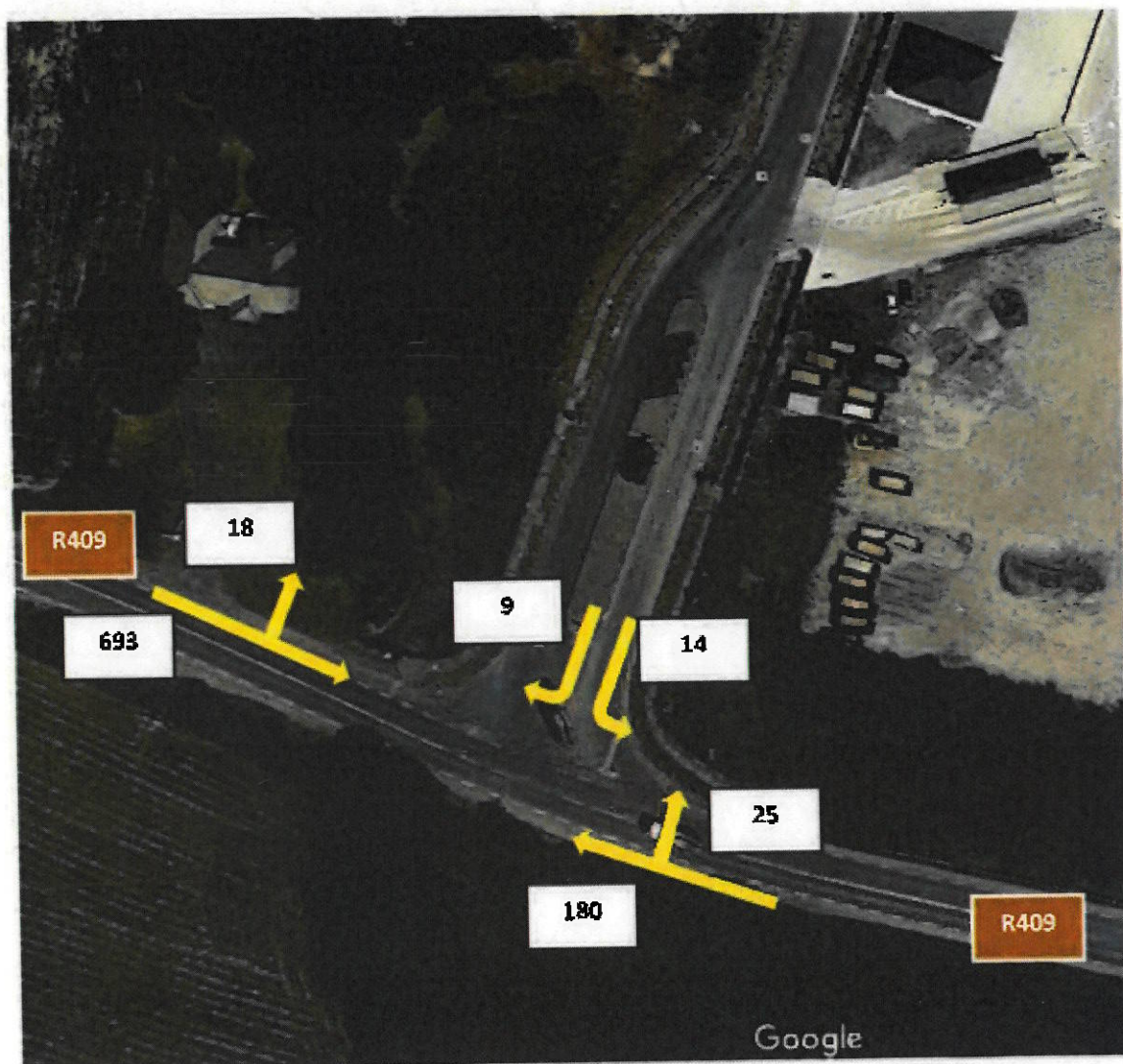


Diagram 1(a): 2019 Traffic Count at Osberstown Industrial Park Access Junction
 08.00-09.00 AM Peak hour

(flows in passenger car unit equivalents [pcu])



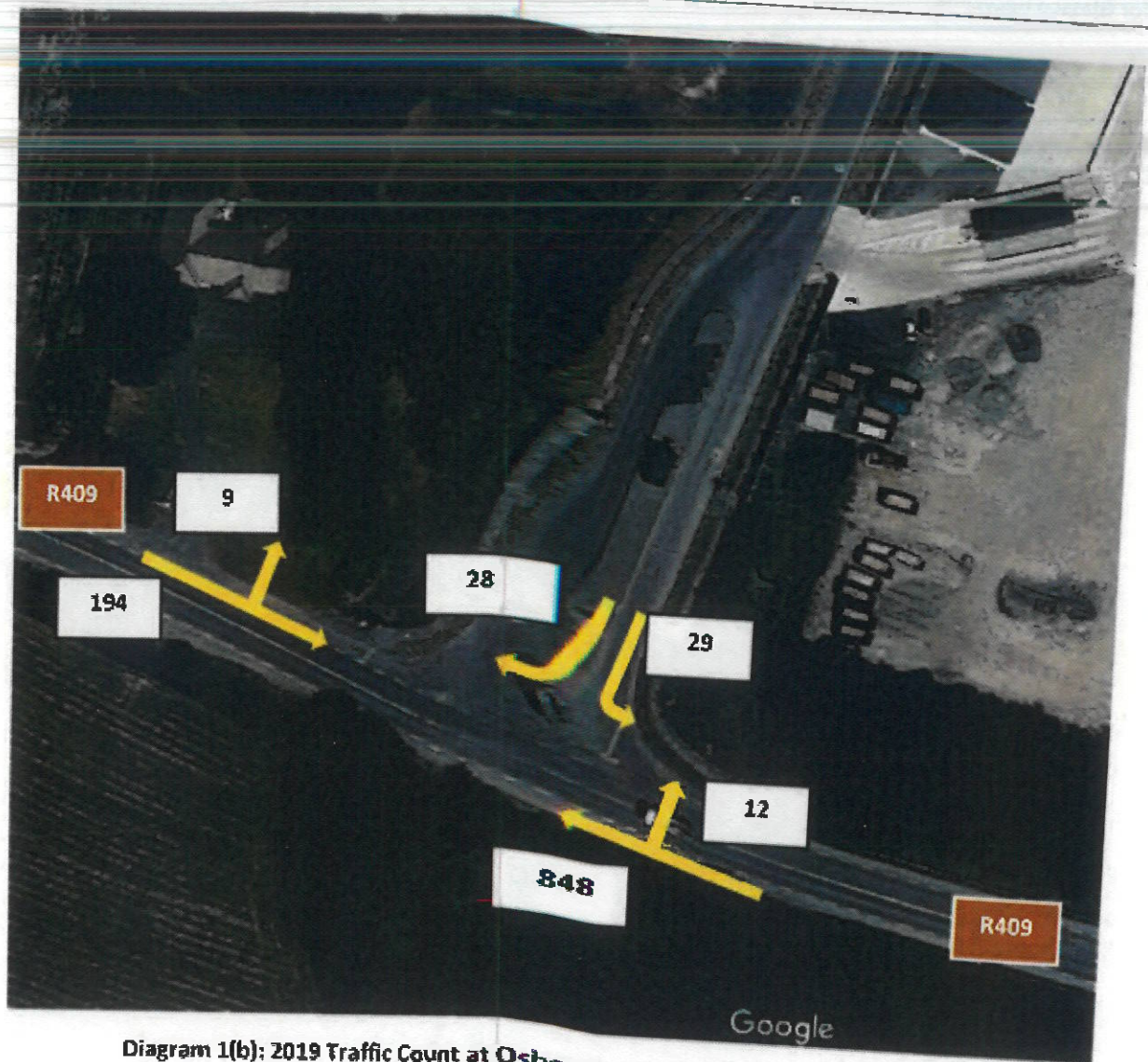


Diagram 1(b): 2019 Traffic Count at Osberstown Industrial Park Access Junction
 17.00-18.00 PM Peak Hour

(flows in passenger car unit equivalents [pcu])

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29 MAY 2020

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 Planning Department
 13 FEB 2020

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Review of Increased Tonnage, Osberstown Industrial Park, Osberstown, Co Kildare
 Traffic Impact Assessment
 for Glassco Recycling

Stephen Reid Consulting
 Traffic and Transportation

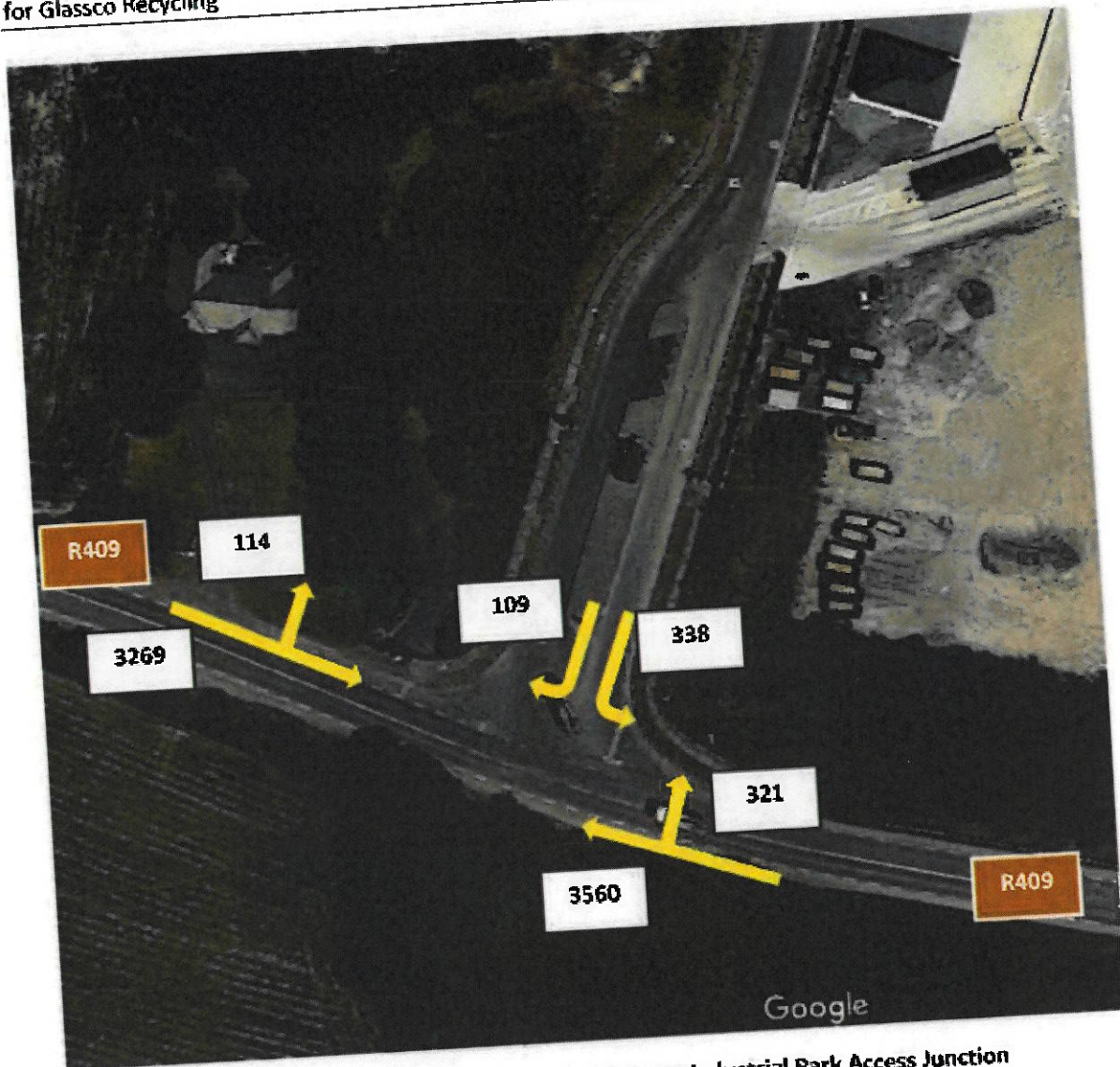
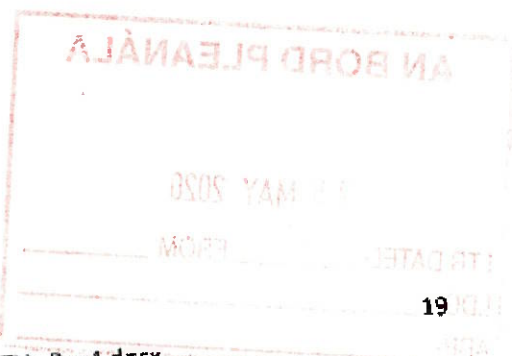


Diagram 1(c): 2019 Traffic Count at Osberstown Industrial Park Access Junction
 07.00-19.00 Daytime Period 12-hour totals
 (flows in passenger car unit equivalents (pcu))





APPROPRIATE ASSESSMENT SCREENING REPORT

AND DETERMINATION

(A) Project Details

Section 5 Ref	ED/00780
Applicant name	Glassco Recycling Ltd.
Development Location	Unit 4, Osbertstown Industrial Park, Caragh Road, Naas, Co. Kildare
Site size	2.13 hectares
Distance from Natura 2000 site in km	The site is not located within or adjacent to any SAC or SPA. The nearest Natura 2000 site is Mouds Bog SAC, 5.8kms to the south west of the subject site.
Description of the project/proposed development – <i>"Whether the proposed increase in annual intake from 97,000 tonnes to 120,000 tonnes at the Glassco Recycling Facility is or is not development or is or is not exempted development within the meaning of the Act?"</i>	

(B) Identification of Natura 2000 sites which may be impacted by the proposed development

	<div>AN BORD PLEANÁLA Yes/No If answer is yes, identify list name of Natura 2000 site likely to be impacted. 29 MAY 2020 LTR DATED _____ FROM _____ LDG- _____ ABP- _____</div>
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

1	Impacts on sites designated for freshwater habitats or species. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats and/or species, or in the catchment (upstream or downstream) of same?</i>	No
2	Impacts on sites designated for wetland habitats – bogs, fens, marshes and heath. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Mouds Bog, Ballynafagh Bog, Red Bog, Ballynafagh Lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats (bog, marsh, fen or heath), or within 1 km of same?</i>	No
3	Impacts on designated terrestrial habitats. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh Lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include woodlands, dunes or grasslands, or within 100m of same?</i>	No
4	Impacts on birds in SPAs <u>Sites to consider:</u> Poulaphouca Reservoir	<i>Is the development within a Special Protection Area, or within 5 km of same?</i>	No

Conclusion:

If the answer to all of the above is **No**, significant impacts can be ruled out for habitats and bird species.

No further assessment in relation to habitats or birds is required.

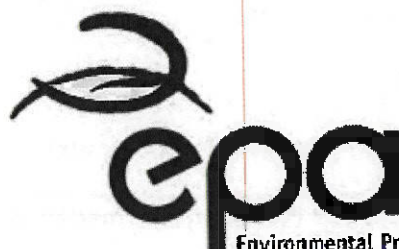
If the answer is **Yes** refer to the relevant sections of C.

(G) SCREENING CONCLUSION STATEMENT

Selected relevant category for project assessed by ticking box.

1	AA is not required because the project is directly connected with/necessary to the conservation management of the site	
---	------------------------------------------------------------------------------------------------------------------------	--

2	No potential significant affects/AA is not required	X
3	Significant effects are certain, likely or uncertain. Seek a Natura Impact Statement Reject proposal. (Reject if potentially damaging/inappropriate)	
Justify why it falls into relevant category above (based on information in above tables)		
<p>This application for a Declaration of Exempted Development is accompanied by a Screening for Appropriate Assessment, prepared by OPENFIELD Ecological Services. The increase in waste volumes will not result in any additional effluent leading to the foul sewer. Surface water on site will be attenuated on site. Water supply is from the mains supply. The report concludes that significant effects are not likely to arise, either alone or in combination with other plans and projects that will result in significant effects to the integrity of the Natura 2000 network. The conclusions of the AA Screening report submitted are accepted.</p> <p>Having regard to the distance from the nearest Natura 2000 site, with no direct hydrological connection, it is considered there would not be potential for significant effects on the Natura 2000 network.</p>		
Name:	Patricia Conlon	
Position:	Senior Executive Planner	
Date:	09.03.2020.	



Environmental Protection Agency
An Ghníomhaíocht um Chaomhú Comhshaoil

**WARNING: IF YOUR ACTIVITY FALLS UNDER THE
INDUSTRIAL EMISSIONS DIRECTIVE 2010/75/EU
DO NOT USE THIS APPLICATION FORM.
PLEASE REFER TO THE ENVIRONMENTAL PROTECTION
AGENCY (INDUSTRIAL EMISSIONS) (LICENSING)
REGULATIONS 2013, S.I. 137 OF 2013
AND
THE EUROPEAN UNION (INDUSTRIAL EMISSIONS)
REGULATIONS 2013, S.I. 138 OF 2013.
CONTACT THE ENVIRONMENTAL LICENSING PROGRAMME
FOR FURTHER INFORMATION.**

Waste Licence Application Form

EPA Ref. N°:
(Office use only)

*This document does not purport to be and should not be considered
a legal interpretation of the provisions and requirements of the
Waste Management Act 1996, as amended.*

Environmental Protection Agency
P.O.Box 5000, Johnstown Castle Estate, County Wexford
Telephone: 053-9160600 Fax: 053-9160699

For the Attention of
Waste Licensing (Applications) Unit
Environmental Protection Agency
PO Box 3000
Johnstown Castle Estate
Co. Wexford

Our Ref.: RG0204/WL Review
Direct Dial: 01 802 0521
Direct Fax: 01 802 0525
e-mail: vip.patel@pateltonra.com
Date: 20th Feb 2015

Dear EPA,

Re.: Rehab Glassco Ltd. - Application for the Review of Waste Licence W0279-01

Patel Tonra Ltd., Environmental Solutions, is acting for our client, Rehab Glassco Ltd., under the instruction of Mr. Zeki Mustafa, Managing Director of Rehab Glassco Ltd.

Please find enclosed documentation for the purposes of a Waste Licence Review Application for an existing Waste Management Facility at Unit 4, Osberstown Industrial Park, Caragh Road, Naas, Co. Kildare (EPA Licence W0279-01).

The purpose of the Waste Licence Review application is to address a new air emission point located at a new extension to the Main Process building at the facility. The Agency advised (correspondence dated 10th December 2014) that a review of Waste Licence W0279-01 was required to regularise this new emission point.

Please note that a related Air Dispersion Model report will be finalised and submitted to the Agency under separate cover as soon as possible.

The number of copies of enclosed documentation is detailed below, as per the EPA *Instructions for Licence Applicants*. Please accept this letter as a declaration that the content of the electronic files on the accompanying CD-ROMs is a true copy of the original.

- Waste Licence Application, including Application Form, Attachments and Drawings
- The complete newspaper in which the advertisement was placed
- Cheque for the application fee of €6,000, payable to the Environmental Protection Agency

Hardcopy	Electronic
1 original + 1 copy	2 copies
1 original	Not applicable

AN BORD PLEANÁLA

29 MAY 2020

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

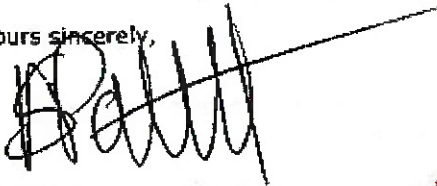
Patel Tonra Ltd., environmental consultants to Rehab Glassco Ltd., is nominated by Rehab Glassco Ltd. to make submissions in relation to this application and related matters on behalf of the company. The contact details for Patel Tonra Ltd. and for Rehab Glassco Ltd. are as follows:

For Patel Tonra Ltd.:	For Rehab Glassco Ltd.:
Mr. Vip Patel, Director, Patel Tonra Ltd., Environmental Solutions, 3f Fingal Bay Business Park, Balbriggan, Co. Dublin Tel. 01 8020521 Email: vip.patel@pateltonra.com	Mr Zeki Mustafa Managing Director Rehab Glassco Unit 4, Osberstown Industrial Park Caragh Road Naas Co. Kildare Tel. 01 6854400 Email: zeki.mustafa@rehabglassco.ie

As discussed between our client and the EPA at a pre-application consultation meeting in December 2014, Rehab Glassco respectfully requests that the Agency considers a partial reduction or refund of the application fee for the review application, on that basis that Waste Licence W0279-01 was granted only in December 2014, and that the majority of the information contained in the review application has remained unchanged versus the W0279-01 licence application.

If you have any further queries in relation to the application, please do not hesitate to contact our office.

Yours sincerely,



Vip Patel
Director, Patel Tonra Ltd.

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AN BORD PLEANALA	
20 MAY 2015	
TO: _____	FROM: _____
DATE: _____	DATE: _____
BY: _____	BY: _____

SECTION H MATERIALS HANDLING

H.1 Waste Types and Quantities – Existing & Proposed

Provide an estimation of the quantity of waste likely to be handled in relation to each class of activity applied for. This information should be included in Table H.1(a).

TABLE H.1(A). QUANTITIES OF WASTE IN RELATION TO EACH CLASS OF ACTIVITY APPLIED FOR

Waste Management Act 1996, as amended. 3rd Schedule (Disposal) Operations		Waste Management Act 1996, as amended. 4th Schedule (Recovery) Operations	
Class of Activity Applied For	Quantity (tpa)	Class of Activity Applied For	Quantity (tpa)
Class D 1		Class R 1	
Class D 2		Class R 2	
Class D 3		Class R 3	
Class D 4		Class R 4	3,000
Class D 5		Class R 5	130,000
Class D 6		Class R 6	
Class D 7		Class R 7	
Class D 8		Class R 8	
Class D 9		Class R 9	
Class D 10		Class R 10	
Class D 11		Class R 11	
Class D 12		Class R 12	16,000
Class D 13		Class R 13	500
Class D 14			
Class D 15			

In Table H. 1 (B) provide the annual amount of waste handled/to be handled at the facility. Additional information should be included in Attachment H.1. The tonnage per annum should be given of that expected for the life of the licence, with at least the next five years tonnages provided. For landfill licence review applications provide an estimate of the quantity of waste already deposited in (i) lined cells; (ii) unlined cells.

TABLE H.1(B) ANNUAL QUANTITIES AND NATURE OF WASTE

Year	Non-hazardous waste (tonnes per annum)	Hazardous waste (tonnes per annum)	Total annual quantity of waste (tonnes per annum)
2014	122,641	0	122,641
2018 Onwards	150,000	0	150,000



WASTE Application Form

A detailed inventory of the types and quantities of wastes currently handled at the site and proposed to be handled should be submitted as Table H.1 (C).

TABLE H.1 (C) WASTE TYPES AND QUANTITIES

WASTE TYPE	TONNES PER ANNUM (existing)	TONNES PER ANNUM (proposed)	TOTAL (over life of site) tonnes
Household	109,125	133,500	Not known
Commercial	13,516	16,500	Not known
Sewage Sludge			
Construction and Demolition			
Industrial Non-Hazardous Sludges			
Industrial Non-Hazardous Solids			
Hazardous *(Specify detail in Table H 1.2)			
Inert Waste imported for restoration purposes	COMPLETION OF THIS TABLE IS REQUIRED FOR LANDFILL & CONTAMINATED LAND FACILITIES ONLY		

*** TABLE H.1.2 HAZARDOUS WASTE TYPES AND QUANTITIES**

HAZARDOUS WASTE	DETAILED DESCRIPTION	Tonnes Per Annum (Existing)	(Tonnes Per Annum Proposed)
Waste Oil			
Oil filters			
Asbestos			
Paint and Ink			
Batteries			
Fluorescent Light Bulbs			
Contaminated Soils			
OTHER HAZARDOUS WASTE (APPLICANT TO SPECIFY)			



WASTE Application Form

SECTION H MATERIALS HANDLING

H.1 Waste Types and Quantities – Existing & Proposed

Provide an estimation of the quantity of waste likely to be handled in relation to each class of activity applied for. This information should be included in Table H.1(a).

TABLE H.1(A). QUANTITIES OF WASTE IN RELATION TO EACH CLASS OF ACTIVITY APPLIED FOR

Waste Management Act 1996, as amended. 3rd Schedule (Disposal) Operations		Waste Management Act 1996, as amended. 4th Schedule (Recovery) Operations	
Class of Activity Applied For	Quantity (tpa)	Class of Activity Applied For	Quantity (tpa)
Class D 1		Class R 1	
Class D 2		Class R 2	
Class D 3		Class R 3	
Class D 4		Class R 4	3,000
Class D 5		Class R 5	130,000
Class D 6		Class R 6	
Class D 7		Class R 7	
Class D 8		Class R 8	
Class D 9		Class R 9	
Class D 10		Class R 10	
Class D 11		Class R 11	
Class D 12		Class R 12	16,000
Class D 13		Class R 13	500
Class D 14			
Class D 15	500		

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In Table H. 1 (B) provide the annual amount of waste handled/to be handled at the facility. Additional information should be included in Attachment H.1. The tonnage per annum should be given of that expected for the life of the licence, with at least the next five years tonnages provided. For landfill licence review applications provide an estimate of the quantity of waste already deposited in (i) lined cells, (ii) unlined cells.

TABLE H.1(B) ANNUAL QUANTITIES AND NATURE OF WASTE

Year	Non-hazardous waste (tonnes per annum)	Hazardous waste (tonnes per annum)	Total annual quantity of waste (tonnes per annum)
2014	122,641	0	122,641
2018 Onwards	150,000	0	150,000

Meeting - 31/10/19 - advised currently at 130,000 t.



WASTE Application Form

A detailed inventory of the types and quantities of wastes currently handled at the site and proposed to be handled should be submitted as Table H.1 (C).

TABLE H.1 (C) WASTE TYPES AND QUANTITIES

WASTE TYPE	TONNES PER ANNUM (existing)	TONNES PER ANNUM (proposed)	TOTAL (over life of site) tonnes
Household	109,125	133,500	Not known
Commercial	13,516	16,500	Not known
Sewage Sludge			
Construction and Demolition			
Industrial Non-Hazardous Sludges			
Industrial Non-Hazardous Solids			
Hazardous *(Specify detail in Table H 1.2)			
Inert Waste imported for restoration purposes			

*** TABLE H.1.2 HAZARDOUS WASTE TYPES AND QUANTITIES**

HAZARDOUS WASTE	DETAILED DESCRIPTION	Tonnes Per Annum (Existing)	(Tonnes Per Annum Proposed)
Waste Oil			
Oil filters			
Asbestos			
Paint and Ink			
Batteries			
Fluorescent Light Bulbs			
Contaminated Soils			
OTHER HAZARDOUS WASTE (APPLICANT TO SPECIFY)			

APPLICATION TO THE ENVIRONMENTAL PROTECTION AGENCY FOR THE REVIEW OF A WASTE LICENCE

Rehab Glassco Ltd., Unit 4, Osberstown Industrial Park, Caragh Road, Naas, Co. Kildare, is applying to the Environmental Protection Agency (EPA) for the Review of a Waste Licence for a glass and can recycling facility at Unit 4, Osberstown Industrial Park, Caragh Road, Naas, Co. Kildare (National Grid Reference E 296767 N 220379). The site is currently operating under EPA Waste Licence No. W0279-01.

The area of the site and the proposed EPA-licensed area is 21,300m². The Main Process at the facility applies a range of state-of-the-art sorting and processing techniques to separate the input material into colour-segregated glass cullet product and cans/metals. The Main Processing building has been extended to incorporate a new fines processing line, which has been installed to sort rejected glass from the existing main processing lines. There is a new air emissions point associated with the extension. The glass cullet product is transported off-site for use as a raw material in the glass manufacturing industry. The facility also operates a Drying Plant, which processes the residual glass fraction. The total input to the facility is up to 150,000 tonnes per annum.

Licensed Waste Disposal Activities, in accordance with the Third Schedule of the Waste Management Act 1996, as amended

D 15: Storage pending any of the operations numbered D 1 to D 14 (excluding temporary storage (being preliminary storage according to the definition of 'collection' in section 5(1)), pending collection, on the site where the waste is produced).

Licensed Waste Recovery Activities, in accordance with the Fourth Schedule of the Waste Management Act 1996, as amended

R 4: Recycling/reclamation of metals and metal compounds.

R 5: Recycling/reclamation of other inorganic materials, which includes soil cleaning resulting in recovery of the soil and recycling of inorganic construction materials. This is the principal activity.

R 12: Exchange of waste for submission to any of the operations numbered R 1 to R 11 (if there is no other R code appropriate, this can include preliminary operations prior to recovery including pre-processing such as, amongst others, dismantling, sorting, crushing, compacting, pelleting, drying, shredding, conditioning, repackaging, separating, blending or mixing prior to submission to any of the operations numbered R1 to R11).

R 13: Storage of waste pending any of the operations numbered R 1 to R 12 (excluding temporary storage (being preliminary storage according to the definition of 'collection' in section 5(1)), pending collection, on the site where the waste is produced).

A copy of the application for the Waste Licence Review and any further information relating to the application as may be furnished to the EPA in the course of the EPA's consideration of the application, will, as soon as practicable after receipt by the EPA, be available for inspection or purchase at EPA Headquarters, PO Box 3000, Johnstown Castle Estate, Co. Wexford (during normal working hours).

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Environmental Protection Agency

You are here: [Home](#) > [Licensing and Permitting](#) > [Waste Licensing & Permitting](#) > [Waste Licence Search](#)

Licence Details

Details of Application

Reg No.	W0279-02 About Licence RSS Feeds
Applicant Name:	GLASSCO RECYCLING LIMITED
Facility Name:	Glassco Recycling Limited
Location of Facility:	Unit 4 Osberstown Industrial Park, Caragh Road, Naas, Co Kildare, Kildare.
Type of Facility:	Materials Recovery Facility
Main Class of Activity:	R05
Other Classes of Activity (more)	D15,R12,R13,R04
Application Date:	23/02/2015
Licence Status:	Licensed
Latest licence for this facility: Reg No. W0279-02	

Decision Details:

Proposed Decision issued date:	3/12/2015
Closing date for objections to Proposed Decision:	8/01/2016
Final Decision issued date:	9/02/2016

Documents

To view electronic documents (if any) for this application, click on the buttons below. These open in a new window. All documents available in electronic format are presented as Adobe Acrobat PDF files. If you have any problems opening or displaying a document in your browser, right-click on the file and save it to your computer.

Licence application documents:

- [View applicant documents](#)
- [View EPA documents](#)
- [View Third Party documents](#)

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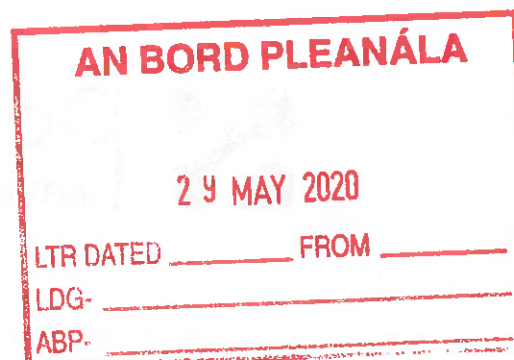
Licence enforcement documents:

- View Licence Enforcement Documents

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[More information on licence enforcement](#)

Do you wish to contact the EPA about this licenced facility?



Rehab Glassco Ltd.

**ATTACHMENTS DOCUMENT - Waste Licence
Review Application for Glass and Can
Recycling Facility at Osberstown, Naas, Co.
Kildare (EPA Licence W0279-01)**

February 2015

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patel tonra 
environmental solutions

a | patel tonra ltd, 3f fingal bay business park, balbriggan, co. dublin, ireland
t | 01 802 0520 | f | 01 802 0525 | w | www.pateltonra.com

**Attachment H:
Materials Handling**

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Rehab Glassco

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29 MAY 2020

LTR DATED _____ FROM _____

LDG- _____

ASP- _____

**Patel Tonra Ltd. for Rehab Glassco Ltd.
EPA Waste Licence Review Application,
February 2015**

Attachment H: Materials Handling

H.1 Waste Types and Quantities - Existing and Proposed

Waste Types

- H.1.1 Rehab Glassco offers a nationwide collection and recycling service for glass and cans. Materials are collected from pubs, hotels, restaurants, sports clubs, financial institutions, office blocks, apartments and housing developments, council bring sites, civic amenity centres, industrial units and waste companies.
- H.1.2 Glass products, bottles and jars and aluminium and steel cans are accepted for recycling at the Rehab Glassco facility.
- H.1.3 The facility has the capability of sorting mixed glass into colour-separated glass cullet.
- H.1.4 Acceptable wastes, categorised by European Waste Catalogue (EWC) code are listed in Appendix H.1.1. In addition, the Applicant seeks permission to accept other compatible waste streams, as may arise. The EWC codes are as per EPA Licence W0279-01; no changes are proposed as a result of the Waste Licence Review application.

Appendix H.1.1: Acceptable Wastes (EWC codes)

Waste Quantities

- H.1.5 Rehab Glassco (and previously Glassco Recycling Ltd) has operated a glass/can recycling facility at Osberstown Industrial Park, under Waste Facility Permit (WFP-KE-08-0357-01), since 2008. Due to increased tonnage associated with the closure of a 'sister' plant in Ballymount, South Dublin in February 2011, an application was made to the EPA for a Waste Licence in July 2011. EPA Waste Licence W0279-01 was issued in December 2014.
- H.1.6 The input tonnages for 2008 to 2014 are provided in Table H.1.1.

Table H.1.1: Input tonnages to the glass/can recycling facility at Osberstown, 2008-2014

Year	Input tonnage
2008	34,028
2009	58,230
2010	55,367
2011 ¹⁷	95,585
2012	96,494
2013	111,767

¹⁷ Merging of glass plants at Ballymount and Naas

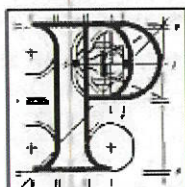
Year	Input tonnage
2014	122,641

- H.1.7 The Applicant predicts future business growth and increased waste input. The Waste Licence application (July 2011) therefore sought an input tonnage of up to 150,000 tpa. EPA Licence W0279-01 licensed a maximum tonnes per annum of 150,000 tonnes. No change is proposed as part of this Waste Licence Review application.

H.2 Waste Acceptance Procedures

- H.2.1 Incoming loads are weighed in and full details recorded on the weighbridge software. The weighbridge operator directs the incoming vehicle to the appropriate storage bay for unloading.
- H.2.2 A specific waste inspection and quarantine system is in place on site.
- H.2.3 Waste sources and inputs to the Rehab Glassco facility are controlled. All waste loads arriving at the facility are tipped and visually inspected prior to processing.
- H.2.4 If, upon tipping, the operative notes any suspected contaminated/non-conforming wastes, the plant manager, assistant plant manager or shift supervisor is informed immediately. The manager will decide whether the load should be rejected or quarantined. Any contaminated/unsuitable loads may be recorded as a 'rejected load' and returned to source or removed to an appropriately licensed/permitted site, with the Agency's consent.
- H.2.5 Any loads which may require to be further inspected or quarantined will be appropriately cordoned off in a storage bay pending further investigation and the material will be dealt with in the appropriate manner. The waste inspection and quarantine area is not a fixed location; rather an empty storage bay is assigned on an 'as required' basis.
- H.2.6 Any smaller non-conforming items within an incoming loaded may be removed to the residual waste storage area or mobile hopper bins, pending removal off-site to an appropriately licensed/permitted facility. Such material (e.g. cardboard, black refuse sacks, bricks, concrete, ceramics, stones, porcelain, timber) can be handpicked out or mechanically removed.
- H.2.7 If the material is deemed to be satisfactory, it is 'pushed back' for storage in the appropriate bay in the normal manner pending processing. If any material or batch is found to be unsuitable or contaminated after tipping, it will be immediately examined further and the bay will be cordoned off.
- H.2.8 Acceptable material is removed from the storage bay for processing as described in Attachment H.3 below.
- H.2.9 In accordance with EPA Licence W0279-01, condition 8.14, detailed written waste acceptance and characterisation procedures will be established and maintained by the licensee.

An Bord Pleanála



Inspectors Report

Development: Application for Substitute Consent for a glass recycling facility at Unit 4 Osberstown Industrial Park, Caragh Road, Naas, Co. Kildare.

Planning Authority: Kildare County Council

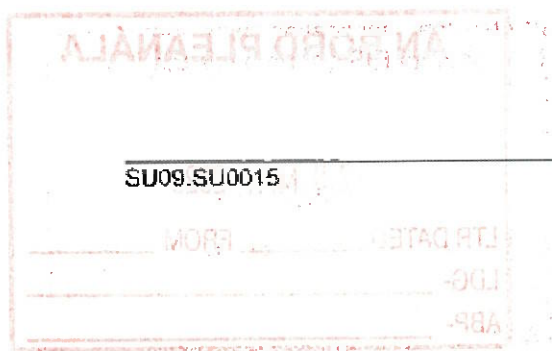
Applicant: Rehab Glasco Limited

Case Type: Substitute Consent

Date Lodged: 6th March, 2013

Site Inspection: 28th June 2013

Inspector: Stephen Kay



1.0 Site Location and Description

- 1.1 The site which is the subject of this application for substitute consent is located in Osberstown Business Park, Naas, Co. Kildare, c.2.5 km to the west of Naas town centre. The area in the environs of the site is partially developed and there is a significant area of undeveloped / vacant land in the general environs of the site within the business park lands. The site comprises what is described as sites 4 and 5 in the industrial estate and would appear to have comprised sites 5, 11 and 14 of the original site layout.
- 1.2 The site is bounded to the east by the Osberstown waste water treatment works and there is a wayleave that runs along the north eastern side of the site for the Newbridge Rising main. To the south east, the adjoining site is occupied by 'Double L' a business selling concrete and granite products. To the south west, the closest occupied site is Unit 12 which is occupied by a freight company.
- 1.3 The closest dwellings to the site are located to the north west of the site on the opposite side of the local road (Halverstown Road) and the closest dwelling of the 3 no. in this area is c.100 metres from the site boundary. In addition, there is a dwelling located immediately to the west of the subject site, the boundary of which is located on the opposite side of the estate access road from the subject site and within c.40 metres of the nearest site boundary. This dwelling is also separated from the site by mature planting and the relative positions of the site and this dwelling are indicated in the attached photographs.
- 1.4 The site is currently occupied by two large buildings, a main process building where the sorting of glass and cans is undertaken and a drying plant building where glass is dried and bagged. There is also a small maintenance building located close to the site access at the southern end of the site and a weighbridge.
- 1.5 The site is bounded by concrete boundary walls and within these boundaries are constructed bunded areas for the storage of materials. These bunds are also constructed of concrete and are of a significant height.

2.0 Background to Proposed Development

- 2.1 This is an application for Substitute Consent under Section 177E of the Planning and Development Acts 2000-2011. The background to the case is set out in the attached file (ABP Ref. LS09.0003) and can be summarized as follows:
- 2.2 The site is operated by Rehab Glasco which is a subsidiary of Rehab Enterprises and the site has been in use for glass recycling since 2008, initially by Glassco recycling and since 2009 as Rehab Glassco following the merger of Rehab and Glassco. The use of the site for recycling of glass and cans was permitted under ref. 06/1710 and this permission has been the subject of a number of amendments and further permissions in the interim period. At the time that permission was applied for under Ref. 06/1710 the application was not accompanied by an EIS and the applicant did not submit an EIS on the basis that the activity proposed to be undertaken on site (recycling) did not come within the

29 MAY 2020

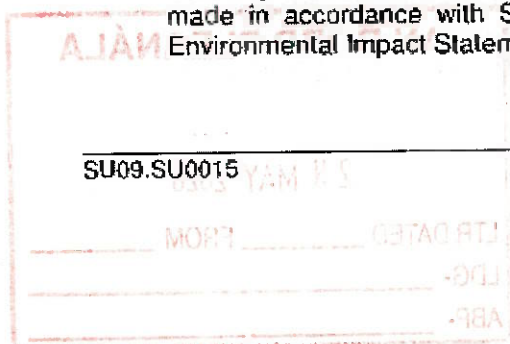
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LDG- _____

ABP- _____

scope of any development listed in the Fifth Schedule of the 2001 Regulations (as amended). It is noted that the Planning Authority did not disagree with this approach, that no EIS was sought at the time that the application was made and that a decision to grant permission issued by the Planning Authority. It is further noted that at the time that Ref. 06/1710 was submitted and assessed by the Planning Authority, the applicant did not detail in the application the quantities of material that would be processed and the Grant of Permission issued did not specify a limit or restriction on the amount of material that could be processed or stored at the facility.

- 2.3 The applicant applied and was granted by the local authority a waste facility permit for the operation of the facility (Ref. WFP-KE-08-0357-01). The applicant states that recent increases in the volume of material being processed at the facility have resulted in the need for a waste licence and an application has been made to the EPA for such a licence, (EPA Ref. W0279-01). This application was submitted to the EPA in July, 2011. No decision on this licence application has been made to date and there is no indication on the EPA website regarding a likely date for the issuing of such a licence. Additional details / clarification on a number of issues in the application have been requested by the EPA in order to process the application further. It is also noted that the EPA have highlighted to the applicant the provisions of the EU Industrial Emissions Regulations and the fact that the agency will, in future be responsible for an additional class of licence, an Industrial Emission Licence, and that the activities on the Rehab Glassco site may come within the scope of such a licence rather than a waste Licence.
- 2.4 Leave to apply for substitute consent was granted by the Board on the basis that it was not apparent to the applicant or to the planning authority at the time of the making of the application and granting of permission that an EIS was required. The decision of the Planning Authority was made on the basis that it was considered that the facility proposed and granted permission was a recycling facility and not a waste facility. This interpretation was conflicted by ECJ case C-486/04 (commission vs. Italy) which resulted in clarification that *'all operations leading either to waste disposal, in the strict sense of the term, or to waste recovery'* are to be classified as waste disposal. As the throughput of material at the facility is greater than 25,000 tonnes per annum, the activity on site comes within the scope of Class(b) of part 2 of the Fifth Schedule of the 2001 Regulations (as amended) being an installation *'for the disposal of waste with an annual intake of greater than 25,000 tonnes not included in part 1 of this schedule'*.
- 2.5 The applicant applied for an extension of time pursuant to Section 177E(4) of the Planning and Development Act, 2000 as amended. On the 4th of December, 2012 it was decided to grant an extension of time of 12 weeks for the making of an application for substitute consent.
- 2.6 The application is for substitute consent pursuant to section 261(A)(3) of the Planning and Development Act, 2000 as amended. The application has been made in accordance with Section 177E and is accompanied by a Remedial Environmental Impact Statement, (REIS).



3.0 Description of Development which is the subject of Application for Substitute Consent

The application relates to the existing development that is on the site at Osberstown Business Park, Caragh Road, Naas. The development to which the application for substitute consent relates can be summarized as follows:

Current
input
of
7,000 tonnes.



A recycling facility for the processing of glass and aluminum cans having a current input of c.97,000 tonnes per annum. On the basis of the figures presented in the RIS for the 2012 calendar year, c. 97 percent of the input to the facility is glass with the balance aluminum cans.

On site, the recycling activity involves a main process building having an overall height of 12 metres and which includes ancillary office and staff accommodation in the total area of 9,734 sq. metres. This building accommodates the segregation and processing of glass and accommodates the main activity on site. The process of segregation involves a number of advanced process to separate the material including the use of high power magnetic equipment and the separation of various waste types using air jets. Infrared units that utilize lasers and compressed air jets to remove ceramic, stone and porcelain particles are also employed. The intermediate stage discharge from the sorting areas within the main process building discharges to bays located along the northern side of the building. Material from these bays is then moved to longer term storage bays that are located to the north and east of the main process building.

The process on site also involves a drying facility which is contained in a building having a floor area of 314 sq. metres and height of 8 metres and which is located to the north of the site access and the main process building. The drying unit is used to process material that would previously have been only suitable for dumping to landfill and is stated by the applicant to significantly increase the level of materials recovery. Loading to the drying plant is via a front end loader into a hopper located at the southern end of the drying plant. The drying process involves material being passed through the drying unit at a temperature of 200-250°C and the output material is crushed and screened to various grades of fine glass. The fine grain residue material is also a marketable product once it has been pelletized by the addition of water and sodium silicate to the fine material. The waste fraction at the end of the drying operation is stated to be less than 1 percent by weight.

A vehicle maintenance building is located immediately to the west of the site access. This building has a floor area of 241 sq. metres and a height of c.7 metres.

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29 MAY 2020

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LDC

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The development the subject of the substitute consent application also includes vehicular parking areas, external material storage areas, weighbridge and truckwash and foul and surface water infrastructure to include an underground surface water attenuation tank to be constructed towards the north west corner of the site is a location to the west of the drying plant. A total of 34 car parking spaces and 11 lorry spaces are proposed throughout the site. External storage areas are in the form of storage bays and an open storage area for ancillary materials such as pallets etc. There are a total of 19 no. bays having an area between 70 sq metres and 1000 sq metres located around the perimeter of the site and each is bounded by permanent pre cast concrete wall panels or moveable pre cast concrete blocks. The maximum height of the boundary walls to the storage areas is 3.6 metres and the maximum height of materials to be stored within these areas is stated to be 3.0 metres.

¹⁰⁷
Class(b) of part 2 of the Fifth Schedule of the 2001 Regulations (as amended) state that the following shall be development for the purposes of Part 10 (require an EIS):

'Installations for the disposal of waste with an annual intake of greater than 25,000 tonnes not included in part 1 of this schedule.'

The facility that is operational on the site currently accepts a stated volume of 97,000 tonnes of material per annum (year to the end of January, 2013) and so exceeds the threshold of 25,000 tonnes specified in the regulations.

In terms of the volume of material accepted, Table 2.2 of the REIS sets out the annual input tonnages from 2008 – 2012 inclusive. These figures show a sharp increase in 2010 – 2011 due to the fact that the rehab site in Ballymount in Dublin closed in 2010 and the material that was previously processed at the Ballymount site was diverted to the subject site.

4.0 Planning History

An Bord Pleanála:

- An Bord Pleanála Ref. LS09.0003 – Permission granted to Rehab Glasco Limited for the leave to apply for substitute consent in respect of a recycling facility located at Number 4 Osberstown Business Park, Caragh Road, Naas, Co. Kildare. Leave was granted under s.177D(4) on the basis that the Board considered that the development on the site was one where an EIS is required and that the permissions granted for development on the site, (Refs. 06/1710, 09/48, 10/652, 10/1195 and 11/508) are defective by virtue of the omission of an EIS accompanying application Ref. 06/1710.

Planning Authority (Kildare County Council):

- Kildare County Council Ref. 11/508 – Permission granted by the Planning Authority for the retention of free standing maintenance building with steel framed fabric covered structure for the maintenance of company vehicles at Site 4 Osberstown Business Park. The structure for which retention was granted had a stated height of 7 metres, a floor area of 241 sq. metres. The site area is stated to be 2.13 ha.
- Kildare County Council Ref. 10/1195 – Permission granted by the Planning Authority for the retention of a free standing plant with steel framed fabric covered structure for glass recycling. The building permitted was the drying plant that is located to the north of the main process building. The permission granted by the Planning Authority does not specifically limit the emissions from the site. Condition No. 5 requires the submission of details regarding car parking and storage of waste glass containers within 6 months of the Grant of permission. Condition 10 requires the submission of evidence of a reduction in the height of stockpiles on site to a maximum of 3 metres. Condition No.11 states that the permission does not authorize any increase in the volume of glass to be processed / accepted at the site from that initially permitted. (It is noted that the parent permission Ref. 06/1710 did not specify a maximum level of material that could be processed on the site however it is noted that the FI response states that there would be a maximum of 10 loads per day to the site).
- Kildare County Council Ref. 10/652 – Permission granted by the Planning Authority for retention of change of use of from industrial space to office space and retention of relocated and amended external staircase on structure that is the main processing building on the site.
- Kildare County Council Ref. 09/48 – Permission granted by the Planning Authority for the extension of the site of the existing glass recycling plant to provide additional vehicle parking and external storage areas on lands adjoining sites 4 and 5. This permission was the subject of a third party appeal that was withdrawn (PL09.233729). It is noted that in response to FI request, the applicant stated that the storage of material on the site will not exceed a height of 3 metres.
- Kildare County Council Ref. 06/1710 – Permission granted by the planning authority for the use of the site as a glass recycling plant. This permission did not specify a maximum level of material that could be processed on the site however it is noted that the FI response states that there would be a maximum of 10 loads per day to the site. FI response also states that hours of operation will be 8.30 – 17.30 hrs. Monday to Friday and 8.30 to 14.30 hrs. on Saturday. There are a number of conditions attached to the Notification of decision which issued that are of relevance.

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- Condition 5 specifies that there shall be no further development / change of use on the site without another permission.
- Condition 7 requires that the use on the site shall be glass recycling only.
- Condition 10 requires the submission of a landscaping plan.
- Condition 27 requires that the development shall not increase noise levels at the site boundary by more than 3db(a) above ambient levels.
- Condition 31 requires that noise at noise sensitive locations (including dwellings) shall not exceed 55dB(A) during daytime hours and 45dB(A) at other times.
- Condition 38 relates to surface water disposal,
- Condition 49 requires a contribution of €54,000 in accordance with the s.48 contribution scheme.

The following applications relate to the wider business park lands / overall development of the business park.

- Kildare County Council Ref. 06/13 – Permission granted by the Planning authority for additional site development works to those granted under Ref. 99/2266.
- Kildare County Council Ref. 99/2266 – Permission granted by the Planning authority for site development works including entrance to the Caragh Road. Outline permission was also granted for a single storey industrial unit.
- Kildare County Council Ref. 94/1039 – Permission refused by the Planning authority for the construction of an industrial park on the site.

5.0 Submissions Received

5.1 Prescribed Bodies

The following prescribed bodies were invited to comment on the application:

- Inland Fisheries Ireland,
- National Roads Authority,
- Heritage Council,
- An Taisce
- DAU of Department of Arts Heritage and Gaeltacht.
- EPA.

Responses were received from the EPA and from the NRA and these can be summarized as follows:

- **NRA**
No specific comments having regard to the operation accessing the non national roads network.

EPA

- Notes that a waste licence application has been submitted by Rehab Glasco.
- Notes that the REIS submitted *'appears to address the key points in relation to the environmental aspects of the proposed activity which relates to the matters that come within the functions of the agency.'* Also stated that direct and indirect effects on the environment are addressed in REIS.
- States that all matters to do with emissions to the environment, licence application and EIS will be taken into account by the agency. A licence will not be granted unless a range of criteria set out are met, including that no relevant emission standard will be contravened and, subject to conditions, the activity would not cause environmental pollution.

5.2 Submission of Planning Authority (Kildare County Council)

The following is a summary of the issues raised in the submission received from the Planning Authority.

- Notes the extensive planning history of the site.
- Notes the zoning of the site NE1 (industry / warehousing under the Naas and Environs Development Plan. The existing glass recycling facility is considered to be consistent with this zoning.
- Notes that the hours of operation of facility are Monday to Friday – 24 hours, Saturday, 07.00 to 23.00 hrs and closed Sunday and that hours of acceptance are 07.00 to 19.00 Monday to Saturday and closed on Sunday. Also noted that the EPA licence application proposes 24 hour operation Monday to Sunday and that the hours of acceptance would be 07.00 to 22.00 hours Monday to Sunday. Recommended that hours of acceptance would remain 07.00 to 19.00 Monday to Saturday and closed on Sundays.
- Recommended that the height of stored material on the site would be limited to 3 metres and that this was proposed by the applicant during the assessment of previous applications.
- Regarding noise, noted that REIS records a residual background noise at closest dwelling of 46 dB(A) and that remedial measures in form of screens / barriers have been erected. REIS proposes that if continuing exceedances then hours of operation of drying plant should be restricted to 07.00 and 18.00. Recommended that development should be conditioned not to accept material outside of 07.00 to 19.00.
- Regarding landscape and visual impact, recommended that stockpiles be limited to 3 metres and landscape management plan for trees be implemented.
- Traffic impacts are considered to be generally acceptable having regard to experience since opening of the facility in 2006.
- That the proposed storm water attenuation pond proposal is acceptable to the Water services Section.

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- Trigonostemon*
arvensis

- Comment from the Environment Section of the council that there is no further comment to make and that the council inspect the site regularly in view of it having a waste permit. Stated that site found to be in compliance with the permit issued.

5.3 Submission of Mr Michael Culhane

The following is a summary of the issues raised in this submission:

- That the site has been operating in breach of its planning permission.
- That previous objections / appeals were withdrawn on foot of assurances received and these were subsequently broken.
- That the plant is not fit for purpose and it does not have the capacity to process the material coming on site while remaining within the limits of its planning permission.
- That the operation is in breach of planning, environmental and health and safety legislation. The issue of birds carrying glass has not been addressed and causes safety issues on the observers property.
- Requests that activity at the facility ceases until it is brought up to an acceptable standard.
- That there has been a drying plant installed in recent years that results in dust at the observers property.

The submission is accompanied by e mail correspondence from 2011 – 2013 between the observer and the manager of the facility regarding the noise issues arising.

5.4 Response Submissions

The submissions of Kildare County Council and the observer Mr Michael Culhane were cross circulated and referred to the NRA, EPA, to the applicant (Rehab Glasco Ltd.) and the observer (Mr Michael Culhane) for comment. The following is a summary of the responses received:

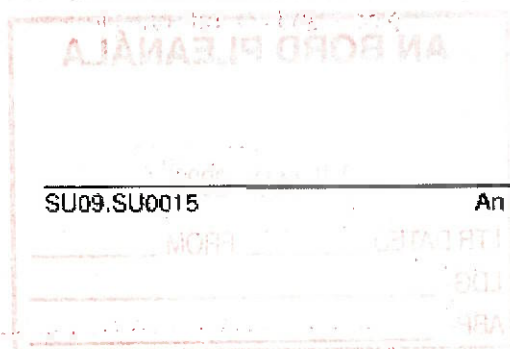
5.4.1 The applicant (Rehab Glasco) responded in the form of a submission made c/o Tom Phillips and Associates Planning and Development Consultants and prepared in conjunction with Patel Tonra Limited and Bryan Pyper Consulting Engineers. The submission appended detailed reports prepared by ORS Consulting Engineers (noise), Bird Control Ireland Limited (bird / pest control) and Atkins (roads and traffic). The following is a summary of the main issues raised in this submission:

- That the applicant has significant concerns regarding the procedure of An Bord Pleanála in accepting the submission of Mr Culhane as it was received outside of the time period originally specified. Mr Culhane was subsequently requested to submit an observation by the Board which is a most unusual procedure to follow.

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- That the plant operates under a valid permission obtained in good faith and that the parent permission and subsequent amending permissions did not limit the volume of material to be accepted or the operating hours.
- The issue of bird nuisance was addressed at Chapter 13 of the REIS and mitigation measures proposed. Since the REIS, further work has been undertaken at the site and a Bird Management Programme devised and implemented. This is set out in the enclosed report from Bird Control Ireland. Measures proposed under the programme include a hand held dispersal unit, a hawk kite, and periodic hawk flying.
- That the power to require the cessation of activity is open to the Board however the environmental assessment of operations do not provide grounds to support such a direction.
- That dust emissions from the drying plant were undertaken in January, 2013. As noted in the REIS no ELVs have as yet been prescribed in relation to the emissions from the plant but monitoring results indicate that particulate levels are within acceptable limits.
- That the REIS specified a number of mitigation measures with regard to noise. The REIS stated that the dryer plant would not operate between 19.00 and 07.00 hrs. if there continued to be a noise issue and the applicant has now elected to cease operation of the drying plant between these hours. New noise monitoring under this scenario was undertaken on 1st and 2nd July, 2013. The results of this new assessment at contained in Appendix 2 of the submission and indicate that noise levels at the closest residential receptor (NSL1) were within EPA limits for daytime and evening time. There was an exceedance of 1db for nighttime that is explained in the assessment as being due to road traffic noise from the M7, R409 and local road and the adjacent 24-hour distribution facility.
- That the report of the Planning Authority (Kildare County Council) confirms that there is no history of planning enforcement on the site.
- Regarding **conditions**, the hours of acceptance of material at site of 07.00 – 19.00 hours is acceptable to the applicant.
- Regarding the suggested **condition No.3** relating to noise it is requested that the wording be amended to reflect the current EPA Guidelines regarding time periods and measurement of limit values.
- **Condition No.4** limiting the height of stockpiles to 3 metres is acceptable.
- **Condition No.5** regarding the submission of a landscaping plan be amended to reflect the existing landscaping of the site undertaken.
- That **Condition No.8** regarding water services be amended as it relates to the wayleave requirements. Specifically there is an existing wayleave of 22 metres around the foul sewer rising main and 10 metres around the 1500 surface water culvert that was constructed as part of the business park development and which has never previously required a wayleave.
- Regarding the comments made in the transportation department Report, a report prepared by Atkins notes the following:



- That a comparison of traffic count data and vehicle data from the site indicates that the M7 Newhall junction experiences a dilution rate of development related traffic of 0.16m percent which is considerably below the NRA threshold of 5 percent. The impact on the Newhall junction arising from the development is therefore submitted to be very limited.
- That traffic accessing the site have the option of using either the Floods Cross / Halverstown Cross route or the Naas South Link Road route and traffic uses both routes. The floods Cross and Halverstown Cross routes have formed the basis of the REIS as a conservative option for analysis being a longer route with a lower grade of road.
- Regarding collision clusters at the time of writing the REIS the best information from the RSA website related to the 2005-2009 period. No sites triggered the threshold of 7 collisions in a five year period. Similarly the threshold has not been reached for the most recent 2005-2011 period (available since the REIS was prepared). If the local authority have other information available regarding collision risk on this route this can be discussed.
- That the relevant NRA Guidance makes no reference to a requirement for 12 hour traffic counts.
- That the area of warehousing on site is well below the trigger for TIA. In any event, a full traffic and transportation assessment has been undertaken and included in the REIS.

5.4.2 The **Planning Authority** responded to state that their report under s.177I highlighted a number of suggested conditions and that compliance with these conditions would mean that the residential amenities of adjacent properties would be protected. The submission also notes that the Environment Section of the council have inspected the site on an ongoing basis in connection with the Waste Permit issued and that the site was found to be in compliance with the permit issued.

5.4.3 The **NRA** responded to state that their submission of April 2013 remains the position. Submission also highlights to proposed upgrade to the M7 between the M7 / M9 interchange to the Maudlins Interchange at Naas.

5.5 Further Response Submissions

The submission received on behalf of the applicant was considered to contain new information that was circulated to other parties for comment. The following is a summary of the responses received to the circulation of the

The **Planning Authority** made a submission in respect of the comments made by the first party regarding suggested conditions. This clarifies that the Planning Authority are happy to accept the suggested amendments proposed by the applicant as they relate to Condition No.3 (noise) and Condition No.5 (landscaping).

The **NRA** responded to state that the content of their submissions dated 5th April and 1 July remain valid. Clarified that the thresholds indicated in Table 2.2 of the 21007 Guidelines set out when a TTA should be requested and that matters related to traffic and transport in such an assessment would be an issue for the road authority and the Board.

The **EPA** responded to state that the applicant has submitted a waste licence application to the EPA which is under consideration. Stated that a waste licence if granted would set out a range of controls in relation to the operation of the facility and the amount of waste that can be accepted at the facility.

*- granted licence
for 150,000
p.A.*

No response was received from the observer to the case.

6.0 Development Plan Policy

- 6.1 The relevant Development Plan is the *Kildare County Development Plan 2011 – 2017*. A number of areas in the environs of the town have been the subject of zonings and these include lands to the west of the town centre, including the application site.

The site is zoned Objective NE1 (Industry / warehousing) under the provisions of the *Kildare County Development Plan, 2011-2017*. Under this land use zoning, Industry and light industry use as classified as being permitted.

The site is also located within an area where the Plan (Map 18.3) indicates that development proposals are to be the subject of site specific Flood Risk Assessment appropriate to the type and scale of the development proposed.

The site is located within the River Liffey valley area of high amenity.

Policy WC3 of the Plan states that it is policy 'to control development that will adversely affect the visual integrity of distinctive linear sections of water corridors and river valleys and open floodplains'.

7.0 Assessment

Having inspected the site and examined the associated documentation, the following are the relevant issues.

- Procedural Issue
- Environmental Impact Assessment
- Nature of Activity / Requirement for a Waste Licence and Implications for Planning Assessment and Decision
- Noise, Dust and Hours of Operation
- Roads and Traffic
- Landscape and Visual Issues
- Other Issues

7.1 Procedural Issue

- 7.1.1 The applicant, in their response submission to the Board has raised an issue regarding the validity of the submission received by the Board from Mr Michael Culhane and specifically the issuing of a s.131 notice to this party seeking observations. The issue raised was addressed by the Board in a letter to the applicant dated 23rd July, 2013 in which the applicant was notified that S.177P(3) of the 2010 Act states that S.131 regarding the scope of the Board to request submissions or observations from any party shall apply in respect of applications for substitute consent. Notwithstanding the fact that the initial submission made by the observer was received outside of the specified time period, it is open to the Board to request observations by way of s.131. It is therefore my opinion that it was within the powers of the Board to request comments from Mr Culhane.

7.2 Environmental Impact Assessment

- 7.2.1 The use of the site for recycling of glass and cans was permitted under PA Ref. 06/1710 and this permission has been the subject of a number of amendments and further permissions in the interim period. At the time that permission was applied for under Ref. 06/1710 the application was not accompanied by an EIS and the applicant did not submit an EIS on the basis that the activity proposed to be undertaken on site (recycling) did not come within the scope of any development listed in the Fifth Schedule of the Planning and Development Regulations, 2001 (as amended). Leave to apply for substitute consent was granted by the Board on the basis that it was not apparent to the applicant or to the planning authority at the time of the making of the application and granting of permission that an EIS was required. The decision of the Planning Authority was made on the basis that it was considered that the facility proposed and granted permission was a recycling facility and not a waste facility. This interpretation was conflicted by ECJ case C-486/04 (commission vs. Italy) which resulted in clarification that 'all operations leading either to waste disposal, in the strict sense of the term, or to waste recovery' are to be classified as waste disposal. As the throughput of material at the facility is greater than 25,000 tonnes per annum, the activity on site comes within the scope of Class(b) of part 2 of the Fifth Schedule of the 2001 Regulations (as amended) being an installation *'for the disposal of waste with an annual intake of greater than 25,000 tonnes not included in part 1 of this schedule'*. A REIS has now been submitted.

- 7.2.2 The **development the subject of this application** for substitute consent comprises a recycling facility primarily catering for glass but also accommodating aluminum cans. The **processes on site** comprise the crushing, screening and sorting of material and includes the processing and drying of residual glass material to produce usable end product and recyclable material. The impact of the development undertaken was assessed under all the relevant headings with respect to human beings, Roads and Traffic, Air and Climate, Noise and Vibration, Landscape and Visual, Flora and fauna, Soils, Geology and Hydrology, Surface Water, Archaeological, Architectural and Cultural Heritage and Material Assets. The document includes a description of the project and the activities carried out on the site (Section 2.0) and includes consideration of cumulative

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impacts, other interactions and mitigation measures in section 13 of the EIS. A summary of mitigation measures is given in section 14 of the REIS document. In my opinion, the content and scope of the REIS is acceptable and is in compliance with the requirements of Article s.94 (content of EIS) and s.111 (adequacy of EIS content) of the *Planning and Development Regulations, 2001* (as amended). With regard to the issues which come within the scope of the licence application submitted to the EPA, it is noted that the that the EPA submission to the Board states that the REIS submitted *'appears to address the key points in relation to the environmental aspects of the proposed activity which relates to the matters that come within the functions of the agency'* and that the direct and indirect effects on the environment are addressed in REIS.

7.2.3 With regard to **impacts**, the REIS submitted examines the impact of the development that has been undertaken on the site under a grouped format approach with each of the impact areas set out in Article 3 of the EIA Directive being addressed for potential impacts, proposed mitigation measures and residual post mitigation impacts. While each of the required impact areas have been addressed the EIS, the layout has been adapted to the nature of the development on site with separate chapters covering Roads and Traffic, Air and Climate and Noise and Vibration. In my opinion, the REIS submitted addresses the main likely significant direct and indirect effects that the development has had on the environment and the following is an assessment of the most significant likely effects that are identified. Under **Roads and Traffic**, there are potential issues of disturbance to properties along the route that connects the site to the M7 (via Halverstown Cross and Floods Cross as per the REIS), capacity issues at the Newhall M7 junction and traffic safety impacts. Overall these impacts are not considered to be significant however it is noted that the Planning Authority have identified a preferred potential alternative route from the site to the M7 that is shorter and avoids minor roads and junctions. This alternative route has been addressed by the applicant in submissions subsequent to the REIS and the merits will be discussed in 7.5 (Roads and Traffic) below.

7.2.4 With regard to **Air Quality and Climate**, the process on site generates a significant quantity of dust and dust monitoring undertaken on site in 2012 showed levels in excess of the relevant emissions limit value. The applicant has proposed a number of mitigation measures be implemented with regard to dust, some of which have already been implemented at the site and a dust monitoring programme is proposed. It is noted that dust emissions will be limited by any licence issued by the EPA and that exceedance of any limit specified may result in revocation of the licence. With specific regard to the drying plant, the REIS notes that there are currently no ELVs specified for this process however the primary dust suppression system in the drying plant building was upgraded since the 2012 REIS dust monitoring was undertaken and additional mitigation measures including the option of the enclosure of the drying plant. With regard to **noise**, the REIS notes noise monitoring results for 3 no. on site locations and one off site NSL (adjacent to the residential property of the observer Mr Culhane to the west of the site). The REIS notes that there is significant road and commercially generated background noise at the site such that the night time background level at NSL with the Glasco site shutdown was 46 dB Laeq. The REIS notes that the drying plant appears from monitoring to be the primary source of noise at NSL1 and that if this continues to be an issue the operational

hours of the drying plant can be restricted to 07.00 to 19.00 hrs. (It is noted that in submissions subsequent to the REIS, the applicant has stated that they are willing to agree to the hours of the drying plant being limited to 07.00 to 19.00 hrs.). Subject to the undertaking of the mitigation measures as set out in the REIS, including the non-operation of the drying plant between the hours of 07.00 and 19.00hrs.

- 7.2.5 With regard to **landscape and visual impact**, the existing facility has an impact on local views, it is noted that the site is located within an existing industrially zoned area, adjacent to the Osberstown WWTP and in an area that is identified as being of low sensitivity in the Kildare County Development Plan. Visual impacts arise as a result of the significant scale of the main process building on the site, the height of boundary walls and the stockpiling of materials on the site. While there are open views of the overall industrial park complex from surrounding rural areas due to the location of the park on the edge of the town, the main visual impact arising is a local one and has been mitigated to some extent by the planting to the western and northern site boundaries. The principal outstanding impact arises due to the height of material stockpiles on the site. Subject to the achievement and maintenance of the maximum height of 3 metres proposed in the REIS, the visual impact arising in the local area would not be significant.
- 7.2.6 No significant impacts in terms of **flora and fauna** are identified in the REIS which is accepted given the location of the site within an industrial park. I would also note that the site is located on zoned lands where initial site development works were permitted and undertaken prior to permission for the development of the subject site being granted. The site is located at a significant remove from the closest Natura 2000 sites and there are no potentially significant negative impacts on any areas so designated identified in the REIS. The REIS does highlight the potential for birds to create a nuisance by the removal and deposition of glass from the site onto neighbouring lands. The applicant has elaborated in subsequent submissions on the detail contained in the REIS regarding the bird control measures including the use of hawk kites, noise devices and periodic flying of a hawk.
- 7.2.7 With regard to **Soils, Geology and Hydrology**, it is noted that the extent of soil removal and local conditions prior to the construction of the industrial park is not known. In terms of site operational phase, the input and processed materials stored on site are inert and have limited potential impact on soils and hydrology. Fuel storage tanks on site are bunded and double skinned. Analysis of the surface water attenuation and discharge from the site indicates that the original on site attenuation capacity proposed was not all installed. Monitoring also indicates that ELVs at interceptor drains on the site were exceeded for SS and BOD. Additional on site attenuation is required and it is proposed that a new storm water attenuation pond would be constructed at the north east corner of the site and an additional silt trap also installed. This additional attenuation measures 75 by 5 by 1.2 metres and is proposed to be constructed within 3 months of approval being obtained.

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7.2.8 There are no recorded **archaeological** monuments in the immediate area of the site however the REIS notes that the area has a history of prehistoric burial sites from the Bronze age observed in local quarries and excavations. The possibility that archaeological impacts arose as a result of the development of the site cannot be ruled out and there were no archaeological monitoring conditions attached to the original grant of permission for site development works. On the basis of the information available however there will be no residual impacts arising and no archaeological mitigation measures are proposed.

7.2.9 In terms of **material assets**, the facility is a significant employer including a portion of staff with disabilities. Given its location on zoned lands and adjacent to the Osberstown WWTP it is not considered likely to impact significantly on property prices. The importance of the facility in terms of glass recycling at a national level and meeting recycling targets is noted in the REIS.

7.2.10 The REIS makes a significant number of suggestions regarding mitigation measures and these are covered in the chapters and summarised at Chapter 14. The most significant mitigation measures having regard to the potential impact significance, the nature of the facility and the remedial / retrospective nature of the assessment undertaken are considered to be those relating to noise, dust, and landscaping. In addition, it is considered that additional consideration should be given to mitigation measures regarding traffic and transportation and hours of operation / material acceptance and these will be addressed in the sections that follow.

7.3 Nature of Activity – Requirement for A Waste Licence and Implications For Planning Assessment and Decision

7.3.1 The applicant has made an application to the EPA for a waste licence in respect of the operations on the site, (EPA Ref. W0279-01). The requirement for a waste licence application to be made arises from the fact that recycling is included in the Fourth Schedule of the *Waste Management Act, 1996* (as amended) most notably in respect of recycling / reclamation of inorganic materials. The application submitted to the EPA for a Waste Licence (EPA Ref. W0279-01) lists the classes of activity that are undertaken on site and which come within Schedule 4 of the *Waste Management Act*. The principal such activity is Class R5 (recycling / reclamation of inorganic materials) however the application also makes reference to Class R4 (reclamation / recycling of metal), R12 (waste exchange), and R13 and 15 (waste storage). From the information provided it would appear that the increase in levels of waste acceptance that have occurred at the site from 2009-2010 onwards has resulted in the materials input exceeding the threshold of 50,000 tonnes per annum necessitating a Waste Licence application. The application was submitted to the EPA in July, 2011 and has been the subject of a recent further information / Article 12 compliance request from the Agency. The fact that the application for substitute consent relates to an activity that is licensable has implications for the assessment of the application by the Board. *

7.3.2 Under s.34(2)(c) of the Planning and Development Act, 2000, where development for which permission is sought comprises an activity for which a waste licence is required, the planning authority shall take into consideration that the control of emissions arising from the activity is a function of the environmental protection agency. S.257 of the 2000 Act amends s.54 of the *Waste Management Act 1996* and states that a Planning Authority or An Bord Pleanála shall not, where it decides to grant permission, subject the permission to conditions that are for the purposes of controlling emissions from the operation of the activity / facility or at the cessation of the activity.

7.3.3 The circumstances of the current application are not typical of the situation regarding applications for planning permission that involve activities that also require a licence from the EPA in that the application is for substitute consent relating to past activities rather than a future proposed development. In the case of the activity on the subject site, it is apparent from the information contained in the REIS (Table 2.2, pg.40) that the level of activity on the site as measured in input tonnage increased significantly from 34,000 tonnes in 2008 to 50-55,000 tonnes in 2009-2010 and 90,000 plus since 2011. From its opening in 2008 to 2009-2010 therefore, the activity on the site was under the threshold for licensing by the EPA. It is noted that during this period, the facility was of a scale that required a Waste Permit from the council though this was not issued until March, 2010. Prior to this date, there was the limitation on environmental emissions from the activity was on foot of Condition 27 (PA Ref. 06/1710) which required that the development shall not increase noise levels at the site boundary by more than 3db(a) above ambient levels and Condition 31 which required that noise at noise sensitive locations (including dwellings) shall not exceed 55dB(A) during daytime hours and 45dB(A) at other times. The purpose of a REIS is to assess the environmental impact of development that occurred in the past and while the activity on site may have operated in the past at a level that did not require a licence from the EPA the assessment in this application is whether such activity had a significant negative impact on the environment. The attachment of conditions to the current substitute consent application cannot be enforced against the past level of activity that was below the threshold of requiring an EPA licence and for this reason I consider that the correct approach is that in the event that a grant of permission is considered appropriate, this would not be subject to conditions limiting emissions from the facility.

7.3.4 The application was referred to the EPA on initial receipt of the application. The response submission received from the EPA states that all matters to do with emissions to the environment, licence application and EIS will be taken into account by the agency in consideration of the Waste Licence application submitted. It is also stated by the EPA that a licence will not be granted unless a range of criteria set out are met, including that no relevant emission standard will be contravened and, subject to conditions, the activity would not cause environmental pollution.

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7.3.5 From information available on the EPA Web site relating to the Waste Licence application submitted by the applicant (EPA Ref. W0279-01), it is apparent that the EPA are in consultation with the applicant regarding the licence application and specifically whether the nature of the activity the subject of the application may be considered to come within the scope of the new First Schedule of the EPA Acts. This revised first schedule has resulted from the transposition into Irish legislation of the *Industrial Emissions Directive* (2010/75/EU) and has resulted in a third category of licence that may be issued by the EPA, the Industrial Emissions Licence. With specific regard to Rehab Glassco application for a Waste Licence, the range of activities listed in the First schedule of the EPA Acts has been expanded. The EPA have sent a registration form to the applicant requesting details of the activities on site and whether such activities will result in the application submitted being in respect of an Industrial Emissions Licence rather than a Waste Licence. From the perspective of the current application, it is noted that s.256 of the Planning and Development Act, 2000 relates to licenses issued under the EPA Acts and states that in such circumstances a Planning Authority or the Board shall not attach conditions controlling emissions from the activity. It would appear to me that while there is no reference in current planning legislation to an Industrial Emissions Licence and the powers of a Planning Authority or the Board to attach conditions controlling emissions from activities the subject of such a licence, the issuance of an Industrial Emissions Licence would be under the EPA Acts and would restrict or limit the emissions from the facility. For this reason it is not in my opinion appropriate that conditions restricting or controlling emissions from the activity would be attached to any Grant of Substitute Consent that may be issued by the Board.

7.3.5 It is noted that it is open to the Planning Authority or the Board to refuse permission on the basis of it being unacceptable on environmental grounds having regard to the proper planning and sustainable development of the area. The sections below address emissions from the site in terms of whether these are considered to be such as to be unacceptable on environmental grounds. The sections below also make a recommendation with regard to appropriate limitations regarding environmental emissions in case the Board do not agree that the approach as set out above is appropriate.

7.4 Noise, Dust and Hours of Operation

7.4.1 The principal issue raised by the objector relates to noise and is closely related to the hours of operation of the facility, and the position appears to be as follows. The permission granted under Ref. 06/1710 does not specify hours of operation. It is noted however that the response to FI made by the applicant states that the hours would be 08.30 to 17.30 Monday to Friday and 08.30 to 14.30 on Saturday. Subsequent permissions modifying / extending the development and for retention of structure on site Refs. 09/48, 10/652 and 10/1195 do not attach conditions specifying hours of operation or amending the hours that were set out in the FI response relating to Ref. 06/1710. The following Table summarises the position with regard to hours of waste acceptance and hours of operation at the facility as set out in the planning permission, waste permit, the recommendation of the Planning Authority to the Board, the EPA licence application and the current substitute consent application (REIS).

Licence / Application	Hours of Acceptance	Hours of Operation
Kildare Co. Co. Planning Permissions	Not specified	Not specified
KCC Waste Permit (WFP-KE-08-0357-01)	Not specified	06.00 – 22.00 hrs (M.- Sa.)
PA Report to ABP	07.00 – 19.00 hrs. (M.-Sa.)	Not specified
EPA Licence Application (Ref. W0279-01)	07.00 – 22.00 hrs. (M.-Su.)	24 hours (M.-Su.)
REIS (SU09.SU0015)	07.00 – 19.00 hrs. (M. – Sa.)	24 hours (M-F) 07.00 – 23.00 hrs (Sa.)

Table 1: Summary of Hours of Acceptance and Operation of the facility as per existing permissions / Permit and Current Applications.

- 7.4.2 Condition 34 of Ref. 06/1710 requires the applicant to obtain a waste permit from the council. The waste permit issued by the Council in March 2010 (Ref. WFP-KE-08-0357-01) states that the site shall only operate between the hours of 06.00 to 22.00 hours Monday to Saturday. Section 2.3 of the REIS states that the hours of waste acceptance are 07.00 to 19.00 hours Monday to Saturday and closed on Sunday. It is stated that the hours of operation are 24 hours Monday to Friday and 07.00 to 23.00 hrs Saturday and closed on Sunday. There are therefore apparent variations between what is currently permitted under the Waste Permit issued by the PA, that outlined in the waste licence application and what is proposed in this substitute consent application (as set out in the REIS).

Noise

- 7.4.3 Regarding *noise*, Permission Ref. 06/1710 limits noise at noise sensitive locations to 55dB(A) between 08.00 to 18.00 Monday to Friday and 45 dB(A) at any other time. These limits were restated in Ref. 09/48 (extension of the plant in sites 4 and 5). Permissions Refs. 10/652 and 10/1195 do not attach any conditions relating to noise. The waste permit sets noise limits of 55dB(A) and 45dB(A) also however these are Laeq 30 minutes whereas those in Ref. 06/1710 are Leq 15 minutes. While the observer has cited issues regarding noise emissions from the facility, the local authority stated that the applicant has been in compliance with the limits set in the waste permit.
- 7.4.4 Noise survey data as presented by the applicant in the REIS dates from November 2012 and February 2013. Initial survey results from 2012 exceeded recommended levels with a tonal component also present and the applicant therefore undertook further testing in February of 2013 when the plant was not operating to try and get an indication of background noise levels and the impact of other activities in the vicinity. 6 no. noise monitoring points were used in both surveys and the results of the 2013 surveys when the plant was not operating indicate the significant level of background noise in the area. The results from February, 2013 when operations on the application site were halted, shows noise

29 MAY 2020

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levels of 45 – 55 dB(A) during the day, 42 – 51 dB(A) during the evening and 41 – 55 dB(A) at night at the 6 monitored locations. In my opinion, the most significant noise monitoring locations from the perspective of amenity and the proper planning and sustainable development of the area are NSL1 (which is located to the west of the site adjacent to the closest residential property) and NM1 (located at the main site entrance facing towards the interior of the site).

- 7.4.5 At NSL1, recorded daytime values in the 2012 survey data exceeded the 55 dB(A) Laeq criterion by between 2 and 4 dB(A), the evening criterion of 50dB(A) was exceeded by 5 dB(A) and the night time limit of 45dB(A) exceeded by up to 10 dB(A). The REIS concludes that to reduce the level of noise emanating from the site that *'it may be prudent to investigate the use of an acoustic barrier / fence which would be installed at the boundary of the site'*. The report also concludes that the survey results indicate that the Rehab Glassco operation is responsible for low frequency tonal noise but that this noise is at very low frequencies that is not addible to the human ear. Section 6.6 of the REIS identifies mitigation measures that have been undertaken since the noise surveys of November 2012. These consist of the erection of a noise barrier / screen at the western site boundary in January 2013 (for the main process areas and NSL1) and the installation of a noise screen at the loading bay of the main process building. Section 6.6 of the REIS commits the applicant to undertaking any changes in terms of implementation of BAT, changes in site layout or plant and screening of openings / point sources necessary to meet the required noise levels. There is also a commitment given that should monitoring results indicate the evening and night noise levels be exceeded then the hours of operation of the drying plant will be restricted to 07.00 – 19.00 hours. Section 6.8 of the REIS also commits the applicant that there will be no material accepted into the facility between 19.00 and 07.00 hours.
- 7.4.6 In order to assess the impact of the mitigation measures implemented since the preparation of the noise data included in the REIS, the applicant submitted a revised noise assessment for location NSL1. This assessment was undertaken on July 1st and 2nd (Monday and Tuesday) during a period where the facility was fully operational with the exception of the drying plant only operating between 07.00 and 19.00 hrs. The hours of operation and materials acceptance is set out in the noise survey report and is as per the hours noted in the REIS. The results are set out at Appendix 2 of the first party response submission and indicate that noise levels at the closest residential receptor (NSL1) were within EPA limits for daytime and evening time. There was an exceedance of 1db for night time that is explained in the assessment as being due to road traffic noise from the M7, R409 and local road and the adjacent 24 hour distribution facility. This would be consistent with the elevated levels of background noise recorded in the surveys set out in the REIS.
- 7.4.7 The results of the noise monitoring data submitted by the applicant, both that contained in the REIS and that submitted subsequent to the preparation of the REIS, in my opinion supports the opinion set out in the REIS that the main source of noise at NSL1 related to the operation of the drying plant. The restriction in the operation of the drying plant to 07.00 to 19.00 hrs., together with the noise attenuation measures undertaken comprising a new timber screen along the western site boundary, has been shown in the updated noise monitoring provided

by the applicant to have the effect of ensuring that the noise level at NSL 1 would meet or only very slightly exceed normal limit values for L_{DEN} . In view of this, I am of the opinion that there is no clear basis to determine that the development on the site is unacceptable in environmental terms as measured by noise emissions from the site and that it is considered feasible that the site could be made to operate within normally acceptable limits. The achievement of an acceptable noise level requires materials acceptance and operational hours to be as per those set out in the REIS and the limitation on the operational hours of the drying plant to be 07.00 to 19.00 hours Monday to Saturday inclusive. It is therefore recommended that these hours would be made a condition of any grant of substitute consent.

- 7.4.8 In the event that the Board consider it appropriate that a noise condition be attached it is recommended that a condition be in the form of that suggested by the first party and agreed by the Planning Authority in their response submission, and be in accordance with EPA Guidance note NG4. The setting of separate limit values for day (07.00 to 19.00 hrs.), evening (19.00 to 23.00 hrs.) and night (23.00 to 07.00 hrs.) time periods would match with the proposed hours of operation and material acceptance of the facility.

Dust

- 7.4.9 A dust monitoring report prepared by ORS Consulting Engineers is given in Appendix 5.2 of the REIS. The figures recorded at the three sampling points on site examined exceed the 350 mg / m² / day limit specified in the waste permit issued by Kildare County Council by a significant margin and by a very significant margin in the case of the location in closest proximity to the drying plant where a figure of 1568 mg / m² / day was recorded against a permit limit of 350 mg / m² / day. The impact of the drying plant is evident from a comparison of the recorded dust levels from 2010 before the drying plant was in operation when the level of dust was below the 350 mg / m² / day limit with that from 2012 where significant exceedances were noted. Dust deposition at the site boundaries and beyond at sensitive locations would therefore appear to only become a significant issue since the drying plant was commissioned.

- 7.4.10 The applicant has also undertaken emissions monitoring from a point source being the drying plant building on the site and this assessment is summarized at 5.3.22 and 5.3.23 of the REIS and at Appendix 5.3. The result indicates a level of 63.6 mg / cubic metre and it is contended that while no emission limit values have been set so far in relation to this source, the levels recorded are below the normal limit specified by the EPA of 100 mg / cubic metre.

- 7.4.11 Section 5.6 of the REIS sets out mitigation measures in the form of water dust suppression and a new extraction system in the dryer building that have been implemented since the start of 2013. Section 5.6 also sets out remedial / additional dust mitigation measures that could be implemented. These include new dust extraction / filtration systems and if needed enclosure of the drying plant building will be investigated.

AN BORD PLEANALA

29 MAY 2020

7.5 Roads and Traffic

- 7.5.1 Chapter 4 of the REIS sets out how the current HGV traffic volumes to and from the site is c.26 vehicles per 12 hour period (07.00 to 19.00 hrs.). The haul route to and from the site as set out in the REIS is via Halverstown Cross and Floods Cross with traffic exiting the site travelling west along the R409, left at Halverstown Cross onto the local road, left again at Floods Cross and onwards to the Newhall junction on the M7. The Planning Authority in their submission to the Board noted the fact that there is an alternative route between the site and the M7 that is shorter and involves the use of the Naas South Ring Road. The Planning Authority also state that this route would avoid potential collision clusters along the haul route proposed by the applicant as indicated in the REIS.
- 7.5.2 The applicant has responded to this issue regarding collision clusters and has demonstrated how the number of accidents along the indicated haul route is not such that there is any collision clusters. On the basis of the information presented I would accept that this is the case however the route identified by the local authority via the Naas South Ring Road is shorter and does not require vehicles accessing the site to travel on local roads. The applicant has submitted a report prepared by Atkins that acknowledges that traffic from the Rehab Glasco site can and do use both routes. The report concludes that the relative risk of the Naas Southern ring Road option is lower than that presented in the REIS and that as such the route presented in the REIS is a more conservative option in terms of analysis.
- 7.5.3 In terms of junction capacities, the REIS indicates that the traffic generated by the development accounts for only c.2 percent max. of the traffic volumes at the junctions along the haul route proposed in the REIS. The planning authority did note the fact that no specific junction analysis of the impact on the Newhall junction was undertaken however this issue has been addressed in a subsequent report from Atkins and the impact arising is not considered to be significant, comprising just 0.16 percent of mainline traffic.
- 7.5.4 From the information presented I do not consider that the operation of the rehab Glasco facility has resulted in a significant negative environmental impact arising from traffic accessing the site. The site is conveniently located relative to the M7 and the recent opening of the Naas South Ring Road has the effect of providing an alternative connection to the M7 at the Newhall junction. While the use of the Ring Road is considered to be preferable in terms of shorter distance and better road standard, given the volumes of traffic and the dilution of traffic by the option of two routes I do not consider that it is appropriate to specify by condition that all traffic accessing the site must use the Ring Road.

7.6 Landscape and Visual Issues

- 7.6.1 Landscape and visual impact are assessed in chapter 7 of the REIS. The facility is visible from the R409, the Halverstown Road and from within the industrial park itself. The most significant of these views are clearly those from within the park and other views from the Halverstown Road and R409 are classified as slight in the REIS. I would accept this assessment.

- 7.6.2 The closest residential property located to the west of the site is screened from the site by trees that are located on the residential site and also by trees that have recently been planted along the western boundary of the application site. This residential property does not have a direct access into the industrial park and I do not consider that the visual impact on this property is significant. Properties to the north accessed off the Halverstown Road are located on the northern side of the road and are significantly separated from the site such that the visual impact arising was and is not significantly negative.
- 7.6.3 The issue of the height of the stockpiles on site has been referenced in the REIS and also in the submissions of the applicant, the Planning Authority and the observer. The applicant has acknowledged that the height of the stockpiles has exceeded the maximum of 3 metres that was specified in the original planning permission and this appears to have been an ongoing problem over a significant period. The excess height is stated by the applicant to be as a result of the additional material diverted to the site following the closure of the Rehab site in Ballymount. The excess height of material stockpiled in the storage areas around the site perimeter is visually unsightly when viewed from within the industrial park. The REIS proposes that stockpiles would be limited to 3 metres as a mitigation measure (section 7.8) and it is recommended that this be made a specific condition of any grant of substitute consent issued.
- 7.6.4 The applicant has undertaken boundary planting along the western and northern boundaries of the site where the site faces the observers dwelling and the boundary with the Osberstown WWTP. The REIS commits that trees planted will be maintained and replaced as necessary. The comments of the Planning Authority with regard to the submission of a landscaping plan are noted as is the submission from the applicant stating that the planning proposed for the site has been completed. The planting undertaken is considered to be appropriate and no additional screen planting is considered necessary or feasible on site. In the event of a grant of substitute consent it is considered appropriate it is recommended that a condition requiring the maintenance and upkeep of existing landscaping be attached.
- 7.6.5 The Planning Authority have requested that a condition specifying that no advertising or advertising structures other than those shown on the drawings shall be erected on the site or buildings within the site without a prior grant of permission. The existing facility has some relatively small scale signage at the site entrance and on the elevation of the main process building that faces the entrance. The inclusion of a condition restricting additional signage is considered to be appropriate.

AN BORD PLEANÁLA

29 MAY 2020

LTR DATED _____ FROM _____

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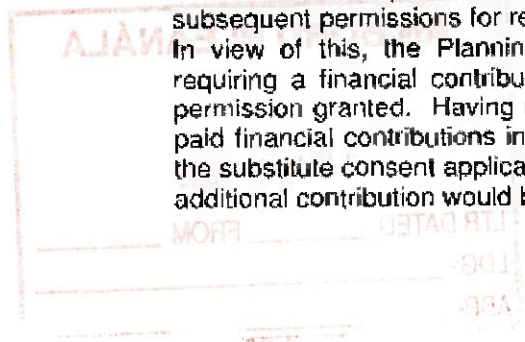
ABP- _____

7.7 Water and Drainage

- 7.7.1 The submission includes a memo prepared by the Water Services Section of the council and which notes the location of a storm water culvert (1500mm diameter) that runs parallel to the northern boundary of the site and requires that the attenuation pond shall not undermine this culvert. Conditions are recommended. With the exception of the wording of the condition regarding the wayleave through the site, these conditions have been accepted by the applicant and are in my opinion appropriate. A condition requiring the applicant to comply with the detailed requirements of the Planning Authority with regard to surface water drainage would cover the issues of detail raised by the Planning Authority.
- 7.7.2 With regard to the impact of the development on hydrology, it is noted that the extent of soil removal and local conditions prior to the construction of the industrial park is not known. In terms of site operational phase, the input and processed materials stored on site are inert and have limited potential impact on soils and hydrology. Fuel storage tanks on site are bunded and double skinned. Analysis of the surface water attenuation and discharge from the site indicates that the original on site attenuation capacity proposed was not all installed. Monitoring also indicates that ELVs at interceptor drains on the site were exceeded for SS and BOD. Additional on site attenuation is required and it is proposed that a new storm water attenuation pond would be constructed at the north east corner of the site and an additional silt trap also installed. This additional attenuation measures 75 by 5 by 1.2 metres and is proposed to be constructed within 3 months of approval being obtained.
- 7.7.3 With regard to the suggested condition of the Planning Authority that a 10 / 20 metre wayleave is retained over the foul sewer rising main and the 1500 surface water culvert, it is noted that the applicants request that the condition be amended to state that the existing wayleave over the rising main be retained and that a 10 metre wayleave over the surface water culvert be provided. This would appear to be reasonable as the rising main is stated to be secured by a 22 metre wayleave of which approximately two thirds is within the application site, the balance being within the site of the Osberstown WWTP.

7.8 Financial Contribution

- 7.8.1 The Planning Authority have noted the fact that the applicant paid a financial contribution in respect of the original grant of permission on the site as well as subsequent permissions for retention of other elements and extension of the site. In view of this, the Planning Authority have not requested that a condition requiring a financial contribution would be attached to any substitute consent permission granted. Having regard to the fact that the applicant has previously paid financial contributions in respect of the development on site the subject of the substitute consent application, I do not consider that it is appropriate that any additional contribution would be levied in this instance.



7.9 Other Issues

- 7.9.1 The observer to the application has raised an issue regarding a problem of birds scavenging on the site and being attracted by glass pieces which they then drop off site. The exact extent of this problem is not clear however it was referenced in the REIS. The applicant has elaborated in subsequent submissions on the detail contained in the REIS regarding the bird control measures including the use of hawk kites, noise devices and periodic flying of a hawk and it is considered that these measures should be such as to minimise the potential nuisance arising from birds depositing glass off site.

RECOMMENDATION

In view of the above, I recommend a grant of substitute consent based on the following reasons and considerations and subject to the attached conditions:

REASONS AND CONSIDERATIONS

Having regard to nature and scale of the existing recycling activity carried out at this location, to the application for a licence from the Environmental Protection Agency for the activity and subject to the implementation of a number of remedial measures, it is considered that, subject to compliance with the conditions set out below, the existing recycling activity has not had an adverse or unacceptable level of environmental impact, and is, therefore, in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. This grant of substitute consent only relates to works carried out on site to date and does not relate to any future works that may be carried out on site. All mitigation measures set out in the Remedial EIS that accompanied the application for substitute consent shall be implemented in full.

Reason: In the interest of clarity.

2. Activities on site shall comply with the following requirements regarding hours of activity:

(a) General hours of operation of the facility shall be limited to the following:

- 24 hours Monday to Friday inclusive.
- 07.00 to 23.00 hrs. on Saturday
- No operation on Sundays or public holidays

(b) Hours of operation of the drying plant shall be limited to the following:

- 07.00 to 19.00 hrs. Monday to Saturday inclusive
- No operation on Sundays or public holidays

(c) Hours of material acceptance at the facility shall be limited to the following:

- 07.00 to 19.00 hrs. Monday to Saturday inclusive
- No operation on Sundays or public holidays

Reason: In the interests of residential amenity.

3. The maximum height of materials stockpiled on site shall be 3 metres.

Reason: In the interest of visual amenity.

4. Within three months of the date of this order, the applicant shall submit details of the following for the prior written agreement of the Planning Authority:

- 1) a maintenance agreement for the maintenance of the surface water drainage system on site and,
- 2) a design and method statement for the construction of the proposed attenuation pond to be located immediately adjacent to the 1500 surface water culvert on site.

Reason: In the interest of public health.

5. Details of the foul and surface water drainage system on site shall be to the detailed requirements of the Planning Authority.

Reason: In the interest of public health.

6. In addition to the retention of the existing wayleave serving the foul sewer rising main that traverses the site, a 10 metre wayleave shall be secured over the 1500mm surface water culvert on site. Details shall be submitted for the agreement of the Planning Authority within 3 months of the date of this order.

Reason: In the interest of public health.

7. All planting and landscaping undertaken on the application site shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the date of this order, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

8. No advertising structures other than those indicated in the drawings submitted with the application shall be erected or displayed on buildings located on site or within the curtilage of the site

Reason: In the interests of visual amenity.

Stephen Kay
Inspectorate,
13th September, 2013



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AN BORD PLEANAŁA

FROM _____

TO DATED _____

100-

Kildare County Council

Declaration of Exempt Development under Section 5, of the Planning and Development Act 2000

Incomplete application forms will
be deemed invalid and returned



All responses must be in block
letters

Section 1	Details of Applicants
-----------	-----------------------

1. Name of Applicant(s) A. Surname N/A Forenames N/A
Phone No. N/A Fax No. N/A
2. Address N/A

Section 2	Person/Agent acting on behalf of applicant (if applicable)
-----------	------------------------------------------------------------

1. Name of Person/Agent: Surname PHILLIPS + ASSOC. Forenames PH
Phone No. 01-426055 Fax No. 1
2. Address 80 HARCOURT STREET, DUBLIN 2

Section 3	Company Details (if applicable)
-----------	---------------------------------

1. Name of Company GLASSCO RECYCLING LTD.
Phone No. 01-6854400 Fax No. 1
2. Company Reg. No. 365472
3. Address UNIT 4, OSBERTOWN INDUSTRIAL PARK, CARAGH ROAD,
NAAS, CO. KILDARE

Section 4	Details of Site
-----------	-----------------

1. Planning History of Site SUBSTITUTE CONSENT (SEE APP REF. 09/SU.CO.015)
2. Location of Proposed Development UNIT 4, OSBERTOWN INDUSTRIAL PARK,
CARAGH ROAD, NAAS, CO. KILDARE
3. Ordnance Survey Sheet No. 3508-D, 3558-D
4. Please state the Applicants interest in the site OWNER
5. Please state the extent of the proposed development GLASS RECYCLING FACILITY

AN BORD PLEANÁLA

24 MAY 2020

LDG-

APP-

6. Under what Section of the Planning and Development 2000 and/or what provision of the Planning and Development Regulations 2001 is exemption sought (specific details required).....

SEE ENCLOSED PLANNING STATEMENT

7. Please give a detailed description of the Proposed Development (Use separate page if necessary).....

SEE ENCLOSED PLANNING STATEMENT

Section 5	The following must be submitted for a valid application
-----------	---------------------------------------------------------

		(Please Tick)
1.	Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas)	✓
2.	A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001 SEE ENCLOSED REPORTS (NO DEV. PROPOSED)	✓
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001 N/A - NO DEVELOPMENT PROPOSED	N/A
4.	All drawings to differentiate between the original building, all extensions and proposed development N/A - NO EXTENSIONS OR NEW DEVELOPMENT PROPOSED	N/A
5.	Fee of 80 Euro	✓

Section 6	Declaration
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I, John Gannon (Tom Phillips + Assoc.) certify that all of the above information is correct and I have submitted all the required documents as outlined at Section 6 above.

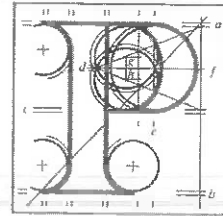
Signature: John Gannon (Tom Phillips + Assoc.)

Date: 13/2/2020

Our Case Number: ABP-307207-20

Planning Authority Reference Number: ED/00780

Your Reference: Glassco Recycling Ltd



**An
Bord
Pleanála**

Tom Phillips & Associates
80 Harcourt Street
Dublin 2
D02 F449

Date: 26 May 2020

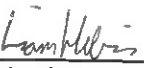
Re: Whether the proposed increase in annual intake from 97,000 tonnes to 120,000 tonnes at the Glassco Recycling Facility is or is not development or is or is not exempted development within the meaning of the Act
Unit No4, Osberstown Industrial Park, Caragh Road, Nass, Co. Kildare

Dear Sir / Madam,

An Bord Pleanála has received your referral and will consider it under the Planning and Development Act, 2000, (as amended). A receipt for the fee lodged is enclosed.

Please note that under section 127(3) of the Planning and Development Act, 2000, (as amended), the person by whom the referral is made shall not be entitled to elaborate in writing upon or make further submissions in writing in relation to the grounds of the referral unless requested to do so by An Bord Pleanála.

Yours faithfully,


Eoin O'Sullivan
Administrative Assistant
Direct Line: 01-8737134

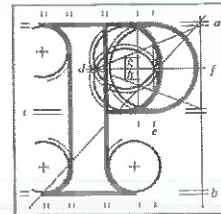
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Tel	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde Baile Átha Cliath 1 D01 V902	64 Marlborough Street Dublin 1 D01 V902
---------------------------------------------------------	-----------------------------------------------

Our Case Number: ABP-307207-20

Planning Authority Reference Number: ED/00780



**An
Bord
Pleanála**

Kildare County Council
Áras Chill Dara
Devoy Park
Naas
Co. Kildare

Date: 26 May 2020

Re: Whether the proposed increase in annual intake from 97,000 tonnes to 120,000 tonnes at the Glassco Recycling Facility is or is not development or is or is not exempted development within the meaning of the Act
Unit No4, Osberstown Industrial Park, Caragh Road, Nass, Co. Kildare

Dear Sir / Madam,

Enclosed is a copy of a referral under the Planning and Development Act, 2000, (as amended).

In order to comply with section 128 of the Planning and Development Act, 2000, (as amended), please forward, within a period of 2 weeks beginning on the day on which a copy of the referral is sent to you, copies of any information in your possession which is relevant to the referral, including

- (i) details of previous decisions affecting the site;
- (ii) any correspondence that has taken place between the person(s) issued with a declaration under subsection (2)(a) of section 5 of the 2000 Act, (as amended), and the planning authority.
- (iii) the name and address of the owner of the land in question and the name of the occupier of the said land, if different;
- (iv) where no declaration was issued by you, indicate the date that the referral was due to be issued in accordance with subsection (2) of section 5 of the 2000 Act, (as amended)

In accordance with section 129 of the 2000 Act, (as amended), you may make submissions or observations in writing to the Board in relation to the referral within a period of 4 weeks beginning on the date of this letter.


Any submissions or observations received by the Board outside of that period shall not be considered and where none have been validly received, the Board may determine the referral without further notice to you.

Please quote the above referral number in any further correspondence.

Teil	Tel	(01) 858 8100
Glao Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

Yours faithfully,



Eoin O'Sullivan
Administrative Assistant
Direct Line: 01-8737134

BPRL07

Teil
Glao Áitiúil
Facs
Láithreán Gréasáin
Riomhphost

Tel
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Website
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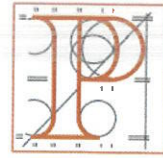
(01) 858 8100
1890 275 175
(01) 872 2684
www.pleanala.ie
bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Validation Checklist

Lodgement Number : **LDG-026109-20**
Case Number: **ABP-307207-20**
Customer: **Glassco Recycling Ltd**
Lodgement Date: **19/05/2020 12:39:00**
Validation Officer: **Aisling Reilly**
PA Name: **Kildare County Council**
PA Reg Ref: **ED/00780**
Case Type: **Section 5 Referrals**
Lodgement Type: **Referral**



An
Bord
Pleanála

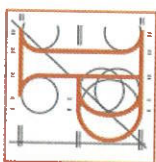
1st Party Referral

Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm PA Case Link	Confirmed-Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Correct
Name and Address available	Yes
Agent Name and Address available (if engaged)	Yes
Subject Matter available	Yes
Question	Yes
Sufficient Fee Received	Yes
Received On time	Yes
Eligible to make lodgement	Yes
Completeness Check of Documentation	Yes
Valid Lodgement Channel	Yes

BPR101 - Task - 168654-20

BPR107 - Task - 168655-20

1st Party Referral



An Bord Pleanála

Details

ABR-307207-20

Lodgement Date	19/05/2020
Customer	Glassco Recycling Ltd
Lodgement Channel	In Person
Lodgement by Agent	Yes
Agent Name	Tom Phillips & Associates
Correspondence Primarily Sent to	Agent
Registered Post Reference	

Categorisation

Lodgement Type	Referral
Section	Processing

Fee and Payments

Specified Body	No
Oral Hearing	No
Fee Calculation Method	System
Currency	Euro
Fee Value	220.00
Refund Amount	0.00

Lodgement ID	LDG-026109-20
Map ID	
Created By	Aoife Whelan
Physical Items Included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	ED/00780

DD-006973-20

PA Name	Kildare County Council
Case Type (3rd Level Category)	Section 5 Referrals

ED/00780

Observation/Objection Allowed?	
Payment	PMT-018022-20
Related Payment Details Record	PD-017951-20

PA notified by Email

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

AN BORD PLEANÁLA	
LDG-	026 19-20
ABP-	
19 MAY 2020	
Fee: €	220
Type:	Cheque
Time:	10.54
By:	Hand

Tuesday, 19th May 2020

[By Hand]

Dear Sir/Madam,

Re: SECTION 5 REFERRAL- GLASSCO RECYCLING, UNIT NO. 4, OSBERSTOWN INDUSTRIAL PARK, CARAGH ROAD, NAAS, CO. KILDARE

KILDARE COUNTY COUNCIL REG. REF. ED/00780

Introduction

Tom Phillips + Associates, Town Planning Consultants, have been requested by Glassco Recycling Ltd., Unit No. 4, Osberstown Industrial Park, Caragh Road, Naas, Co. Kildare to refer a Declaration received from Kildare County Council (KCC) to An Bord Pleanála (ABP) under Section 5(3)(a) of the *Planning and Development Act 2000*, as amended. The KCC Declaration is dated 10 March 2020 and relates to the following question:

'Whether the proposed increase in annual intake from 97,000 tonnes to 120,000 tonnes at the Glassco Recycling Facility is or is not development or is or is not exempted development within the meaning of the Act?'

KCC considered that the above increase in tonnage comprises development and not exempted development under the provisions of the legislation on two grounds both relating to the purported mandatory requirement for the preparation of an Environmental Impact Assessment Report (EIAR) arising from the above question. We disagree with the above assessment and now seek the Board's determination of the matter. The statutory fee of €220 is enclosed.

The relevant planning history associated with this facility, specifically the 2013-2014 Substitute Consent process, is described in detail in the Applicant's submission (dated 10 January 2020) and is, therefore, not considered necessary to repeat again in full here. We understand that the Board will be copied the Applicant's submission in full as part of the Referral process.

TOWN PLANNING CONSULTANTS

KCC Declaration

KCC concluded that the annual increase in tonnage exceeds the thresholds stipulated under Article 13(a) of Schedule 5 of Part 2 of the *Planning and Development Regulations 2001* (as amended), having regard to the following:

1. The increased intake in annual tonnage of 23,000 tonnes from the previously permitted 97,000 tonnes, exceeds the appropriate threshold of 25,000 tonnes by more than the 50% stipulated in article 13(a) of the Schedule 5 Part 2 of the *Planning and Development Regulations 2001* (as amended) and therefore triggers a mandatory EIA.
2. The factual information presented in the application indicates that the increased intake in tonnage into the recycling facility in 2018 (most recent year of records presented) was approximately 127,000 tonnes. This figure represents an increase of 30.9% above the previously permitted intake of 97,000 tonnes and therefore is greater than the 25% threshold stipulated in article 13(a) of Schedule 5 Part 2 of the *Planning and Development Regulations 2001* (as amended) and therefore triggers a mandatory EIA.

Accordingly, a mandatory EIA is required through the submission of a planning application, or an application for substitute consent, accompanied by an EIAR.

Article 9(1)(c) of the *Planning and Development Regulations 2001* (as amended) removes exempted development provisions if it is development to which Part 10 of the Act applies i.e. 'requirement for Environmental Impact Assessment'.

Our response to the above Declaration is set out below.

Reason No. 1

Reason No. 1 states:

1. 'The increased intake in annual tonnage of 23,000 tonnes from the previously permitted 97,000 tonnes, exceeds the appropriate threshold of 25,000 tonnes by more than the 50% stipulated in article 13(a) of the Schedule 5 Part 2 of the *Planning and Development Regulations 2001* (as amended) and therefore triggers a mandatory EIA.'

We submit that the Planning Authority has misinterpreted the application of Article 13 and the relevant thresholds regarding the preparation of mandatory EIAR as set out in Schedule 5, Part 2 of the *Planning and Development Regulations 2001*, as amended.

It is acknowledged that the 'appropriate threshold' mentioned in Article 13 is Schedule 5, Part 2, Article 11(b) of the Regulations, which relates to 'Other Projects' and states:

'11. Other projects

(b) Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule'.

Thus, the relevant EIAR threshold for this facility is 25,000 tonnes per annum. To reiterate, the increase in annual intake under discussion in this case relates to 23,000 tonnes per annum.



Article 13 of the Regulations states:

'13. Changes, extensions, development and testing

(a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:-

(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and

(ii) result in an increase in size greater than 25 per cent, or an amount equal to 50 per cent of the appropriate threshold, whichever is the greater'.

Taking Article 13(i), it is accepted that the development comprises a class listed in the Schedule (see Article 11 above).

Regarding Article 13(ii), in order for a mandatory EIAR to be required, the development must *'result in an increase in size greater than 25 per cent, or an amount equal to 50 per cent of the appropriate threshold, whichever is the greater'* (our emphasis).

In this case, the annual tonnage intake at the time of the Substitute Consent process was 97,000 tonnes per annum. An increase in size of 25% equates to 24,250 tonnes. An amount equal to 50 per cent of the appropriate threshold (25,000 tonnes) equates to 12,500 tonnes. It is evident, therefore, that the greater amount is clearly 24,250 tonnes. In this instance, the increase in tonnage which is the subject of this Section 5 process is 23,000 tonnes per annum, which is clearly below the 'greater' amount noted above.

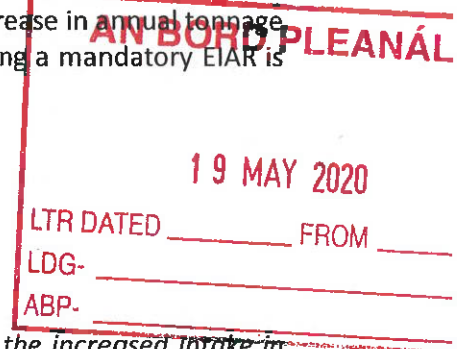
It appears that Reason No.1 of the KCC Declaration failed to reference the *'whichever is the greater'* element of Article 13(a)(ii) of the Regulations, which obviously materially alters the interpretation of the section. Thus, the application of the 50% of the appropriate threshold provision is wholly erroneous in this case. As such, this reason for concluding that the stated increase in annual tonnage constitutes development and not exempted development by way of triggering a mandatory EIAR is incorrect and does not provide any basis for this part of the Declaration.

Reason No. 2

Reason No. 2 states:

2. *'The factual information presented in the application indicates that the increased intake in tonnage into the recycling facility in 2018 (most recent year of records presented) was approximately 127,000 tonnes. This figure represents an increase of 30.9% above the previously permitted intake of 97,000 tonnes and therefore is greater than the 25% threshold stipulated in article 13(a) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) and therefore triggers a mandatory EIA.'*

It is submitted that the Planning Authority has inappropriately relied on information included in the Applicant's submission designed to illustrate in robust terms that a certain level of development (127,000 tonnes per annum) does not give rise to material planning impacts to ground this part of its decision. However, the question being considered in this Section 5 submission explicitly relates to *'Whether the proposed increase in annual intake from 97,000 tonnes to 120,000 tonnes at the Glassco Recycling Facility is or is not development or is or is not exempted development'*.





The Applicant's initial submission makes it very clear that whilst 127,000 tonnes per annum was used to ground the traffic assessment enclosed with the Section 5 application to KCC, this was to demonstrate that the result of this assessment was clear evidence that if the recycling facility operating at 127,000 tonnes per annum is deemed to have no material traffic impacts, then logic must conclude that its operation at the proposed 120,000 tonnes (the relevant quantum for this Section 5) must have similarly acceptable results.

To reiterate, the Applicant's traffic impact assessment concludes that:

'It can be seen from the comments in this TIA that the difference in traffic generated by the existing operating volume compared to the previous permitted volume will not be significant during the network AM and PM peak hours, or over the 12-hour period of haul operations, and the percentage impact at the access junction on the R409 and on the Caragh Road Roundabout is not statistically significant nor warrants any specific mitigation measures. Therefore, it is considered that the current operating volumes are accommodated satisfactorily by the existing access arrangements and external road network and this has had no material impacts on the road network when compared the previously permitted tonnage.'

However, at no stage did the Applicant seek a Declaration from KCC as to whether an increase in annual tonnage to 127,000 tonnes per annum comprised development or exempted development – this is clearly a materially different and separate question to the one submitted here and beyond the scope of this assessment. It is clear that the Planning Authority fully understood the question being asked and the nature of the Declaration being sought, as it explicitly references 23,000 tonnes in its Reason No.1 as discussed above and also re-states the question posed by the Applicant on the face of its decision, which clearly states the 'proposed increase in annual intake from 97,000 tonnes to 120,000 tonnes'.

Having regard to the above, we submit that the Planning Authority is precluded from grounding its assessment of this Section 5 application by essentially materially altering or re-interpreting the question being put to it. We contend that this is outside the remit of the Section 5 process and relying on another annual tonnage referenced in part of the Applicant's submission, wholly out of context, cannot be considered appropriate grounds to determine that an EIAR is a mandatory requirement in this case.

Summary Grounds for Seeking Referral

As noted above, it is considered that the KCC Declaration fails to provide an appropriate consideration of the specific question posed by the Applicant. It is understood that the Board will be copied the Applicant's initial submission in full including all enclosures, so it is not considered necessary to re-state in full the Applicant's contentions on the issue.

However, in summary, the above referenced 97,000 tonne figure represented the annual intake at the time the Substitute Consent (SC) application was lodged and assessed and formed the basis of assessment for the Remedial Environmental Impact Statement prepared in respect of the SC application. It should be noted that the aforementioned SC decision of the Board does not include any associated conditions that require the annual intake to be capped or restricted to 97,000 tonnes, nor was this proposed by the Applicant. As such, we submit that there is no aspect of that decision that precludes an increase in tonnage, or mandates that planning permission must be sought for any increase over 97,000 tonnes pa.



Whilst an annual intake to 120,000 tonnes represents an increase of 23,000 tonnes over what was assessed in 2014, it is our contention that a numerical increase in annual tonnage alone does not necessarily result in material planning impacts such that planning permission is required merely on this basis alone. This principle is also well established in planning case law (see also below). For planning permission to be required, intensification of use would need to occur to such an extent that material planning impacts were apparent. In our opinion, this is not the case here and we have enclosed relevant assessments in this regard with the initial submission, which confirm that there are no material planning or environmental impacts arising as a result of this change in tonnage particularly in respect of air, noise or traffic levels.

A new Appropriate Assessment Screening was also conducted regarding the revised tonnage (as enclosed with the initial submission), which confirms that significant effects are not likely to arise, either alone or in combination with other plans or projects that will result in significant effects to the integrity of the Natura 2000 network. A Natura Impact Statement is, therefore, not required.

In summary, therefore, the proposed change in annual intake is below any potential mandatory EIA threshold. The assessments carried out on the Applicant's behalf in relation to air, noise and traffic, which assess the impacts arising from increases in annual intake between 97,000 and 127,000 tonnes (enclosed with the initial submission), conclude that this level of additional tonnage does not give rise to material planning, environmental or traffic impacts. It consequently stands to reason that an increase below that level, as proposed in this submission, will be similarly acceptable. As such, the Applicant is entitled to rely on exempted development provisions to determine whether planning permission is required or not in the case of a proposed annual intake of 120,000 tonnes.

On the basis that no material impacts will arise on foot of the proposed change, we summarise below the grounds as to why this development constitutes exempted development under the legislation.

Legislative Context - Relevant Definitions

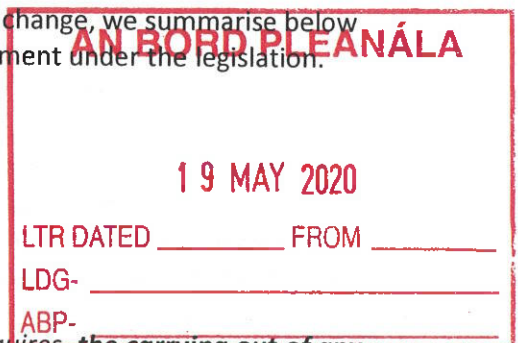
"Development"

Section 3(1) of the Acts sets out that:

"development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land."

In this case, it is submitted that the increase in annual intake does not constitute development as defined above on the basis of 'works', as no works will be carried out in order to effect the increase in tonnage. Thus, the issue to be resolved is whether or not an intensification of use arises such that a 'material change in the use' of the site will occur, resulting in development and the requirement for planning permission.

The concept of 'intensification of use' has no statutory origin but has been employed in the courts to describe a situation where the activity on land increases in intensity, although the primary purpose for which the land is being used remains the same. Galligan notes that 'as a doctrine, it has been described as "somewhat artificial or semantic", which has tended to obscure the requirement that there must be a change of use which is "material in planning terms" (see Irish Planning Law and Procedure by Eamon Galligan, page 73). Case law has established the key test regarding what constitutes an intensification of use such that a material change of use occurs.





In *Galway County Council v. Lackagh Rock*, Barron J held that it was not sufficient for the council to simply establish that an intensification of use had taken place. It had to prove that the intensification of activity amounted to a change of use which was material i.e., had given rise to fresh planning considerations (see *Irish Planning Law and Procedure* by Eamon Galligan, page 74). Barron J described the test as follows:

'To test whether or not the use is materially different it seems to me that what should be looked at are the matters which the planning authority would take into account in the event of a planning application being made either for the use on the appointed day or for the present use. If these matters are materially different, then the nature of the use must equally be materially different'.

In the case of Glassco Recycling, the matters which the Planning Authority would take into account in respect of the increase in annual intake under discussion here would be unchanged in respect of the existing recycling facility use. In addition, as described above, the Applicant has submitted documentary planning evidence by way of updated impact assessments of the relevant matters that, when compared to the previously assessed annual tonnage, categorically confirm no significant new or material impacts arising. On that basis, we contend that there is no material change of use arising in this case and no development taking place such that planning permission is required.

Galligan further states that:

'It is unlikely that the courts will allow the doctrine of intensification of use to act as an inhibiting factor on the growth of economic activity unless the character of the use has changed' (see Irish Planning Law and Procedure by Eamon Galligan, page 77).

He cites Walsh J who stated:

'Many businesses expand and grow with the passage of time but, of course, it could not be seriously contended that a material change of use had taken place when some additional machines are installed in a premises to cope with increasing demands. In such a case the use remains the same but it becomes intensified' (see Irish Planning Law and Procedure by Eamon Galligan, page 77).

In this case, no change to the character of the existing use will occur as a result of the increased tonnage, which remains as recycling. As noted by Walsh J above, it is entirely possible for an existing business to intensify and increase its operations without necessarily resulting in a material change of use. We submit that Glassco Recycling is one such example.

De-Exemptions

We have reviewed the restrictions on exemptions as identified in Part 2, Article 9 of the *Planning and Development Regulations 2001*, as amended, and we are satisfied that none of these apply to the increase in annual intake described in this submission including that cited by KCC in its decision (Article 9(1)(c) regarding the mandatory requirement for an EIAR. This latter issue was considered in detail above.

19 MAY 2020

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

Conclusion

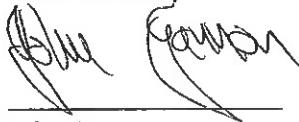
The question for determination here is *'whether the proposed increase in annual intake from 97,000 tonnes to 120,000 tonnes at the Glassco Recycling Facility is or is not development or is or is not exempted development within the meaning of the Act'*?

A previous assessment completed and permitted by An Bord Pleanála under the Substitute Consent (SC) provisions in 2014 assessed the recycling facility using an annual intake of 97,000 tonnes. We contend that there is nothing in the Board's consequent SC Decision by way of condition that constitutes a cap on the further expansion of this annual intake above this level, nor was this proposed by the Applicant. In our opinion, it is not considered reasonable that the unstated intent of the SC decision was to restrict the growth of the existing recycling facility to 97,000 tonnes in perpetuity; such a severe restriction would reasonably be expected to be made wholly explicit in the interest of clarity. The logical outcome of this interpretation would be that every additional tonne over 97,000 tonnes would necessitate a separate planning application. In our view, this is clearly a scenario without any basis in planning.

We contend that the proper basis for planning assessment is whether or not the increase in activity constitutes an intensification such that a material change of use occurs as described above. We are satisfied that based on the updated assessments completed by the Applicant, and having regard to relevant case law, no such materiality arises on foot of the change in annual intake. The increase in tonnage to 120,000 tonnes per annum is below all potential mandatory EIAR thresholds and can, therefore, be considered as exempted development. We request that An Bord Pleanála consider the above matter and determine that the increase in annual intake from 97,000 tonnes to 120,000 tonnes at the Glassco Recycling Facility is not development and is exempted development.

We look forward to acknowledgement of receipt of this submission in due course and please contact the undersigned should any additional clarification or information be required.

Yours sincerely



John Gannon
Director
Tom Phillips + Associates



