

Hainault House  
69-71 St Stephen's Green  
Dublin 2, Ireland

FRANK L. BENSON



AND PARTNERS

PLANNING, DEVELOPMENT AND LANDSCAPE CONSULTANTS

Tel: (+353 1) 475 4949  
Fax: (+353 1) 475 4950  
Website: www.benson.ie  
e-mail: flb@benson.ie

## **First Party Response to 24 Third Party Appeals**

Prepared by

**Frank L. Benson and Partners**

On Behalf of

**Indaver Ireland**

For

**A Proposed Waste Management Facility**

At

**Carranstown,  
Duleek,  
Co. Meath**

An Bord Pleanála Ref: PL17.126307  
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## 1.0 INTRODUCTION

### 1.1 Response To An Invitation From An Bord Pleanála

This submission has been prepared by Frank L. Benson and Partners on behalf of the Applicant, Indaver Ireland, 4 Haddington Terrace, Dun Laoghaire, Co. Dublin. It is provided in response to an invitation from An Bord Pleanála to prepare First Party Observations to Third Party Appeals, relating to a decision by Meath County Council to issue a Notification Of Decision To Grant Permission, for the development of a waste management facility at Carranstown, Duleek, Co. Meath.

There are 30 no. Conditions attaching to the Notification, which relate inter alia to site development works, restriction on source of waste for treatment, construction hours, monitoring, financial contributions, infrastructural provisions and landscaping and restoration works regarding the proposed development. One of these conditions, Condition No. 3 has been appealed by our clients, the First Party.

### 1.2 Summary Of The Third Party Objections

There are 24 separate written appeals which deal with a variety of issues. A list of the issues raised is contained in Section 1.2.1 of this document

A response to the grounds of appeal cited by each of the parties is provided below. As the issues raised overlap, the appropriate issues have been grouped together and dealt with on that basis. This submission addresses and refutes the contentions of the Third Parties, providing a response inviting the Board to uphold the decision of the Planning Authority and grant permission for the proposed development.

We respectfully submit, in accordance with Section 98 of the EPA Act 1992, that the concerns expressed by the objectors relating to environmental emissions matters associated with the operation of the proposed waste management facility, are outside the remit of the Board and are a matter for the EPA in assessing a Waste Licence. Notwithstanding this, the issues have been addressed in this document to present a comprehensive and clarified response to the concerns of the Appellants.

**1.2.1 Issues raised**

- Item 1 Compliance with published documents
- Item 2 EU Waste Management Hierarchy
- Item 3 Suitability of site, site selection and zoning of land
- Item 4 Flawed EIS
- Item 5 Cumulative impacts
- Item 6 Equity of decisions in relation to previous planning history of the area and other industrial developments
- Item 7 Irish law and EU Directives
- Item 8 Invalid application
- Item 9 Proximity of other waste disposal facilities
- Item 10 Noise and working hours
- Item 11 Seveso Site and Health and Safety issues
- Item 12 Traffic and traffic generated pollution
- Item 13 Asset devaluation and property prices
- Item 14 Threat to human health, the environment and local agricultural businesses.
- Item 15 Comparison with other countries
- Item 16 Financial Contributions
- Item 17 Community Liaison Committee
- Item 18 Cash Bond and Insurance cover
- Item 19 Site services and infrastructure
- Item 20 Disposal of ash
- Item 21 Effects on tourism
- Item 22 Expansion and development of facility
- Item 23 Connection with MC O'Sullivan's
- Item 24 Flora and Fauna
- Item 25 Fire and combustion chamber maintenance
- Item 26 Impact on character of the area
- Item 27 Landscape and Visual impact
- Item 28 Status of Indaver
- Item 29 Public private partnerships for waste management
- Item 30 Construction Impacts
- Item 31 Impacts on geology and hydrogeology
- Item 32 Incineration as a disincentive to recycling and more suitable methods of refuse disposal
- Item 33 Air quality

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## 2.0 RESPONSE TO THE ISSUES

### 2.1 Item 1 – Compliance with Published Documents

Overview:

The elected members of Meath County Council at their monthly meeting of March 2001 adopted the Draft 2000 County Development Plan. This is therefore the relevant development plan on which the application is assessed in terms of policy/objectives.

Other relevant documents in assessing this proposal are; The Waste Management Plan for North East Region 1999-2004, the Government Policy Statement, "Changing our Ways", and The Strategic Planning Guidelines for the Greater Dublin Area.

The Waste Management Plan was adopted by Meath County Council on 27<sup>th</sup> July 2001 in order to achieve the objectives and targets set out in the recent government policy statement on waste management – "Changing our Ways". These new targets are intended to fulfill our obligations under EU legislation. Meath also lies in the zone of influence of Dublin and is regulated by "The Strategic Planning Guidelines for the Greater Dublin area".

Many appeals have claimed the proposed development is at variance with one or more of the above documents for the Region.

Firstly, Mr. John Rogers claims the development is premature as there is no national policy in relation to incinerations. The recent government statement mentioned above, "Changing Our Ways", specifically mentions Waste to Energy Incineration (WTE) in Section 7.7 included in which it states:

"The development of Waste to Energy capacity is consistent with, and could make a significant contribution to the implementation of, the Governments renewable energy policy"

Frank Burke and Associates claim the proposal is at variance with a Strategic Plan mission statement adopted by Meath County Council in 1998. The mission statement reads as follows:

*"to promote and implement the sustainable development of our county in partnership with our local communities so as to improve quality of life and living environment of all our citizens"*

The appellant believes the proposal does not consider the wishes of local communities. However, in this regard it is in direct compliance with the Waste Management Plan for the North East Region 1999-2004 and hence government and EU legislation. The Waste Management Plan states;

*"Thermal treatment shall be an integral part of the solution to the management of the Region's waste"*

Objections to the principle of incineration from the local communities would have been debated as part of the procedure of adopting this plan. In fact public involvement was ongoing since the commencement of the strategy and throughout the preparation of the plan. This is wholly in keeping with the mission statement for community partnership. Therefore, it cannot be claimed at this late stage, that there has not been ample community consultation with regard to proposed developments such as this one. Furthermore, the proposal is not at variance with this mission statement as it is a sustainable development that will improve upon the existing disposal measures to landfill sites.

As quoted by the Appellants, The Strategic Planning Guidelines for the Greater Dublin area state;

*"strategic resources such as agricultural land needs to be protected for strategic, regional and national roles"*

In this regard, it should be noted the development is also a strategic resource for the North East Region as it provides a crucial Regional role in the safe disposal and treatment of waste.

These guidelines also give an overall strategy (Map 2) indicating; the Boundary of the Metropolitan Area, primary development centres, secondary development centres, strategic green belts, transportation corridors and future transportation corridors. This is a generic map for further refinement and adoption by each local authority. In the case of Meath County Council the generic guidelines have not been further defined.

Upon examination of the guidelines and the position of the proposal, its location is actually on the edge of the main transportation corridor between Dublin and Drogheda (M1 Transport Corridor). In terms of transport and ease of access this is an ideal location for such a facility. In addition, the nature of the facility is not such that it would lead to a physical coalescence of Drogheda and Duleek. It is a self sufficient facility which will not lead to other ancillary developments.

### **2.1.1 Compliance with Meath County Development Plan 2001**

It is further claimed by the Appellants (Frank Burke and Associates) that the proposal does not comply with Section 2.6.1 of the Meath County Development Plan, - Sustainable Urban Development Principles. It is claimed to be too close to the edge of Region and thereby does not comply with the policy of the Plan to minimise transport.

The overall principles of Section 2.6.1 include:

- *"Encouraging the provision of employment within the county close to housing*
- *Concentrating development into those centres that can be economically provided with high quality transport and other services*

- *Promotion of relatively compact urban forms with residential densities being increased near town centres and on public transport corridors where a high quality design is proposed.*
- *To identify green belts to clearly define urban areas and protect sensitive rural areas from uncoordinated and unserviced sprawl.*
- *To provide for the supply of zoned serviced land in line with actual needs and the provisions of regional guidelines to avoid excessive over zoning and consequent difficulties in coordinating development."*

In general, this promotes sustainable urban development principles and encourages suitable nodes for growth. The proposed development does not contravene this policy and is not inconsistent with the principles set out therein. The proposed development is a unique development and as a result other criteria must also apply. See Item 3 (Suitability of site, site selection and zoning of land) of this document. Notwithstanding this, the proposal is not located in a green belt depicted in the Strategic Planning Guidelines for the Greater Dublin area, but rather lies on the edge of a transportation corridor.

The position may appear, at first glance to be of a peripheral location, however, it can be proven to be the optimum feasible location in terms of the centre of gravity of waste production. See Section 2.10 of the EIS and Item 3 of this document. In this regard, the principle of minimising transport was considered one of the most crucial factors and detailed examinations were carried out in order to minimise haul distances.

The proposed development is also claimed to be at variance with Section 2.8.1 of the Development Plan (Frank Burke and Associates) by not fulfilling the sustainable rural development objective which will:

*"Ensure that any commercial or industrial proposals in rural areas are sustainable"*

In this regard, the proposed development is sustainable. As mentioned it is an integral part of the solution to waste management and is higher on the waste management hierarchy listing than the current disposal of waste to landfills. Furthermore, the installation of an energy recovery facility is more sustainable in the longterm. The inclusion of a community recycling park and a recycling plant for industrial and commercial material represent the higher tiers of the waste management hierarchy and are of paramount importance to sustainable development.

### **2.1.2 Provision of services**

The proposal is also claimed to breach the Development Plan as it is not in an area where there is an established carrying capacity in respect of sanitary services, neither is it positioned in a location where high water consumption requirements should be located.

In response, it should be noted that it has been investigated and proven in Chapter 8 of the EIS that there is a high potential for groundwater development at the site. Given there is a relatively low volume of process water required and rainwater runoff will be stored and reused during the



operation of the site, the burden on water supply services in the area will be minimal. During operation the only impact is via a connection to the public water mains to provide potable water supply. The Sanitary Services Section of Meath County Council have indicated there is sufficient capacity in the public watermain adjacent to the site to satisfy the requirements during construction and operation.

There will be no burden on the sanitary services in the area as all domestic effluent will be treated off site during construction and a treatment system and percolation area will be installed for disposal during the operation of the plant.

The proposal has also been deemed by a number of Appellant's to be contrary to the Meath Development Plan, Industry and Employment, Section 3.2.3, Objectives. This states:

*"It is accepted there are sites suitable for industrial or small business type activities in rural areas, such locations will only be considered where these activities serve the needs of rural and local communities or where they are considered to have locational requirements necessitating a rural context."*

Once again, the locational requirements for the proposal have been listed in the EIS as; proximity to centres of waste production-centre of gravity of waste production, proximity to transport infrastructure, proximity to electricity distribution network, appropriate land use/zoning, availability of sites, Site Selection Criteria for New Hazardous Waste Management Facilities-WHO 1993 and Feasibility study on thermal treatment options for the North East region, DOELG, 1999. Through a thorough process of refinement in satisfying these locational requirements as detailed in Section 2.10 of the EIS and Item 3 of this document the proposed site was suitably selected. Furthermore, the development is site specific as it has been found to be the most sustainable location. It should be further noted waste management facilities such as landfills are traditionally associated with rural areas.

O'Neill Town Planning state the proposed development is contrary to Section 3.6.10 of the County Development Plan, the Boyne Valley Management Plan which gives a core list of five objectives for the area and a secondary list of seven objectives. The core objectives are as follows:

- "1. To build on the high amenity and heritage value of the valley and on current high levels of day visitors numbers.*
- 2. To conserve and enhance the natural and cultural heritage of the valley and its high amenity value, as the basis for an expanded tourism and leisure industry and to provide for the needs of the local community.*
- 3. To provide basis for economic opportunities that can be exploited by the private sector and by local communities.*
- 4. To create and promote a quality image for the wider Boyne Valley.*

5. *To manage in a co-ordinated and integrated way, the future development of tourism, heritage and amenity in the Boyne Valley.*"

In response, it should be noted the impacts of the proposed development on the surrounding environment have been detailed in each section of the EIS and throughout the planning application. There is no evidence provided to assume the proposal will, in any way, detract from the objectives for the Boyne Valley. There is no link between the two domains and any potential negative impacts have been mitigated against. Similarly, the proposed development does not endanger the proposed Natural Heritage Area, Duleek Commons.

With reference to the protection of European Sites and the proximity of Duleek Commons, O'Neill Town Planners claim that the application contravenes the development plan because "*there is not a satisfactory degree of separation between the two sites*". However, Section 2.8.7 of the Development Plan does not require any specific degree of separation. It states:

*"the review should aim to:*

- *Protect such sites and their settings and, where appropriate, catchments for development that would endanger such sites.*
- *Ensure that drainage proposals are consistent with the protection of such sites"*

Once again, the planning application documentation demonstrates the proposed development will not adversely impact the surrounding environment and any negative impacts can and have been mitigated against.

Concerns regarding the proximity of the plant to archeological sites in the area by a number of the Appellants have been noted. However, we contend their perceived contravention of Section 2.8.8 of the development plan is mistaken. The site is not in a sensitive archaeological area. There are four recorded monuments in the vicinity, (See Attachment 11 of the EIS). Notwithstanding this, their importance and role in tourism will not be undermined. As a result of the existing Platin cement works they will remain in the same environmental context whether or not the proposed development proceeds.

### **2.1.3 Planning and Development Act 2000**

Mr Paul Dowlings has commented that The Planning and Development Act 2000 has in its powers the legislation, to protect public health and the environment under some of its sections. As the Board is aware, this is not the case as the Planning and Development Act 2000 has, as yet, to be commenced fully. In particular, the sections mentioned by the Appellant are not commenced.

It is the specific duty of the EPA to issue guidelines and monitor all developments requiring a Waste Licence. The proposed facility is subject to a Waste Licence and will be critically assessed before this is granted.

In respect of Mr Paul Dowlings concern regarding an appropriate monitoring schedule, the EPA will determine this upon a review of all documents.

#### **2.1.4 Planning Application procedures**

The McNulty and the McCabe family feel their democratic right was frustrated in the planning process. However we respectfully feel this is a clear misunderstanding of the planning procedure. Objections to the notification of the decision to grant permission for the proposed development should have been addressed to An Bord Pleanala under Section 26 of the Act of 1963, within one month beginning the date of that notification. This is clearly stated in Note 1 of the notification.

The review of the planning application by Meath County Council, was criticised by Mr Stephen Ward for not taking ample account of the disposal of waste/residue from the plant. Details of the handling of ash and options for its disposal have been provided in the EIS and we would contend that the planner's report was correct in its conclusion that this is a matter for the EPA in assessing the application for a Waste Licence.

#### **2.1.5 Approval by the members of the Council**

The proposal has again been claimed to materially contravene the Development Plan by Frank Burke and Associates as the application was not put before the members of the Council for their consideration and determination.

The proposed development is located on unzoned land. Therefore there is no requirement for such a decision to be put before the members by way of a material contravention. Members have agreed the Waste Management Plan and in this regard have agreed in principle with the provision of waste to energy facilities within the County.

#### **2.1.6 Proximity to other waste disposal facilities**

The development is also claimed to be superfluous because of its proximity to other waste disposal facilities nearby at Whiteriver and Knockharley. Section 2.7.3 of the Meath County development plan highlights the need for an engineered landfill site at Knockharley. However, the location and requirements for other facilities particularly landfills, are immaterial in the determination of this application. Both methods of waste disposal form part of the waste management plan as has been discussed earlier and in this regard, one cannot be seen as a substitute for the other.

#### **2.1.7 Study by the Health Research Board**

Mr Stephen Ward and Mr Paul Dowlings have mentioned a study into the effects of Incinerators, commissioned by the Health Research Board/ Public Health Authority. This study has not been completed and cannot be referenced. Since there is no indication as to whether the study will be conclusive, we believe it has no relevance at this time.

Notwithstanding this, it is likely the study would reach the same conclusion as many other studies commissioned throughout the world. Literature published by the World Health Organisation and EU are referenced in Appendix 10 of this response which discusses and alleviates concerns regarding agriculture and health.

Furthermore, the County Development Plan and the Regional Waste Management Plan have deemed incineration an appropriate method of handling waste and no evidence has been provided to show incineration, controlled in the manner proposed, is detrimental to any aspect of the environment. The technology employed in the proposal ensures all emissions will be well below Irish and EU emission limit values.

### 2.1.8 Conclusion

As mentioned, the Regional Waste Management Plan was adopted on 27<sup>th</sup> July 2001 in order to achieve the objectives and targets set out in the recent government policy statement on waste management – “Changing our Ways”. These new targets are intended to fulfill our obligations under EU legislation. Despite the compliance with this document it is claimed to be premature (by Frank Burke and Associates). In this regard, we would refer to the County Development Plan, Section 3.5.4, which lists “four core tenets” on which Waste Management Strategy will be based as follows;

- *“Public awareness and local authority support for waste minimisation and recycling.*
- *Provision of improved recycling facilities*
- *Development of waste handling processes including the consideration of thermal treatment to reduce bulk and landfill needs while yielding an energy return.*
- *The provision of residual landfill capacity for short, medium and long-term at strategic suitable locations.”*

Consequently, the proposed development is in accordance with the objectives and provisions of the county Development Plan.

### 2.2 Item 2 EU Waste Management Hierarchy

O’Neill Town Planning have discussed at length the benefits of preventing, minimising, reusing, repairing, recycling and composting waste over and above waste to energy procedures. The importance of these procedures is not refuted and accounts for their high ranking in the waste management tier. However, despite this, it is not possible to completely negate the requirements for waste to energy facilities. The emphasis in waste management is aimed towards the higher end of the hierarchy, however, all elements must be available for the system to operate successfully. It should be noted, the proposed facility also includes a community recycling park and a material recycling facility.

The overall waste management plan will be implemented in stages. The separate collection of recyclables will also be implemented in due course. In this regard, the development is not premature as contended by the Appellants. Section 8.3.3 of the Waste Management Plan states:

*"Door to door collection ('kerbside system') of recyclables with source segregation to be introduced in all urban areas aiming to eventually cover 50% of households in the Region."*

and

*"Source segregation and dual collection of organic waste fraction starting from 2004."*

### **2.3 Item 3 – Suitability of Site, Site Selection and Zoning of Land**

The issues of the suitability, site selection of the proposed location and zoning of the land has been questioned by the Appellants. The process of site selection and reasons for the proposed location have been detailed in Section 2.10 of the EIS. However, to further explain the process a more detailed description of the site selection procedure is given below.

Firstly, the centre of gravity for each of the major towns in the North East was estimated. This is the estimated haul distance to transport all waste from each of the other towns. The optimum location in this regard was the town of Ardee.

Ardee was further examined within the context of its existing industrial character and suitability for industrial development. As no large scale industry is located in Ardee the scale of the proposed development was found to be at variance with the towns existing character. The scale of the proposed development would have entirely dominated the town.

Drogheda was the next optimum location and once again the existing industrial character and suitability for industrial development were examined. The location of Premier Periclase, in Drogheda, is a development of a similar size and massing which was considered comparable to the proposed development. However, the access to this area, through the already congested town, was not considered appropriate in the interest of proper planning and development of the area.

The town of Duleek ranked third on the listing and was further examined. Similarly to Ardee, the scale of the proposed development was found to be at variance with the town's existing character. Once again the scale of the proposed development would have entirely dominated the town.

Although neither Ardee, Duleek nor Drogheda were suitable because of the scale of the proposed development, the location of the Platin Cement works, 5km south of Drogheda and 2km north of Duleek was of a scale and massing sufficient to ensure that the proposed development would have little impact on the existing character of the area. The location of the proposed development in a lowland, undulating landscape, also meant the proposed development could effectively be absorbed without adversely impacting visual amenity.

Although the facility is for the treatment of non-hazardous waste, the area was then examined in relation to the more stringent WHO criteria for New Hazardous Waste Management Facilities and criteria suggested in the feasibility study on thermal treatment options in the North East Region; transport links with the surrounding Region, proximity to potential energy users and waste transfer stations. All the evaluation criteria were satisfied and the owners of the land were then approached.

Dundalk was the next town in the centre of gravity listing, however, this represents a difference of 421,647tonne km. If you assume the average distance of a load is 10km this means there is approximately 42,165t to be transported. On average a truck will carry 7tonnes of waste. This means an extra 6,000trucks driving an extra 10 km. In all an extra 12,000 trips over and above that necessary to service the facility at Carranstown. For this reason it was not sustainable to locate the proposal in any of the towns lower on the centre of gravity scale.

In this regard, ample justification for the proposed site and the selection procedures is provided. O'Neill Town Planners noted, 7 towns fall within the 4-5 million tonne mile category. However, there is a substantial difference in the 4 million tonne category and the 5 million tonne category in terms of additional traffic and additional emissions from traffic as previously described. For this reason the locations of the lowest haul distances were obviously preferred and examined first.

Contrary to claims by Mr Stephen Ward, Statutory requirements set out in the European Communities (EIS Amendment) Regulations 1998, Section 7, Information to be contained in an EIS, does not require the identification of "specific alternative sites". In this regard, it states the EIS should contain; a description of the proposed development, the data necessary to identify and assess the main effects, a description of the likely significant effects and a description of the measures envisaged in order to avoid, reduce, and, if possible, remedy those effects. Further information, by way of explanation or amplification of the following matters:

*"the main alternatives (if any) studied by the applicant, appellant or authority and an indication of the main reasons for choosing the development proposed, taking into account the environmental effects;"*

Furthermore, The Waste Management Plan merely suggests areas and gives guideline requirements it does not define specific locations. Due cognisance of these guidelines were taken in the site selection process. The Waste Management Plan states:

*"Guidance on the selection of such facilities shall be taken from relevant legislation and best international practice*

*.....the first step in a siting process could be the identification of exclusionary factors which would prohibit the siting of a facility*

*.....the next step could be to identify relevant siting criteria to assist with the selection of potentially suitable areas."*  
*(Section 8.3.13.3 NEWMP)*

*"Criteria which shall apply to thermal treatment include:-*

*Siting criteria including central location close to the waste production centre of gravity, proximity to energy users, ideally users of heat, reasonable road access, appropriate development zoning and availability of cooling water and provision for it's disposal." (Section 10.3 NEWMP)*

The proposed land is not zoned in the Meath County Council development plan. The land is therefore considered rural for development control considerations.

Although the area surrounding the subject site is rural in character this character has been significantly eroded by Platin Cement and as such the addition of the proposed development will not unduly impact the character particularly in light of mitigation measures in the EIS.

The proposed location is not a sensitive site. Other locations were looked at including zoned lands and found to have more significant impacts.

In response to claims by O'Neill Town Planning, in the evaluation of site alternatives, steps 1,2 &3 of the WHO guidelines were evaluated. Table 2.6 of Chapter 10 the EIS assesses the applicability of each criteria and the corresponding sensitivity of the site.

O'Neill Town Planners, claim quarries and electrical infrastructure are an accustomed part of rural landscape. We would contend waste management facilities are also an accustomed part of rural landscape as most landfill sites are located there. Cement plants are not "normal" in a rural area. There are only four cement plants in the entire country.

The concern that the proposed development will cause a risk to existing businesses is groundless and incorrect, see Appendix 10 of this document. The dominant use in the surroundings is agricultural, however, the Appellants have not provided evidence in relation to the apparent associated risks. There are incinerators in Dublin, Waterford, and Cork as well as over 300 in Europe and there is absolutely no evidence of schools closing down. This supposition is based on unfounded concerns regarding health.

It is unusual that 3rd parties claim that the proposed development is, on one hand, too close to urban centers and yet should be located on industrial zoned lands. Such lands are almost always located directly adjacent to towns in particular dense residential areas.

It should also be noted, the advantage of having a community recycling park and a materials recycling facility in the area have been entirely disregarded by the Appellants.

## 2.4 Item 4 – Flawed EIS

Mr Stephen Ward claims the facility will actually require a total of 50% of the waste it is capable of accepting to achieve its nominal capacity of 150,000t pa. Notwithstanding this, the Draft Waste Management Plan for the area states in Section 8.3.5 Energy Recovery Facilities:

*"Thermal treatment of the residual combustible waste stream with energy recovery is recommended. One plant will serve the Region. This plant will cater for combustible waste transferred from other stations. Estimated nominal capacity of 150,000-200,000 tonnes per annum."*

The Plan has determined the required capacity for the Region. The proposed development with the capacity to accept only 30% of the non-hazardous waste generated in the North-East region is in keeping with this.

It is further contended by Mr Stephen Ward in the summary of his appeal, that the EIS is seriously deficient in many material ways, in particular by failing to consider; Site selection and consideration of main alternatives; Groundwater, aquifers, water supply; traffic; Residential amenity; Material assets; Landscape and visual impacts; Noise/dust/climate and air; Planning Context and Development Plan considerations. In response, it should be clearly noted that these matters were referenced in the EIS, the attachments and the Additional Information submitted. Further clarification of these issues are discussed in the various Items of this document.

Issue	EIS Chapter	Item in this Doc
Site selection consideration alternatives	2	3
Groundwater, aquifers, water supply	8	31
Traffic	7	12
Residential amenity	All	All
Material assets	13	12
Landscape and visual impacts	6	27
Noise/dust/climate and air	4,5 & 10	10,33
Planning Context Development Plan considerations	2	3

Mr Stephen Ward also claims in his appeal that the EIS fails to consider the need to protect native trees at the entrance to the site and to dispose of ash. In response, Section 11.2 of the EIS states:

*"The main ecological interest at this site lies in the hedgerows although they can be considered of limited ecological value due to the low species diversity and poor structure. However, the hedgerows do provide some value to local wildlife"*



Section 11.3 of the EIS goes on to state:

*"The planting of a new hedgerow along the north-west boundary of the site parallel to the railway line will partly compensate for the loss of these hedgerows. Measures will be taken during the construction phase to prevent the remaining hedgerows from being damaged... Any sensitive areas will protected with temporary fencing."*

The disposal of ash is clarified in Item 20 of this document.

Mr Stephen Ward also claims the EIS is further flawed as there is no reference to architecture. Chapter 12 addresses Cultural Heritage. An archaeological study and survey did not reveal anything of significance on the proposed site. There are no protected structures on the site. Aerial photo research showed there were no features of archaeological or architectural interest identified in the proposed development site or in the immediate area. In this regard, there was no need to discuss architecture in the EIS apart from that of the proposed buildings.

Mr Stephen Ward claims the EIS does not address vermin. However, this is addressed in Section 2.2 and 11.4 of the EIS. All waste arriving at the plant will be contained in covered vehicles. The waste bunker and the waste sorting plant will be enclosed within the waste acceptance hall, (Section 11.4 of the EIS). Waste containing putrescible material will be discharged directly to the waste bunker. The waste to be sorted and recycled will be stored in contained areas under negative pressure ensuring there will be no windblown waste or odours emanating that would attract vermin. To further mitigate potential impacts a comprehensive rodent control plan will be put in place.

No organic kitchen waste will be accepted at the recycling park therefore there will be no problem with odour or vermin. Regardless, all waste will be in sealed containers, the park will be monitored at all times and kept clean through good housekeeping practices. (Section 2.2 of the EIS)

It is further contended by Mr Stephen Ward that the EIS is flawed as it does not address impacts at an individual level for residential and other properties. In this regard, the document is an Environmental Impact Statement which deals with potential environmental impacts and it is not required to make individual assessments unless specific significant adverse impacts are forecast.

## **2.5 Item 5 – Cumulative Impacts**

The assessment of cumulative impacts arising from the proposed development and other industrial developments in its vicinity is dealt with in the relevant sections of the EIS, its attachments and the Additional Information. In particular, emissions, traffic, visual intrusion, noise, etc. are discussed in the relevant chapters and we would respectfully refer the Board to these aforementioned documents.

Notwithstanding this, it should be noted with regard to emissions, that the results of the existing ambient air concentrations were "good", as would be expected in this location. Furthermore, all emissions from the existing Platin cement plant would have been included in this analysis. (See

Section 4.2 of the EIS.) The cumulative impacts of NO<sub>2</sub> and SO<sub>2</sub> concentrations in the air from the proposed development, the Marathon Power Plant and the Platin Cement plant, were found using dispersion modelling. Results were shown in Table 4.9 of the EIS. It was concluded there would be no significant cumulative impact.

The Platin Cement Plant is not licensed with the EPA for dioxin and furan emissions and background analysis of the area shows there is no evidence of adverse emissions. Moreover, the proposed Marathon power plant will not produce emissions of dioxins and furans and thus air dispersion modelling was required only for the proposed development.

The cumulative impacts of traffic have been assessed in the EIS its attachments and the Additional Information. Existing traffic, predicted future growth quantities, traffic generated from the proposed development, and traffic generated by the Marathon Power Plant are all modelled. It was concluded the levels of both construction and operational traffic will not significantly impact on the surrounding road network and will not cause the design capacity to be exceeded. In the unlikely event of the Marathon peak plant construction phase coinciding with that of the proposed development mitigation measures will be put in place including restriction of HGV deliveries during peak hours and staggering the arrival and departure times of site workers.

With respect to the cumulative impacts upon visual intrusion in the area, photomontages and analysis have been produced which include the Platin Cement plant, the proposed development and the Marathon Power Plant. The photomontage views clearly illustrate the effectiveness of the building colour scheme when combined with the proposed landscaping works. Given the industrial character of the area and the distance to elevated views, it is considered the impact of the proposed development will be minimal.

The cumulative noise impact was the subject of additional information. The Planning Authority considered that the cumulative impact of noise from the proposed development during construction, and the adjacent Platin Cement Works were not adequately addressed. Consequently, additional noise surveys were carried out and survey results from the Platin Power plant were examined. It was concluded the predominant noise source was actually traffic on the R152. Given the already high level of noise emanating particularly from the R152, the restrictions imposed by Meath County Council are suitable, appropriate and in keeping with other development conditions in the County. Noise is further addressed in Item 10 of this document.

## **2.6 Item 6 – Equity of Decisions in Relation to Previous Planning History of the Area and Other Industrial Developments**

Mr Shaun Lynch and Frank Burke and Associates, claim there is no equity of decision between the proposed development and the Agri park at Bellowstown, Duleek PL 17.121102. As the Board is aware the Agri Park was refused permission as it encompassed a significant retail element. Traffic issues raised revolved around problems with the site entrance and in that instance the magnitude of the impact was substantially greater than in the current proposal. The sustainability issues raised regarding services do not apply to the proposed development (See Item 19 of this

document). A further reason for the refusal of the Agri park was the odour impacts on nearby residencies. Odour impacts during the operation of the proposed development are a matter for the EPA to determine. Notwithstanding this, all elements of the proposed facility with potential odour effects are kept at a negative pressure to prevent odour problems.

In this regard, it should be noted, the Agri park was a materially different development and it is misleading to compare it to the current proposal.

With regard to the reference made by Frank Burke and Associates concerning the refusal for a single house on the Dunboyne/Summerhill regional road we respectfully submit that this decision is not relevant to this appeal. The proposed development is located on the north side of the R152 regional road between Drogheda and Duleek. This is a different road and location to the Dunboyne to Summerhill road cannot be compared. Traffic design for the current proposal has been assessed and approved by Meath County Council, a competent arbitrator.

Frank Burke and Associates note a number of applications in the area and county were refused based on the quantity of septic tanks arising. Also, the proposed development did not include details on the capacity of the soil to accept effluent discharge. In response to this, we include an extract from the Planning Outline Specification, pg 32 Section 4.7.2, where the "T" value of the soil is discussed (See Appendix 11 of this document). It will be necessary to import suitable material to build a percolation area and a reserve percolation area. All effluent will be treated to an acceptable standard before discharging to this. Septic tanks will not be part of the proposed development. A Bord Na Mona Puraflo system will be used.

With regard to the reference made by Mr Chris Searles concerning the development of a halting site in a rural area in the case of Rohan v Clare County Council, we would contend this is a completely different type of development. The decision in this matter was not based on development in a rural area but development in an area classified as a special development zone that specifically excluded such uses.

Mr Stephen Ward has made reference to the Mill and associated works at Oberstown, Skreen, County Meath, PL17.122364, Meath County Council Reg. Ref. 99/395. The current proposal, however, is for a wholly and totally different proposal and we respectfully suggest the Board's decision to refuse the aforementioned is immaterial. Firstly, the location of the mill was in a rural green belt area and remote from any major transportation route and development center. The current proposal, on the other hand, lies on the edge of the transportation corridor and is not located in a designated area as defined in the strategic planning guidelines.

Other issues for refusal regarding the mill development included traffic, visual impact, residential amenity and public health hazards. The road servicing the site in that case was considered a "community street" by the Board. This is not the case in the current proposal, the R152 is a regional road. The proposed Mill would have materially dominated an overall flat landscape. The current proposal is not visually intrusive, (See Chapter 6 of the EIS), particularly in comparison to the Platin Cement Plant and its position in a landscape. Fears with regard to public health hazards are unfounded and tend to arise from misinformation surrounding incinerators.

With regard to Louth Meath Health Protection Group's reference to the Inspectors report regarding the approved Marathon power plant (PL 17.118993) we agree with comments from the Board's inspector that the proposed location should not be considered one which would inevitably develop as an industrial area. However, in this instance it should be noted that there is a policy in the North East Regional Plan to develop waste to energy facilities and this is the most sustainable location.

Louth Meath Health Protection Group also quote the Inspectors report for the power plant (PL 17.118993) as stating; "*Irish Cement already dominates a landscape of relatively high quality*". However, the Inspector further notes the view from Bellewstown Ridge is one to be analysed and in this regard, "*the Cement Factory already adversely impacts upon this view, and it is considered that the subject proposal only further marginally erodes the quality of this view.*" The same argument would apply to the proposed development but the impact is even less significant.

Mr Stephen Ward references the development at Kilcock, PL09.112536. It should be noted, that proposal was for a hazardous waste facility. It is within a different functional (Council) area with different development policies and pressures. The site was on edge of a town, the proposed development is some 2km north east of the village of Duleek. Issues regarding perceived health and property values were greater because of its proximity and the type of waste treated. The site selection process was also very different. Notwithstanding this, WHO Guidelines for the location of hazardous waste facilities were used as well as a sustainability test regarding tonne miles. (See Item 3 of this document).

Mr Chris Searles mentioned the matter of Keogh v Galway Corporation, sites for accommodation of travelers. However, there is no relationship between this and the proposed development. Specific sites were identified in the development plan as Halting Sites and these sites were ignored. With regard to the development currently being proposed, no specific sites are named in either the Development Plan or the Waste Management Plan only areas are indicated.

The Board's decision concerning an electricity generating plant at Dunstown, Kilcullen, was in a different administration area with different plans and guidelines. The proposed development is not contravening objectives or policies of the applicable development plan. The scale and height of the Dunstown generating plant was found to be discordant with its surroundings, however, the proposed development is in an area where it will not be the dominant visual feature.

## 2.7 Item 7 – Irish law and EU Directives

The appellant's, Louth Meath Health Protection Group, Frank Burke and Associates and Mr John Rogers mention the European Directive 85/337/EC and the division of responsibility between the planning authority, the EPA and the current legal action against the Irish Government by the European Commission. The EC is examining the claim that Ireland is not in compliance with the provisions of the Directive, regarding the effects of certain public and private projects on the environment.

Irrespective of the current Court proceedings, Section 98 of the EPA Act 1992; was the existing legislation at the time of lodgement of the proposed application. This legislation completely precludes the planning authority, and An Bord Pleanála, from considering any environmental pollution effects as a result of the proposed activity. Any future changes in legislation which may occur cannot be retrospective and current legislation must be upheld. We fully acquiesce with the Inspector reporting on the Marathon Power Plant, PL 17.118993, where he states in para 13.2.1 that failure of Irish Law to implement EC Directive 85/337/EC is a matter for the Courts to decide.

## 2.8 Item 8 – Invalid Application

Frank Burke and Associates claim the application is invalid as Meath County Council presupposes the EPA will grant a Waste Licence. It should be noted that the application for the proposed development is entirely valid. Firstly, it in no way presupposes the EPA will grant a waste licence for the proposed development. The two procedures are separate and independent and it is common practice to obtain planning permission at the outset of a project's conception and to follow with other licensing applications.

Frank Burke and Associates also claim the application is invalid as Meath County Council presupposes the ESB will accept the energy output. Indaver have been in consultation with the ESB who subsequently are in full cognisance of the project and the resultant energy output expected. The proposed development requires a 20kV connection to the National Grid. As the Board is aware and as noted in the planners report, a 20kV connection is exempted development and does not require planning permission.

Frank Burke and Associates further claim the application is invalid because proposed changes were not properly readvertised. The application for planning permission was first advertised on site notices and in the Irish Independent on the 15<sup>th</sup> January 2001. Changes subsequently made to the original proposal were clearly specified in the revised notices re-advertised on the 5<sup>th</sup> June 2001 in the Irish Independent and re-erected on site. Thus the public were duly notified of all changes and provided with all necessary details required in such notices in proper accordance with The Planning and Development Act, 1963 as amended. Other issues raised by the Appellants in this regard do not take due consideration of the nature and requirements of public advertisements and the fact that all aspects of this development have been given significant attention and media coverage.

Mr Paul Dowlings believes the use of the term "Thermal Treatment" is incorrect and renders the application invalid. However, the Meath County Development Plan also uses this term thus, it is validly defined and correctly used by the Applicant as a universal term for the process of incineration.

Mr Chris Searles claims the application does not comply with Article 23 of the Local Government (Planning and Development) Regulations 1994. This refers to plans, drawings and maps accompanying planning applications. The purpose of this article is to inform all parties of the

orientation, location and content of the development and to ensure information supplied is not misleading.

The plant occupies approximately 4ha of a 25acre greenfield site. In compliance with this, the planning application drawings show all features and structures in the vicinity of the plant and other relevant features to which the application relates. In this regard, septic tanks and disposal systems for each individual house are unrelated developments and the absence of these on the drawings submitted has no material effect with respect to the application. The position of proposed and existing wells and the wayleave for the Bord Gais pipeline are indicated on numerous drawings. It should be noted, in accordance with the aforementioned Article 23, given that there are no contiguous buildings/residences they are not shown.

It should also be noted there is no requirement to demolish residential houses south of the site as cited by the appellant.

A confidential agreement has been reached between Indaver and the owners of the land at the proposed site. Written consent from the owners is not required in the processing of the planning application. Information regarding any estate or interest in, or right over land, which the Local Authority consider necessary to deal with the application may be requested as further information in accordance with Article 33 of the 1963 Act as amended. In this instance such information was not requested. A letter from Reddy Charlton McKnight Solicitors confirms they acted for the Applicant in the acquisition of an option to purchase the land. (See Appendix 8 of this document)

## 2.9 Item 9 – Proximity of Other Waste Disposal Facilities

There are other waste disposal facilities in the vicinity as mentioned by Frank Burke and Associates. Such facilities are the landfill at Knockharley, a recently approved facility run by Celtic Waste currently under appeal to ABP and the Whiteriver Landfill, Co. Louth licensed in October 1999 with a licensed capacity of 20,000 t/a.

In this regard, the requirement for another waste disposal facility in this Region has been questioned by the Appellants. In response, as the Board is aware, landfill and incineration both form integral and necessary elements of the Waste Management Plan. Incineration does not completely remove the need for landfill, instead it prolongs the lifespan of the landfill and reduces the environmental impact of landfills

Furthermore, given the results of the centre of gravity analysis in the site selection procedure it is not unusual, in sustainability terms, that waste management facilities established to serve the entire Region are located approximate to one another.

## 2.10 Item 10 – Noise and Working Hours

Concerns regarding noise during the operation and construction of the facility due to the unrestricted working hours and the exceedence of the WHO limits is raised by Frank Burke and Associates.

In response to this it should be noted firstly, the Notification from Meath County Council, Condition No. 21, requires working hours during the construction period of the development to be restricted from 0700-1900 hours Monday to Saturday inclusive (excluding public holidays and Sundays) unless otherwise agreed in writing with the Planning Authority. Indaver have accepted this and also Condition No. 22, imposing site noise restrictions, in the interests of residential amenities of the area. In this regard, construction hours and noise levels during this period shall not be unrestricted but shall be controlled and monitored at all times. BATNEEC shall be employed during construction with regard to British Standards BS 5228:1997 and all operations will comply with SI 320 1988 2.

Given the already high level of background noise in the area revealed in the EIS and the additional information, emanating particularly from the R152, the restrictions imposed by Meath County Council are suitable, appropriate and in keeping with other development conditions in the County.

A noise survey submitted as part of the EIS found the average daytime (8am to 10pm) noise level at a distance from the road similar to the distances of houses from the road was 61.3dB(A)L<sub>aeq</sub>. Similar developments including a cement manufacturing installation incorporating two associated quarries and ancillary activities at Kinnegad, Co. Meath, PL17.111198, P.A. Reg. Ref. 98/2026 had identical restrictions imposed on noise levels in a rural setting for the same hours of construction. Since the WHO suggested standard guideline values for average outdoor noise levels of 55dB(A), are already being exceeded in the area, it is not possible to apply them in this instance.

Concerns regarding noise during operation of the plant will be determined and controlled by the EPA in the issuing of their licence and it is expected, as stated in the EIS Section 5.4, these will be required to be kept below daytime and night-time levels of 55dB(A) and 45dB(A) respectively. Notwithstanding this, deliveries to the site will be restricted between 8am to 6.30pm Monday to Friday, 8am to 2.00pm Saturday. There will be 3 shift changes over a 24 hour period. Two shift changes will occur after 6pm and before 8am, however, in terms of noise this is only equivalent to approximately, 5/6 cars arriving and departing from the facility. This is in keeping with the area where the neighbouring Platin Cement Works and the approved Marathon Power Plant will operate on a 24 hour basis. It should be noted, given the existing background noise levels, that the increase in noise levels due to the proposed development will be insignificant.

## 2.11 Item 11 Seveso Site and Health and Safety issues

Frank Burke and Associates, Mr John Farrelly, Mr Chris Searles and the Louth Meath Health Protection Group discuss the Seveso Directive and its relevance to the proposed development.

An examination by Byrne O'Clérigh, consultants in the fields of Energy, Environment and Risk Management, under SI 476 of 2000, confirms the waste management facility at Carranstown does not fall within the remit of the EU Seveso 11 Directive.

Drogheda Corporation discusses the health and safety of employees at the plant, however, this is the remit of the Health and Safety Authority and is not a planning issue. Notwithstanding this, the plant will be designed with a duty of care for all workers to the highest safety standards.

## 2.12 Item 12 – Traffic and Traffic Generated Pollution

In response to the concerns regarding traffic and traffic generation raised by third parties in their appeal to An Bord Pleanála, these issues have been adequately addressed in the EIS. Notwithstanding this, Atkins McCarthy have prepared a response which accompanies this document at Appendix 4. There are five issues raised by the Appellants which are not dealt with specifically in the EIS but are discussed in detail in this Appendix. These are, tolling of the M1 Motorway, transportation of waste by rail, capacity of the R152, pavement of the R152 and LOS on the R152 during 2004 and 2020.

## 2.13 Item 13 – Asset Devaluation and Property Prices

The impact of the proposed development on asset devaluation and property prices in the area is of concern to Mr Paul Meade, Frank Burke and Associates, Drogheda Corporation, The Stameen Residents Association, The Carranstown Residents Association and Patrick Tallon Solicitors.

In developments of all sizes, types and scales there are short term impacts on adjoining assets and property prices. This is due to the precautionary nature of people to purchase at a time of construction. We would contend that the proposed development affords no actual threat to property prices other than during this period. The perceived belief that there will be a long term negative impact due to the location of the incinerator is based on misinformation regarding its environmental effects. We would stress that once the incinerator is operational any impact on property values would be eliminated.

The National Society for Clean Air and Environmental Protection in the UK have issued a document entitled, "The Public Acceptability of Incineration". This document quotes research in North America which has unequivocally shown that:

*"During the proposal, planning and construction stages for an incinerator (as for any large industrial project) there is a short term impact on property values in the immediate*



*vicinity. Much of this is a result of uncertainty while deliberations continue. Once the facility is operational, property values have been shown to recover."*

Notwithstanding this, the effects on property prices are not impacted by any planning issues. Traffic, visual impacts, etc. have all been addressed and adverse impacts mitigated against. The only remaining impact is from the issue of perceived health impacts and we would respectfully content that the Board is not at liberty to make a determination on this issue given the Provisions of Section 98 of the 1992 EPA Act.

#### **2.14 Item 14 – Threat to Human Health, the Environment and Local Agricultural Businesses.**

The perceived threat to human health, the environment and local agricultural businesses has been cited by almost all of the Appellants. Many of the concerns raised are the result of misinformation and untruths circulated in the public domain regarding incineration.

In this regard, we respectfully submit that An Bord Pleanala are not in a position to consider health impacts of the proposed development according to the provisions set out in Section 98 of the EPA Act. Potential sources of threat to health and the environment are the remit of the EPA and will be examined by way of a Waste Licence application. Notwithstanding this, we include a response to health and agricultural issues raised in the appeals at Appendix 10, to explain, in real terms, the threat of emissions from the plant with reference to national and international publications. In this regard, we hope to alleviate unfounded or misinformed concerns.

The perceived threat to local businesses and business development also arises from a misunderstanding of the health impacts of the proposal. Again Appendix 10 discusses the actual effects based on research in Ireland and overseas to alleviate unfounded or misinformed concerns. As addressed in the Appendix, local businesses will not be put in jeopardy and all desires to expand will be unaffected.

#### **2.15 Item 15 – Comparison with Other Countries**

Mr Paul Dowlings and others make comments in relation to the Waste Management policies of other countries. In response to this Indaver have written a short report which is attached to this document at Appendix 5.

#### **2.16 Item 16 – Financial Contributions**

A number of the Appellants claim that the financial contributions attached to Meath County Council's decision are insufficient. Condition No.6 of Meath County Council's Decision to Grant Permission, an annual contribution of £1.00 per tonne of waste thermally treated and recycled has been requested as a contribution towards the local community. This will amount to a substantial contribution of approximately £172,000 per annum and is considered wholly adequate considering the minimal negative effect the plant will have on its surroundings as evident in the EIS. In addition, the provision of a community recycling park, operated

and funded by Indaver, will have a further positive benefit for the locality. All other expenses incurred by the Council in respect of the development will be funded by contributions requested in the Conditions of the permission with which the Applicant has no objection. The matter of the allocation of these funds cannot be influenced by the Applicant.

It is not appropriate for a financial contribution to be made towards the provision of independent scientists and engineers for the verification of emissions during operations. This is not a planning matter and will be dealt with by the EPA.

In this regard, the matter of financial contributions has been extensively conditioned and is considered fair and adequate. The proposal imposes no monetary burden on the Local Authority or its neighbours.

### **2.17 Item 17 – Community Liaison Committee**

Fergus O'Dowd in his appeal claims that the scope of the parties included on the Community Liaison Committee, to be established on foot of Condition No. 5 of Meath County Council's decision to grant permission, is insufficient. It should be noted that the Applicant has no objection to Condition No. 5. However, the representation on this committee is a matter for the Local Authority to detail and is beyond the scope of the Applicant to control.

### **2.18 Item 18 – Cash Bond and Insurance Cover**

A substantial cash bond and additional insurance cover is requested by the Appellants in the event of the gas cleaning system not working as designed. This has been requested to compensate the community and particularly the farming community, against related losses.

In relation to the issue of compensation, as previously stated, we respectfully submit that it is not within the remit of the Board to apply conditions in relation to the compensation of third parties. Notwithstanding this, no evidence is provided as to why such action would even need to be considered given that the mitigation measures proposed are adequate to ensure that all of the issues referenced will not be impacted upon. Furthermore, it should be clearly noted that Indaver has been operating since 1985 and has extensive experience of operating waste to energy facilities such as the one being proposed and has never been prosecuted for any breach of emission limits.

### **2.19 Item 19-Site Services and Infrastructure**

Mr Stephen Ward and Mr Chris Searles both make unfounded claims in relation to site levels and the availability of infrastructure to service the site. The site levels on the planning application drawings are subject to formal design by qualified engineers. It should be noted, in response to Mr Stephen Ward's concerns, cut and fill is an integral part of any design on a Greenfield site and there are no proposals to raise the site to road level. The site will be drained as detailed in the planning application drawing No. 2666-49-DR-003.

Mr Chris Searles claims the proposed site is in a rural area with no physical or infrastructural needs. The physical and infrastructural requirements have been examined in the EIS. Chapter 7 deals with traffic and the associated implications. Potable water supply will be obtained by connecting to Meath County Council's mains supply on the R152. The plant will use small quantities of natural gas for start up and potentially for auxiliary firing. This will be supplied from the nearby low-pressure gas pipeline on the R152. A groundwater supply is also available on site (Section 8.5 of the EIS). Groundwater along with recycled rainwater will fulfill all of the process requirements for the proposed development. Domestic effluent will also be treated and discharged to a percolation area. In this regard, the proposal is a sustainable and feasible development.

## 2.10 Item 20 – Disposal of Ash

Several Appellants have raised issues regarding the disposal of ash. With due respect to all concerns raised by Mr Stephen Ward, Mr Paul Dowlings, Mr Fergus O'Dowd, Mr John Rogers, and O'Neill Town Planning, this issue is comprehensively dealt with in the EIS in Section 2.5.4, Solid Waste Residue and Section 2.8.1, Ash Disposal.

As described in the EIS, the bottom ash produced at the plant is non-hazardous and is suitable for use in road construction or for disposal to a non hazardous, inert landfill. A market demand for the ash will be researched thereby recycling this waste residue where possible. It should be noted that this ash is widely used as a material in road construction in many other European Countries.

The total ash produced will approximate 25% by weight (on a dry basis) of the waste. A small portion of the ash produced at the plant is boiler ash, approximately 1-2% of the input volume. This has a higher content of heavy metals and cannot be used as a construction material. Leachate tests will be carried out on the ash to determine whether it should be disposed of to a hazardous or non hazardous landfill. It is expected, based on experience elsewhere in Europe, the boiler ash will be suitable for non hazardous landfill. However, this will be determined based on site specific tests and dealt with accordingly. If test results deem it necessary, the ash will be solidified with cement to form a completely inert product prior to disposal.

Flue gas cleaning residues and gypsum will also be produced at the site and will amount to approximately 3-4% of the quantity of waste input. Flue gas cleaning residues are a hazardous waste residue and will be solidified with cement and disposed of to a hazardous landfill at all times. The gypsum is not hazardous and will be recovered for reuse if possible or will go to a non hazardous landfill.

It is an objective of the draft EPA National Hazardous Waste Management Plan to develop hazardous waste landfill capacity in Ireland, however, if at the time of commissioning there is no such facility, the hazardous waste will be exported for final disposal by Indaver or another party. To this end Indaver own 60% of MinChem Environmental Services Limited, a hazardous waste management company operating an EPA Licensed Transfer Station in Dublin Port, who export such material from Ireland overseas for recovery, disposal or treatment.

The thermal treatment of waste at the plant condenses waste to be disposed of to 25% by weight and 10% by volume. This significantly reduces the amount that would have required corresponding landfilling in the absence of this proposal. Due to the inert nature of the bottom ash and most likely boiler ash, it will have less adverse impacts than untreated waste that is currently being landfilled.

The hazardous ash will be stored in silos equipped with hepafilters (high efficiency particulate abatement) at the plant, thereby negating the risk of environmental contamination.

The ash will be transferred via enclosed containers to approved and licensed disposal facilities.

### **2.21 Item 21 – Effects on Tourism**

Concerns in relation to the proposed development's effects on tourism in the area have been mentioned by some of the Appellants including Drogheda Corporation, Mr Paul Dowlings and O'Neill Rave Town Planners. Concerns mainly relate to the proposed development's impact on the tourism potential of the surrounding areas. These are claimed to be affected by the scale and nature of the proposal. In this regard, it should be noted there are no tourist attractions in the immediate vicinity of the site.

The impact of the scale and nature of the development is negligible given that any tourist attractions in the area are located at some distance and that the proposed development will not be visible from any of them.

In consideration of the listed views, Bellewstown Ridge is the only one slightly impacted upon (see photomontage View 12 & 13 Attachment 7). However, this view is panoramic and the proposal forms only a small portion of the total view. It can be seen in the far middle distance of this view but is barely discernible in the context of the Platin Cement Works. As discussed in other items of this document any negative impacts of the proposal will be mitigated against. Fear that the future development of tourism in Duleek have no grounds and are most likely the result of misinformation regarding health impacts of the proposal.

We would stress that the proposal will not affect existing tourism or any potential growth in that sector as a result of its minimal negative impacts to the surroundings. Allied to this it should be noted that incinerators are located near a number of tourist centres for example Paris Vienna and Zurich.

### **2.22 Item 22 – Expansion and Development of Facility**

In response to claims by Drogheda Corporation and Mr Chris Searles, Indaver have no plans to expand the facility to deal with hazardous waste, clinical waste, BSE cattle carcasses or of importing waste from outside of Ireland.

Concern regarding future expansions of the proposed facility are unnecessary as such expansions would require a planning application to the Local Authority and an additional EPA licence. In this regard,

interested parties would be notified via public notices and Indaver's policy of extensive public consultation as in the current application.

The Applicant is content to accept the principles of Condition No. 3 of Meath Co. Co decision to grant planning permission as quoted, however, the difficulty with ensuring that the waste arriving at the site has come from the North East Region mentioned by Mr Fergus O'Dowd is also a concern of the Applicant as stated in the 1st Party Appeal. This condition could, in fact, subvert its intention and expose the company to potential future enforcement proceedings.

### **2.23 Item 23 – Connection with MC O'Sullivan**

Despite claims by Mr Paul Dowlings, there is no connection between MC O'Sullivan, Consulting Engineers and the Applicant. Such accusations and questions of the integrity of the Applicant are completely unfounded and should be ignored by the Board.

### **2.24 Item 24 – Flora and Fauna, Local Natural Heritage Areas (NHA) Special Areas of Conservation (SAC) and World Heritage Sites.**

In response to the concerns regarding flora and fauna raised by third parties in their appeal to An Bord Pleanála, Biosphere Environmental Services have prepared a detailed response examining each issue in detail. A copy of their report accompanies this letter as Appendix 3.

With regard to falcons nesting at the quarry site, (O'Neill Town Planning) Appendix 3 of this document discusses the potential impact of the proposed development where it concludes, there will no significant impacts on the nesting Peregrines.

Mr Paul Dowlings claims the location of the proposed development will undermine the objectives of the proposed Natural Heritage Area and Special Areas of Conservation. However, in this regard the objective of the Development Plan Section 3.6.12, to protect European and heritage sites, is not contravened by the proposed development. The special areas of conservation are the prime wildlife conservation areas in Ireland. The legal basis on which they are selected is the Habitats Directive (92/43/EEC of 21<sup>st</sup> May 1992). The Natural Heritage Areas (N.H.A.'s) also consist of areas of important wildlife conservation in the country. The EU have set specific limit values for emissions from incinerators to protect human, animal and plant life and the proposed development emissions of dioxins are less than 10% of the EU limits.

Notwithstanding this, the nearest NHA is Duleek Commons, 1 km away from the proposed development. As is apparent from the dispersion model in Attachment 5 of the EIS, the proposed development will have no discernable or measurable impact on the surroundings.

In terms of the visual impact on these sites, the planning application has addressed specific views identified in the Meath County Development Plan 2000 and listed views in the Meath County Development Plan 1994. All of the identified views, with the exception of the view from Bellewstown Ridge, look northward into the Boyne Valley and the proposed

development will not visually impact on these views. The view from Bellewstown Ridge is panoramic and the proposed development only forms a very small proportion of the total view. The photomontages produced clearly illustrate the effectiveness of the building colour scheme when combined with the proposed landscaping works to mitigate the impact on this view.

With regard to the proximity of the Boyne Valley, Dowth, Knowth and Newgrange referenced by Mr Fergus O'Dowd, Mr Thomas Burke, Mr John Rogers, Dr Aidan and Mrs Blaitheinn Quinn and O'Neill Town Planning, we contend there will be no negative impacts. Neither the character, context nor setting of the any of the sites will be altered by the proposed development. The nearest point to the Boyne Valley is a distance of 3km away and therefore it is not possible for emissions or noise to impact on the Boyne Valley. Allied to this the landscape character and setting are not impacted as there is adequate screening by the intermediate landforms. In this regard the proposed development is not inconsistent with the Boyne Valley's designation as a UNESCO world heritage site as it is not a part of this designated area and is sufficiently removed from it.

## **2.25 Item 25 – Fire and combustion chamber maintenance**

The issue of fire hazards and methods of dealing with these has caused concern to Mr Paul Dowlings and Mr Chris Searles. In this regard, Section 2.5.8(b) of the EIS, Health and Safety Emergency Response, and Section 7 of the Outline Specification submitted as part of the planning application documentation, describe the details of a Site Emergency Plan which will be prepared prior to start up at the plant. This sets out response measures to be taken and details of fire systems to be installed following consultation with Meath County Council Fire Department.

Potential fire hazards have been noted in the EIS and details of procedures in emergency situations for each case discussed. In particular, details of the grate furnace are described in Section 2.5.8 (d) and Section 7 of the outline specification

Mr Chris Searles's comment stating, the development will not be required to obtain a Fire Safety Certificate under the revised Building Control Regulations, is perplexing. Investigations with the Department of the Environment, Construction Section, have revealed the Building Regulations are under review, however Part B of the 1997 Building Control Regulations referring to Fire Safety, is not being revised at present. In this regard, a Fire Safety Certificate will clearly be required. Notwithstanding this, the design of the building will have a duty of care in terms of safety to meet all planning and building control guidelines and as a strictly operated facility will not be a potential fire hazard.

Mr Paul Dowlings cited concerns regarding a maintenance plan for the combustion chamber and the reluctance of the Applicant to close the plant should maintenance be required. It should be noted, it is in the best interests of the Applicant to maintain all elements of the plant at their optimum level and maintenance will be carried out in line with the manufacturer's instructions. The plant will be equipped with two identical furnaces and boilers specifically to allow maintenance to be carried out on one furnace without interrupting the plant's ability to accept and process waste.

Mr Chris Searles has expressed concerns that the plant will accept toxic waste contained within municipal waste because it is impossible to segregate the two. This is a valid point, however, the plant has been sufficiently designed, with extensive flue gas cleaning, to cope with this scenario without effecting emission outputs or its operations. This household hazardous waste is currently going to non hazardous landfills in Ireland. As part of the EPA Hazardous Waste Plan provisions for separate collection of household hazardous waste are recommended.

#### **2.26 Item 26 – Impact on Character of the Area**

The Carranstown Residents Group, Mr Fergus O'Dowd and The Nulty and Mc Cabe families, have claimed that the proposed development will change the character of the area. In response, it should be clearly noted that the existing area, at the proposed location, has an industrial character, which has been firmly established, by the neighbouring quarry and the Platin Cement Works. The proposed development does not alter this character in any way, it merely changes the character of one field in the surrounding environment. The scale of the proposed development is small in comparison to the neighbouring works and it cannot reasonably be said to dominate.

#### **2.27 Item 27 – Landscape and Visual Impact**

In response to the concerns regarding landscape and visual impact raised by third parties in their appeal to An Bord Pleanála, Wilson Associates, Architects have prepared a detailed response examining each issue in detail. A copy of their report accompanies this letter as Appendix 2.

#### **2.28 Item 28 – Status of Indaver**

In response to the concerns regarding the status of Indaver Ireland and its legal standing raised by third parties in their appeals to An Bord Pleanála, Reddy, Charlton McKnight Solicitors, have prepared a detailed response. A copy of their response accompanies this report as Appendix 8.

Further details of the company profile are included in the EIS in Section 1.2 Indaver Company Profile. It should also be noted members of staff include engineers and chemical engineers.

#### **2.29 Item 29 - Public Private Partnerships for Waste Management**

In response to Mr Chris Searles' appeal, we note waste collection and waste management is normally the remit of the Local Authority. However, to supplement the funding of this enterprise public private partnerships are envisaged in the Waste Management Plan for the North East Region. Thus the partaking of private enterprises in this sector is not at variance with the principles of the plan but is an aid to its implementation. Furthermore, it should be noted that landfills and transfer stations are currently owned and operated as private companies. The accepted role of

the private sector in waste management is outlined in Section 12.4 of the Draft Waste Management Plan.

*"Partnership and further involvement will be developed with the private sector in the provision of new waste collection, recovery and disposal operations where appropriate"*

### **2.30 Item 30 – Construction Impacts**

Concerns regarding impacts during the construction phase of the development raised by Mr Chris Searles are unfounded having regard to the contents of the EIS. In this matter we would contend that construction impacts are adequately dealt with in each section of the EIS.

Construction impacts pertaining to noise are detailed in Section 5.3 of the EIS. In conclusion, construction noise is not expected to have any additional impact on the receiving environment at night-time, every effort will be made to minimise the impacts during the daytime and any impact will occur over a short period of time. In addition noise impacts have also been limited by Condition No. 22 of the Notification of Decision to Grant Permission by Meath County Council in the interest of residential and general amenity.

Construction impacts pertaining to visual amenity are detailed in Section 6.3 of the EIS. In conclusion, visual impacts will be short term and any over spill from light standards will be mitigated using directional lighting. The front of the site will be landscaped and planted at an early stage in the development and this will obscure views of construction activity from the road. The site will be visible from the north. These impacts will be minor and temporary.

Construction impacts pertaining to groundwater are detailed in Section 8.3 of the EIS. In conclusion, there will be no direct discharges to groundwater during the construction phase of the development. Any chemicals, oils, paints or other potentially polluting substances used during construction will be stored in properly bunded areas which will contain any spillages. All domestic effluent generated on site will be discharged to temporary sewage containment facilities prior to transport and treatment off-site. In short this phase of development will not result in any significant negative impacts on the geology, soils and hydrogeology of the site as a result of mitigation measures put in place.

### **2.31 Item 31 – Impacts on Geology and Hydrogeology**

With regard to geology and groundwater concerns raised by Mr Chris Searles, Mr Stephen Ward and O'Neill Town Planning, Section 8.2.4 of the EIS discussed the aquifer, its properties and the monitoring undertaken. The impact of the extraction of groundwater at the site have been discussed in Section 8.2.5 and drilling and pump tests results (Appendix A&B of Attachment 9 of the EIS) indicate a high potential for groundwater development at the site. It is also likely this potential could be increased using a field well approach. Section 8.4 of the EIS describes operational impacts and mitigation measures on the soils and groundwater and found there would be no negative impacts with these in place.



The site geology has been assessed and results are reported in Attachment 9, Soils & Hydrogeological Assessment. This illustrates there are no aspects of the site which would preclude the proposal from going ahead.

O'Neill Town Planning comments regarding correspondence on the planning file from the North Eastern Health Board are misguided. The North Eastern Health Board requested clarification on the location of the incinerator with regard to the WHO 1993 Siting Guidelines. These guidelines refer to hazardous waste facilities only and were used merely as a guideline in this application.

### **2.32 Item 32 – Incineration as a disincentive to recycling and more suitable methods of refuse disposal**

Mr Stephen Ward, Drogheda Corporation, Mr Fergus O'Dowd and O'Neill Town Planning have expressed anxiety regarding the effect of the provision of a waste to energy plant for fear it will discourage more sustainable methods of waste management.

In this regard, such fears are unfounded. The proposed development forms an essential part of a hierarchy of waste management as outlined in the "North East Waste Management Plan" and the policy statement for Waste Management, "Changing our Ways" published by the DOE. The latter of which also states in Section 7.7.1:

*"In general, materials recycling and Waste to Energy incineration are fully compatible in an integrated approach to waste management."*

Such an integrated approach will operate on a commercial, polluter pays basis in the North East Region. Allied to this, there will be a levy on all waste brought to the proposed development which in itself is a deterrent to handling and treating large scale quantities in this manner. This system has the benefit of allocating the cost of pollution to producers and consumers rather than to society at large.

It should also be noted, the proposed plant will treat less than 30% of the waste produced in the North East region and therefore the proposal will never be capable of treating all the Regions waste and other processes will clearly be required.

As mentioned in Section 2.9.3 of the EIS, Prevention of Waste:

*"practical experience in Germany indicates that the extent of recycling is more intensive in regions with incineration plants. In part this is due to a higher level of environmental awareness, but the higher disposal costs associated with incineration, which regulate against excessive production of waste, are also a factor. Similar results have been found in other countries (e.g. Austria and Denmark) which use incineration within their waste management policy."*

Notwithstanding all of the above, a community recycling park is provided at no charge to users to encourage recycling as part of the proposal in line with the National Policy of increasing the number of Community Recycling Parks. A recycling plant for unsorted, dry, recyclable industrial and commercial waste will also be incorporated in the proposal. Neither facilities are in any way cosmetic and will be of great benefit to the Region. The recycling park is predicted to collect approximately 2,000t per annum and the recycling plant for industrial material will be designed to sort 20,000t of waste per annum with an expected recovery rate of 80 per cent.

### 2.33 Item 33 – Air quality

Mr Fergus O'Dowd and Mr John Rogers raise the issue of impact on air quality in the town of Drogheda due to the prevailing wind direction.

The prevailing wind direction is correctly reported to be towards Drogheda from a south westerly direction as is described in the EIS, Attachment 5, Section 5.1. However, the air dispersion model commissioned shows the maximum predicted ground level concentrations in prevailing wind conditions will occur approximately 230m north east of the stack. The model also concludes the atmospheric emissions from the stack do not cause the maximum predicted ground level concentrations of emissions to reach Irish or EU air quality standard limit values, or World Health Organisation guidelines. Considering the vast distance between the maximum predicted ground level concentration, the town of Drogheda and the safety of these predicted levels, the concerns raised are unfounded.

Concerns regarding emissions from Dublin airport traffic raised by Mr Paul Dowlings have been included in the air quality background data collected at the site and are below all guideline limits.

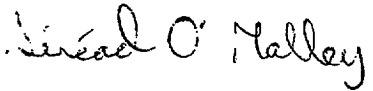
Contrary to the conclusions drawn under this item, the proposed development will not destroy the rural environment in which the objectors live. The EIS submitted with the planning application deals in great detail with the potential impact on the residential amenities of the surrounding area and clearly concludes that the proposed development will not have a significant impact.

With regard to the issue of the potential impact of the proposed development on the health of the objectors, it should be noted that the EIS clearly demonstrates that this will not be the case. Notwithstanding this, the EPA in their consideration of the waste licence application for the proposed development will deal with the issues relating to emissions.

**3.0 CONCLUSION**

In conclusion, we do not agree with the arguments presented by the Third Parties. We trust that the Board will have regard to our response to these unfounded arguments, and will uphold the decision of the Planning Authority to grant permission for the proposed development.

Signed



**Sinead O'Malley**  
**Frank L. Benson and Partners**

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