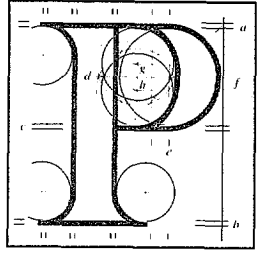


Our Ref: PL 17.126307
P.A.Reg.Ref: 01/4014
Your Ref:

Environmental Protection Agency
Waste Licensing
Received - 6 MAR 2003
Initials *Loged SM*

Environmental Protection Agency
P.O. Box 3000
Johnstown Castle Estate
Co. Wexford.

An Bord Pleanála



03 MAR 2003

Appeal Re: Waste Management facility,
Carranstown, Duleek, County Meath.

Dear Sir/Madam,

An order has been made by An Bord Pleanála determining the above-mentioned appeal under the Local Government (Planning and Development) Acts, 1963 to 1999. A copy of the order is enclosed.

In accordance with article 72A of the Local Government (Planning and Development) Regulations, 1994, as amended, the Board will make available for inspection and purchase at its offices the documents relating to the appeal within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and Board Direction on the appeal on its website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

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Yours faithfully,

Caroline Murphy
Administrative Assistant
Direct Line:

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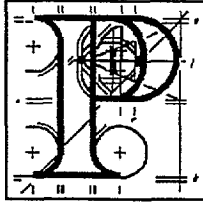
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64 Sráid Maoilbhríde,
Baile Átha Cliath 1.

Tel: (01) 858 8100
LoCall: 1890 275 175
Fax: (01) 872 2684
Web: <http://www.pleanala.ie>
email: bord@pleanala.ie

64 Marlborough Street,
Dublin 1.

An Bord Pleanála



LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1999

Meath County

Planning Register Reference Number: 01/4014

APPEAL by An Taisce of The Tailors' Hall, Back Lane, Dublin and by Indaver Ireland care of Frank L. Benson and Partners of Hainault House, 69-71 Saint Stephen's Green, Dublin and by others against the decision made on the 31st day of July, 2001 by the Council of the County of Meath to grant subject to conditions a permission to the said Indaver Ireland for development comprising a waste management facility consisting of a main process building of 13,480 square metres incorporating a waste reception hall, waste sorting plant, bunker, operations/turbine building, boiler, grate furnace, ash bunker, demineralisation unit, boiler feed pumps, flue gas treatment building solidification unit, AC unit, turbine cooler and 40 metre high stack, ancillary structures will consist of a pump house building of 200 square metres, water storage tank, warehouse building of 890 square metres incorporating security and drivers rest area, administration building of 770 square metres, transformer compound, laydown area, car parks and an on-site puraflo effluent treatment system. The facility will also include a community recycling park incorporating a security building, container storage area and canopied area, road access will be via a new entrance from the R152 approximately three kilometres from Duleek and four kilometres from Drogheda at Carranstown, Duleek, County Meath in accordance with plans and particulars lodged with the said Council:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1999, it is hereby decided, for the reason set out in the First Schedule hereto, to grant permission for the said development in accordance with the said plans and particulars, subject to the conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in the said Second Schedule and the said permission is hereby granted subject to the said conditions.

WLB

Environmental Protection Agency	
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FIRST SCHEDULE

Having regard to –

- (a) the provisions of Section 54(3) of the Waste Management Act, 1996 and Section 98 of the Environmental Protection Agency Act, 1992, which preclude An Bord Pleanála from consideration of matters relating to the risk of environmental pollution from the activities,
- (b) the national waste management policy framework and strategy as set out in Government policy statements “Changing Our Ways” and “Delivering Change” published by the Department of the Environment and Local Government in September, 1998 and March, 2002, respectively,
- (c) the waste management strategy for the North-East region as set out in the North-East Regional Waste Management Plan, 1999-2004, which includes thermal treatment as an integral part of the solution to the management of the region’s waste and identified the need for one such facility in the region,
- (d) the provisions of the current Meath County Development Plan (which by virtue of Section 4 of the Waste Management (Amendment) Act, 2001, is deemed to include the objectives contained in the Regional Waste Management Plan),
- (e) the location of the proposed development in an area where there is an established and permitted industrial land-use pattern, and
- (f) the strategic location of the proposed development in terms of transport infrastructure,

it is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development of a necessary public utility would not seriously injure the amenities of the area, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and development of the area.

WTC

SECOND SCHEDULE

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the particulars received by the planning authority on the 7th and 27th days of June, 2001 and the 23rd day of July, 2001, and in accordance with the provisions of the Environmental Impact Statement as amended, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Appropriate arrangements for the connection of the proposed waste to energy facility to the E.S.B. National Grid transmission lines and the diversion of the 110 kV overhead power lines traversing the application site, to the satisfaction of the planning authority, shall be in place prior to commencement of development.

Reason: In the interest of orderly development.

3. The proposed community recycling park shall be omitted and the area shall be landscaped in accordance with the requirements of the planning authority.

Reason: It is considered that this aspect of the proposed development, which is to serve a local need only and would attract unnecessary car-borne traffic, would more appropriately be located in the local population centre of Duleek.

4. Waste for acceptance at the waste management facility for incineration and recycling/treatment shall be strictly limited and confined to waste generated and produced in the North East Region area of counties Meath, Louth, Cavan and Monaghan. The annual tonnage for thermal treatment/recycling shall not exceed the quantities as identified in the Environmental Impact Statement on an annual basis, that is, 170,000 tonnes per annum.

Each and every consignment of waste, howsoever arriving at the waste management facility, shall be accompanied by a waste certificate, which shall identify the following –

- Waste origin, source and area in which it was produced/generated.
- Waste collection schedules.
- Weight of each consignment.
- Waste collection contractor name and address.
- Composition and nature of waste.

Wt

Environmental Protection Agency Waste Licensing	
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The developer shall submit to the planning authority, on a monthly basis, records of all waste delivered to the site on a daily, weekly and monthly basis, in accordance with the aforesaid waste certificate.

Reason: In the interest of development control and to ensure that the principles of regional waste management as set out in the Regional Plan are adhered to.

5. Prior to commencement of development, the developer shall submit to the planning authority for written agreement details of the proposed public education area as outlined in the revised Environmental Impact Statement section 2.6.3. submitted to the planning authority on the 7th day of June, 2001.

Reason: In the interest of orderly development.

6. A Community Liaison Committee shall be established consisting of a minimum of eight representatives (two officials from the planning authority, two representatives for the developer, two local residents and two elected members of Meath County Council). The composition of the committee shall be subject to the agreement of the planning authority.

Reason: To provide for appropriate on-going review of waste disposal/recycling operations in conjunction with the local community.

7. The developer shall pay to the planning authority an annual contribution towards the cost of the provision of environmental improvement and recreational/community facility projects in the vicinity of the proposed waste management facility. The amount of the contribution, which shall be based on a payment per tonne of waste thermally treated and recycled calculated on annual waste inputs, shall be agreed between the developer and the planning authority or, in default of agreement, shall be determined by An Bord Pleanála. The identification of environmental/recreational/community facility projects shall be decided by the planning authority having consulted the Liaison Committee as provided for in condition number 6.

In the case of expenditure that is proposed to be incurred, the requirement to pay this contribution is subject to the provisions of section 26(2)(h) of the Local Government (Planning and Development) Act, 1963 generally, and in particular, the specified period for the purposes of paragraph (h) shall be the period of seven years from the date of this order.

Reason: It is considered reasonable that the developer should contribute towards the cost of environmental/recreational/community facility projects which will mitigate the impact of the waste facility on the local community in accordance with Government Policy as set out in the "Changing Our Ways" published by the Department of Environment and Local Government in September, 1998.

8. The developer shall pay a sum of money to the planning authority as a contribution towards the expenditure that is proposed to be incurred by the planning authority in respect of the provision of a community recycling park in Duleek. The amount of the contribution and the arrangements for payment shall be agreed between the developer and the planning authority or, in default of agreement, shall be determined by An Bord Pleanála.

Payment of this contribution is subject to the provisions of section 26(2)(h) of the Local Government (Planning and Development) Act, 1963 generally, and in particular, the specified period for the purposes of paragraph (h) shall be the period of seven years from the date of this order.

Reason: It is considered that the provision of a community recycling park, which is proposed as part of this development, would more appropriately be located in the local population centre of Duleek.

9. Prior to commencement of development, the developer shall submit to the planning authority for written agreement design details of the proposed new junction of the waste management facility access road with the Regional Road R152, to include the following –

- (a) Junction layout in accordance with Design Manual for Roads and Bridges,
- (b) surfacing and road construction materials,
- (c) junction marking, delineation and signage,
- (d) drainage details,
- (e) fencing/roadside boundary treatment and landscaping, and
- (f) lighting.

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The full costs of the proposed new junction shall be borne by the developer and the works shall be carried out under the supervision of the Road Design Section of Meath County Council.

Reason: In the interest of traffic safety and development control.

10. (1) Prior to commencement of development, the developer shall submit to the planning authority for written agreement details of a Traffic Management Plan for the control and operation of the proposed new junction during the construction phase.
- (2) The proposed junction and access road inclusive of dust free surfacing shall be carried out and completed to the satisfaction of the planning authority within two months of the commencement of the development.

- (3) The Traffic Management Plan shall be subject to on-going review with the planning authority during the whole of the construction period with review periods being directly related to the levels of construction employees on site.

Reason: In the interest of development control and traffic safety.

11. The developer shall submit to the planning authority for written agreement details of a Traffic Management Plan which shall prohibit traffic associated with the proposed facility from travelling along Regional Road R150, between its junction with Regional Road R153 to the west and the N2 to the east.

Reason: In the interest of traffic and pedestrian safety and to protect existing educational and recreational facilities associated with the village.

12. The developer shall facilitate the planning authority in the archaeological appraisal of the site and in preserving and recording or otherwise protecting archaeological materials or features which may exist within the site. In this regard, the developer shall:-

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:-

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

Prior to commencement of development, a report containing the results of the assessment shall be submitted to the planning authority. Arising from this assessment, the developer shall agree with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be determined by An Bord Pleanála.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation of any remains which may exist within the site.

13. The developer shall fully comply with the "Special Requirements in Relation to Bord Gais" conditions relating to the executing of any works in the vicinity of the Bord Gais distribution mains, which traverse the site.

Reason: In the interest of development control.

14. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

15. Prior to commencement of development, the developer shall submit to the planning authority for written agreement details in relation to temporary car parking facilities for construction employees to include –

- (a) Location and number of spaces to be provided,
- (b) construction details in include road base materials, surfacing details and markings,
- (c) surface water drainage details,
- (d) proposals for the reinstatement of the area on completion of the construction phase.

Reason: In the interest of traffic safety and development control.

16. In addition to the landscape proposals submitted with the application, the proposed screening mounds and landscaping on the perimeter of the waste management facility site shall be carried out during the initial construction phase. Prior to commencement of development, the following shall be submitted to the planning authority for written agreement –

- (a) detailed landscaping of proposed screening mounds to include the proposed types/variety of native species, density of planting, maintenance programme and planting to supplement and strengthen hedgerows and tree belts that are to be retained, and
- (b) a programme outlining the timescale for the implementation of the proposed landscape scheme.

Reason: In the interest of visual amenity.

Wf

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17. All permanent screening bank side slopes, unless otherwise agreed with the planning authority, shall be topsoiled and grass seeded as soon as practicable after their construction. Dust suppression sprays shall be used during periods of dry weather until a stable grass covering has been established.

Reason: In the interest of orderly development and the amenities of the area.

18. Prior to commencement of development, the developer shall submit to the planning authority for written agreement, a detailed lighting design and layout on drawings at scale 1:1,000 for the lighting of the waste management facility to include all internal roads, storage and hardstanding areas, circulation areas between buildings and pedestrian walks.

Details to accompany the above shall include numbers and type of light fittings, locations and orientation of fittings, wattages and height of lighting standards and a planned maintenance programme.

Reason: In the interest of public safety and the amenities of property in the vicinity.

19. Prior to commencement of development, the method and type of markings and the provision of aviation warning lights for the emissions stack shall be agreed in writing with the Irish Aviation Authority and the planning authority. The co-ordinates of the as constructed position of the stack and the as constructed elevation shall be submitted to the Irish Aviation Authority.

Reason: In the interest of public safety, development control and the protection of light aircraft using the surrounding area.

20. The site construction working hours shall be confined to between 0700 and 1900 hours Monday to Saturday, inclusive (excluding public holidays and Sundays) unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential amenity.

21. During the construction phase of the proposed development noise levels at the site when measured at noise sensitive locations in the vicinity shall not exceed 65dB(A) between 0700 and 1900 hours Monday to Saturday inclusive, excluding public holidays and Sundays, and 45dB(A) at any other time.

Noise monitoring locations for the purposes of the construction phase of the proposed development shall be agreed in writing with the planning authority prior to commencement of any development on site.

Reason: To protect the amenities of property in the vicinity of the site.

22. Dust deposition during the construction phase shall not exceed 130 mg/m²/day measured at the site boundaries and averaged over 30 days.

Reason: To prevent airborne dust and to protect the amenities of the area.

23. Prior to commencement of development, the developer shall submit to the planning authority for written agreement, details of temporary settlement ponds/silt traps/oil interceptors to control discharges of site surface water run-off during the construction period in advance of the construction of the proposed permanent attenuation tanks. The concentration of suspended solids (SS) of the surface water run-off from the site construction works, for discharge to surface waters, shall not exceed 30 mg/litre.

Reason: To prevent surface water pollution and to protect the amenity value of watercourses.

24. The developer shall monitor noise, dust deposition and suspended solids of surface water run-off associated with the construction phase and shall submit to the planning authority on a monthly basis a summary report of all such monitoring. The developer shall pay a contribution to the planning authority towards the cost of supervision of check monitoring the development for the duration of the initial construction phase. The amount of the contribution shall be agreed between the development and the planning authority or, in default of agreement, shall be determined by An Bord Pleanála.

Reason: To ensure a satisfactory monitoring of the development. It is considered reasonable that the developer shall contribute towards the cost of check monitoring of the development in the interest of prevention of pollution.

25. The developer shall submit to the planning authority a monthly report of all monitoring in relation to the construction of the development.

Reason: In the interest of development control.

26. During the construction phase of the development, oil and fuel storage tanks, chemicals and all other materials that pose a risk to waters if spilled, shall be stored in designated storage areas, which shall be bunded to a volume of 110 per cent of the capacity of the largest tank/container within the bunded area(s). Filling and draw-off points shall be located entirely within the bunded area(s). Drainage from the bunded area(s) shall be diverted for collection and safe disposal. The use of bunded pallets for storage of drums is acceptable.

Reason: In the interest of orderly development and the prevention of groundwater and surface water pollution.

WJ

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27. During the construction phase, all vehicles, other than private cars and vans, exiting the construction site shall pass through a wheel-wash facility, the details of which shall be submitted to the planning authority for written agreement.

Reason: In the interest of development control.

28. Prior to commencement of development, the developer shall submit to the planning authority for written agreement, detailed plans and proposals for the restoration and reinstatement of the entire site following de-commissioning of the plant. The restoration works shall be completed within two years of the closure of the plant.

Where the planning authority is of the opinion that the plant has ceased to operate for a period in excess of one year and where the developer can offer no reasonable grounds to dispute this opinion, the planning authority shall be empowered to notify the developer to activate the restoration plan as provided for in this condition. In the event of the developer's failure to activate the restoration works, the planning authority shall be empowered to notify the developer of their intention to activate the restoration plan and of their intention, within a period of 60 days, to call upon the financial guarantees referred to under condition 29 hereof.

Reason: To ensure satisfactory restoration of the site in the interest of the amenities of the area and proper planning and control.

29. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit or other security to secure any final restoration measures required to be undertaken under the terms of condition number 28, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the restoration plan. The form and the amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

Reason: To ensure satisfactory completion of the restoration plan in the interest of orderly development.

30. The developer shall pay a sum of money to the planning authority as a contribution towards the expenditure that is proposed to be incurred by the planning authority in respect of road improvement works facilitating the proposed development. The amount of the contribution and the arrangements for payment shall be agreed between the developer and the planning authority or, in default of agreement, shall be determined by An Bord Pleanála.

Wt

Payment of this contribution is subject to the provisions of section 26(2)(h) of the Local Government (Planning and Development) Act, 1963 generally, and in particular, the specified period for the purposes of paragraph (h) shall be the period of seven years from the date of this order.

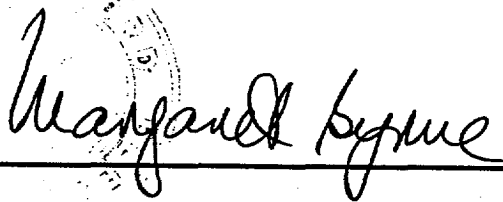
Reason: It is considered reasonable that the developer should contribute towards the expenditure proposed to be incurred by the planning authority in respect of works facilitating the proposed development.

31. The developer shall pay a sum of money to the planning authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of the provision of a public water supply facilitating the proposed development. The amount of the contribution and the arrangements for payment shall be agreed between the developer and the planning authority or, in default of agreement, shall be determined by An Bord Pleanála.

In the case of expenditure that is proposed to be incurred, the requirement to pay this contribution is subject to the provisions of section 26(2)(h) of the Local Government (Planning and Development) Act, 1963 generally, and in particular, the specified period for the purposes of paragraph (h) shall be the period of seven years from the date of this order.

Reason: It is considered reasonable that the developer should contribute towards the expenditure that was and/or that is proposed to be incurred by the planning authority in respect of works facilitating the proposed development.

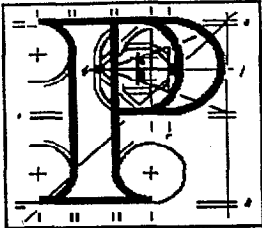
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**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 3rd day of March 2003.

Environmental Protection Agency Waste Licensing Received - 6 MAR 2003 Initials



Board Direction

Ref: 17.126307

The submissions on this file and the Inspector's report were further considered at a Board meeting held on 27th February, 2003.

The Board decided, by a majority of 7 to 2, to grant permission for the following reasons :

Having regard to –

- (a) the provisions of Section 54(3) of the Waste Management Act, 1996 and Section 98 of the Environmental Protection Agency Act, 1992, which preclude An Bord Pleanála from consideration of matters relating to the risk of environmental pollution from the activities,
- (b) the national waste management policy framework and strategy as set out in Government policy statements “Changing Our Ways” and “Delivering Change” published by the Department of the Environment and Local Government in September, 1998 and March, 2002, respectively,
- (c) the waste management strategy for the North-East region as set out in the North-East Regional Waste Management Plan, 1999-2004, which includes thermal treatment as an integral part of the solution to the management of the region's waste and identified the need for one such facility in the region,
- (d) the provisions of the current Meath County Development Plan (which by virtue of Section 4 of the Waste Management (Amendment) Act, 2001, is deemed to include the objectives contained in the Regional Waste Management Plan),
- (e) the location of the proposed development in an area where there is an established and permitted industrial land-use pattern, and
- (f) the strategic location of the proposed development in terms of transport infrastructure,

it is considered that, subject to the conditions in the second schedule, the proposed development of a necessary public utility would not seriously injure the amenities of the area, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and development of the area.

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Environmental Protection Agency	
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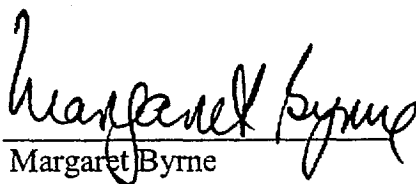
Conditions: See attached draft Second Schedule.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board

- (a) recognised the special siting requirements of a thermal treatment facility,
- (b) had regard to the pattern of existing and permitted industrial development at this location,
- (c) had particular regard to the provisions of the Waste Management Plan for the North East Region 1999-2004 which recognised the role of thermal treatment in the management of the Region's waste and identified the need for one such facility in the region,
- (d) noted that the Regional Plan did not identify any particular site for such a facility but loosely identified four possible locations (one in each county of the region),
- (e) considered that the proposed site was generally suitable as a location having regard, inter alia, to the present and future distribution of waste arisings in the region and its proximity to the M1 and accessibility to the N2,
- (f) did not consider that the proposed development of a public utility with special siting requirements would conflict with the objectives of the Strategic Planning Guidelines for the Greater Dublin Area,
- (g) considered that while the development would have some visual impact the landscape is capable of absorbing the development particularly against the backdrop of the Cement Works and large scale quarry operation and the landscaping /screening measures proposed,
- (h) considered that while the development would have some impact on the residential amenities of property adjacent to the site this was not so serious as to warrant refusal of permission for a development of such public importance, and
- (i) agreed with the inspector's views regarding the unsuitability of the location for the proposed community recycling park and that such a facility should be located in Duleek, the nearest population centre.

A copy of this Board Direction (excluding conditions) to be issued with Order.

Board Member


Margaret Byrne

Date 3rd March, 2003.