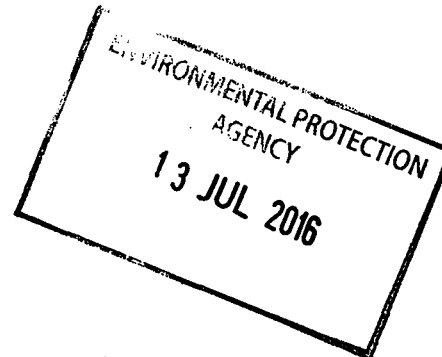


Our Ref: PL04.202198  
 P.A. Reg. Ref: 50214286  
 EPA Ref: W0291-01  
 Applicant's Name: Forge Hill Recycling Ltd.  
 EIS/NIS: EIS

Administration Team  
 Environmental Licensing Programme,  
 Office of Climate, Licensing and Resource Use  
 Environmental Protection Agency  
 P.O. Box 3000  
 Johnstown Castle Estate  
 Co. Wexford



11<sup>th</sup> July, 2016

**Appeal Re: Materials Recovery Facility**

Dear Sir/Madam,

I have been asked by An Bord Pleanála to refer to the above mentioned appeal and your letter dated the 10<sup>th</sup> of June, 2016 requesting comments in relation to an application for a Waste licence or a review of a licence pursuant to the provisions of section 173A (4) of the Planning and Development Act 2000, as inserted by Article 10 of the European Union (Environmental Impact Assessment) (Waste) Regulations 2012.

In respect of the Environmental Protection Agency's request for observations and having regard to the specific queries raised in your letter, the Board would wish to comment as follows:

- (i) Having carried out an initial inspection of documents on the Agency's website, the Board considers that the activity, subject of the current waste licence application, would appear to be materially the same as that for which planning permission was granted, subject to conditions, by the Board on the 6<sup>th</sup> of November, 2003 under An Bord Pleanála appeal reference number PL04.202198. The principal differences include:

**ABP Ref. No. PL04.202198.**

The site was granted planning permission on appeal for a Materials Recovery Facility on the 6<sup>th</sup> of November 2003 subject to 11 conditions. The development permitted under condition no.9 permitted the quantity of material imported into the site shall not exceed 82,000 tonnes per annum. An EIS was submitted with the application.

**Planning history post ABP Ref. No. PL04.202198.**

Since the grant of permission under PL04.202198 the site has been the subject of subsequent planning applications and permissions.

**P.A. Ref. No. 06/5945.**

Permission granted for a substation control room and revised entrance. The grant of permission refers to PL04.202198 as the parent permission.

**P.A. Ref. No. 06/10127.**

Permission granted for the demolition of existing recycling building and construction of new recycling building, extension to waste transfer building and new site exit. The grant of permission refers to PL04.202198 as the parent permission.

**P.A. Ref. No. 15/06426.**

A decision to grant permission was made on the 24<sup>th</sup> of March 2016 for alterations to the existing Materials Recovery Facility. The proposal submitted included the demolition of part of the existing MRF building, the construction of a new partial first floor and extensions to the existing MRF building, modifications to the façade of the MRF building, a new fence along the southern boundary, car parking and all associated site development works.

This decision is the subject of a current first party appeal **ABP PL04.246477 lodged on the 20<sup>th</sup> of April 2016** solely in relation to a development contribution condition and no other aspect of the development as provided for in the Planning Acts.

The application as applied for can proceed in other respects pending the resolution of the contribution condition which is the subject of appeal.

**Comment.**

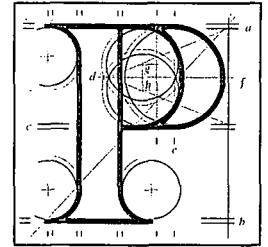
The history of the site post 2003 has been outlined for information.

None of the subsequent applications referred to were the subject of EIA. It is noted that P.A. Ref. No. 15/06426 was the subject of AA screening assessment.

In the assessment of P.A. Ref. No. 15/06426 the planning report considered the development in the context of amendments of an existing and established use of the site as a Materials Recovery Facility and the amendments proposed related to alterations of buildings and internal operations in the facility and site. Previous permissions on the site were of a similar form.

None of the applications permitted since the granting of ABP Ref. No. PL04.202198 would appear to amend or alter the substantive aspects of the development relating to the use of the site or the tonnage intake. The current application for a waste licence refers to 82,000 tonnes per annum which was specified in condition no.9 of ABP Ref. No. PL04.202198.

In this context and an initial inspection of all the documentation on the Agency's website having been carried out, the activity would appear to be the same for which permission was granted subject to conditions by the Board on the 6<sup>th</sup> of November 2003 under ABP Ref. No. PL04.202198.



- (ii) The decision was made by the Board after the carrying out of an environmental impact assessment and the receipt of an Inspector's report on the said case, which includes a section on environmental impact assessment and consideration of key associated issues. The Agency's attention is brought to the issues set out in the Inspector's Report and assessment and the Board's final decision, as set out in the Direction and Order, with particular attention to the Reasons and Considerations and Conditions imposed on the grant of permission.

An electronic disc which contains the documentation relating to the file including the EIS is enclosed.

If you have any queries in relation to this matter, please contact the undersigned officer of the Board.

Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Eddie Brennan  
Executive Officer  
Tel: 01 8737131

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**Registered Post**

# CD Placeholder

This page denotes that a CD entitled “Planning file No. PL.04.202198” was submitted as part of An Bord Pleanála’s response.

The contents of which are listed below.  
The contents are too large to load up onto the Agency’s website however, the original CD can be viewed by request at:-

Licensing Unit,  
Office of Environmental Sustainability,  
EPA,  
P.O. Box 3000  
Johnstown Castle Estate,  
Wexford.  
Tel: 053 9160600

Or by emailing the Agency at [Licensing@epa.ie](mailto:Licensing@epa.ie)

## Contents of Disc

Materials Recovery Facility, Forge Hill, Kinsale Road, Ballycurreen, Co.cork

File Number PL.04.202198

Reg. Ref. S/02/4286

- 1) File to Deposit form 7<sup>th</sup> November, 2003
- 2) Board Order 6<sup>th</sup> November, 2003
- 3) Submission of Draft/Directed Order 6<sup>th</sup> November, 2003
- 4) Board Direction 5<sup>th</sup> November, 2003
- 5) Inspector's Report 6<sup>th</sup> October, 2003
- 6) -14) Photos
- 16) Correspondence Form 17<sup>th</sup> September, 2003
- 17) Letter from Fehily Timoney & Co. dated 15<sup>th</sup> September, 2003
- 18) Waste Licence
- 19) Waste Licence Cover Sheet
- 20) Letters to EPA, WB O'Flaherty, MW Consultants & Cork Co. Co. dated 7<sup>th</sup> August, 2003
- 21) EPA Recommendation
- 22) Office Memo
- 23) Section 131 form
- 24) Correspondence Form
- 25) Letter from Fehily Timoney & Co. dated 24<sup>th</sup> June, 2003
- 26) Notification of Waste Licence application dated 19<sup>th</sup> May, 2003
- 27) Waste Licence Proposed Decision (cover sheet)
- 27a Waste Licence Proposed Decision (text)
- 28) Letters to Fehily Timoney & Co., WB O'Flaherty, MW Consultants & Cork Co. Co. dated 16<sup>th</sup> July, 2003 August, 2003



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- 29) Section 126 Notice 16<sup>th</sup> July 2003
- 30) Form 6
- 31) Letter to WB O'Flaherty dated 12<sup>th</sup> June, 2003,
- 32) Letter to Fehily Timoney & Co. dated 12<sup>th</sup> June, 2003
- 33) Letter to M.W. Consultants dated 12<sup>th</sup> June, 2003
- 34) Letter to Cork Co.Co. dated 12June, 2003
- 35) Office Memo dated 12<sup>th</sup> June, 2003
- 36) E.I.S. Recommendation
- 37) Office Memo dated 29<sup>th</sup> May, 2003
- 38) Memo re EIS notice
- 39) Letter from Cork Co. Co. dated 9<sup>th</sup> June, 2003
- 40) Screening Assessment
- 41) Section 131 form
- 42) Correspondence form
- 43) Fehily Timoney & Co. Response rec'd 17<sup>th</sup> April, 2003
- 44) Drawings relating to Response (43) rec'd 17<sup>th</sup> April, 2003
- 45) Drawings relating to Response (43) rec'd 17<sup>th</sup> April, 2003
- 46) File to Draughtsperson Form
- 46)b BP 09 to Cork Co Co dated 8<sup>th</sup> April, 2003
- 47) Note to AA
- 48) Letter from Cork Co Co dated 17<sup>th</sup> March, 2003
- 49) Checklist Appeal Documents
- 50) Notification of decision to Grant dated 18<sup>th</sup> February 2003
- 51) Manager's Order dated 17<sup>th</sup> February, 2003
- 52) Planner's Report dated 13<sup>th</sup> February, 2003
- 53) Reply to registered Letter dated 10<sup>th</sup> January, 2003

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- 54) Fehily Timoney & Co. Response to request for Further Information rec'd 23<sup>rd</sup> December, 2002
- 55) Cover letter with response to F.I. rec'd by PA 23<sup>rd</sup> December, 2002
- 56) Drawings relating to response to F.I. rec'd by PA 23<sup>rd</sup> December, 2002
- 57) Letter from Cork Co Co to IPODEC Irl. Ltd dated 19<sup>th</sup> November, 2002
- 58) Planner's Report dated 19<sup>th</sup> November, 2002
- 59) Letter from Cork Co Co dated 14<sup>th</sup> November, 2002
- 60) Letter from Kevin Fitzgerald dated 30<sup>th</sup> October, 2002
- 61) Letter from Karl Murphy dated 25<sup>th</sup> October, 2002
- 62) Letter from MW Consultants undated
- 63) Cover letter from WB O'Flaherty dated 23<sup>rd</sup> October, 2002
- 64) Objection from WB O'Flaherty dated 23<sup>rd</sup> October, 2002
- 65) Planning Application Report (Dept. Infrs. & Development) 21<sup>st</sup> November, 2002
- 66) Report by SEO Sanitary Capital Projects 21<sup>st</sup> October, 2002
- 67) Letter from Cork Co Co to Sanitary Capital Projects 21<sup>st</sup> October, 2002
- 68) Planning Application Report (Water) dated 29<sup>th</sup> October, 2002
- 69) Planning Report (Carrigaline Area) 23<sup>rd</sup> October, 2002
- 70) Letter from Cork Co Co to Environment officer 14<sup>th</sup> October, 2002
- 71) Cork Co Co Report Form
- 72) Development Contributions
- 73) Report of Executive Engineer
- 74) Report of Executive Engineer (cont'd)
- 75) Part of Application rec'd by PA 27<sup>th</sup> September, 2002 from Fehily Timoney on behalf of Ipodec Ireland Limited.
- 76) Application for Housing form rec'd by PA 27<sup>th</sup> September, 2002
- 77) Cover Letter with application rec'd by PA 27<sup>th</sup> September, 2002
- 78) Planning Appeal rec'd by PA 27<sup>th</sup> September, 2002

- 79) Copy of Planning Appeal rec'd by PA 27<sup>th</sup> September, 2002
- 80) Newspaper Notice rec'd by PA 27<sup>th</sup> September, 2002
- 81) Site Notice rec'd by PA 27<sup>th</sup> September, 2002
- 82) Letter to Southern Tapes & Packaging Ltd. Dated 8<sup>th</sup> May, 2003 & Cork Co Co dated 8<sup>th</sup> April, 2003
- 83) Observer Form (invalid)
- 84) Further Appeal Form
- 85) Planning Appeal MW Consultants rec'd by ABP 14<sup>th</sup> March, 2003
- 86) Acknowledgement from Cork Co Co MW Consultants rec'd by ABP 14<sup>th</sup> March, 2003
- 87) Letter from O'Keeffe Insulation Services Ltd rec'd by ABP 14<sup>th</sup> March, 2003
- 88) Copy of letter from Karl Murphy dated 12<sup>th</sup> March, 2003 rec'd by ABP 14<sup>th</sup> March, 2003
- 89) Drawings from MW Consultants rec'd by ABP 14<sup>th</sup> March, 2003
- 90) Traffic Report from MW Consultants rec'd by ABP 14<sup>th</sup> March, 2003
- 91) Drawings from MW Consultants rec'd by ABP 14<sup>th</sup> March, 2003
- 92) Drawings from MW Consultants rec'd by ABP 14<sup>th</sup> March, 2003
- 93) Drawings from MW Consultants rec'd by ABP 14<sup>th</sup> March, 2003
- 94) Photos from MW Consultants rec'd by ABP 14<sup>th</sup> March, 2003
- 95) Technical Opinion on the EIS rec'd by ABP 14<sup>th</sup> March, 2003
- 96) Letter to MW Consultants dated 21<sup>st</sup> March, 2003
- 97) Further Appeal Form 14<sup>th</sup> March, 2003 (MW Consultants Ltd. Invalid)
- 98) Envelope re above
- 99) New Appeal Form (City Link Park) 13<sup>th</sup> March, 2003
- 100) Receipt from Cork Co Co (rec'd with appeal 13<sup>th</sup> March, 2003)
- 101) Appeal from WB O'Flaherty (City Link Park) 13<sup>th</sup> March, 2003
- 102) Drawings rec'd with application 27<sup>th</sup> September, 2002 from Fehily Timoney & Co. on behalf of Ipodec Ireland Limited (also included 2 ABP internal maps).

Revision to EIS, Vol.1 Non-Technical Summary, Vol. 2 Main Report, Vol.3 Appendices