

# ATTACHMENT NUMBER B1

## Applicants Details

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**Attachment B1.1**

**Applicant Registration Details & List of Applicant  
Representatives**

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## B1.1 APPLICANT REGISTRATION DETAILS & LIST OF APPLICANT REPRESENTATIVES

### 1. APPLICANT REGISTRATION DETAILS

The applicant is registered in Ireland as a branch (registration no. E4443) of Indaver N.V., a Belgian registered company (Antwerpen no. 254.912) with registered offices at 2030 Antwerpen Poldervliepweg 24, Belgium. The address of the applicant is 4 Haddington Terrace, Dunlaoghaire, Co Dublin.

### 2. LIST OF APPLICANT REPRESENTATIVES

- John Ahern – Ireland – Authorised person
- Laura Burke - Ireland
- Desmond Green – Ireland – Authorised person
- Eoin O'Sullivan - Ireland
- Ronnie Ansoms - Belgium
- Guido Ex - Belgium
- Paul De Bruycker - Belgium
- Michel Decorte – Belgium

#### The directors of Indaver N.V.

- Frank Parent
- Frank Van Sevenscoten
- Frank Gerard
- Gerrt Maes
- Roger Maenhaut
- Ivo Van Vaerenberg
- Achiel Ossaer
- Luc Sterckx
- Ludo Verhoeven
- Jacques Claeys
- Wilfred Van Den Heuvel
- Yvan Dupont

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**Attachment B1.2**

**Official letter confirming that Indaver Ireland has  
been registered as a branch of Indaver NV**

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# Companies Registration Office

## An Oifig um Chlárú Cuideachtaí

Parnell House  
14 Parnell Square  
Dublin 1

Tel: (01) 8045200  
Fax: (01) 8045222

Your Reference: RAR

Mr. Robert Reid  
Indaver Ireland  
4 Haddington Terrace  
Dun Laoghaire  
Co. Dublin

18th August, 2000

### Letter of Confirmation

#### External Companies

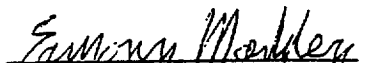
Pursuant to EU. (Branch Disclosure) Regulations, 1993

INDAVER BV PLC - E4443

Dear Mr. Reid,

I refer to your recent application to have a branch of the above external company registered in Ireland on the required F12 form with the appropriate documents in order. The relevant fee of £50 is received with thanks.

This confirms that the branch has been registered today pursuant to Section 7 of the above Regulations

  
Eamonn Madden  
External Companies Section  
Phone direct - (01) 8045347

**Attachment B1.3**

**Certificate of Incorporation of Indaver NV**

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**Johan Kiebooms**  
**Notaris**

ANTWERPEN, this 9th of June 2000.

successor *Baudouin Cols*

04688

CERTIFICATE OF INCORPORATION

I, the undersigned, Johan KIEBOOMS, Master of Law, Notary Public at 2000 Antwerpen 1 (Belgium), Will Tellstraat 3, do hereby declare and certify in judicio as follows :

1. The name of the company is "INDAVER".
2. The company is a naamloze vennootschap (limited liability company) organized under Belgian law.
3. The registered office of the company is at 2030 Antwerpen, Poldervlietweg 24.
4. The company is entered in the register of commerce at Antwerpen under number 254.912.
5. The company has been formed on the twenty-fourth of October nineteenhundred and eighty-five by deed executed before notary Baudouin COLS at Antwerpen, made public in the annexes to the Belgian Official Gazette (Belgisch Staatsblad/Moniteur Belge) on the fifteenth of November nineteenhundred and eighty-five, under number 851115-209.

The Articles of Association have several times been amended and for the last time by decision of the extraordinary general meeting held on the thirtieth of July nineteenhundred and ninety-nine, made public in the annexes to the Belgian Official Gazette (Belgisch Staatsblad/Moniteur Belge) on the twentieth of August nineteenhundred and ninety-nine, under number 990820-154.

6. In form and contents the formation of this company and its Articles of Association comply with the legal provisions in force in Belgium.
7. The capital of the company amounts three billion fivehundred and twenty-three million eighthundred thousand Belgian francs (BEF.523.800.000), represented by one million ninehundred and fourteen thousand ninehundred and forty (1.914.940) shares with no face value, of which :
  - one million thirty-seven thousand threehundred and ninety-eight (1.037.398) shares "A";
  - eighthundred and fifty-seven thousand fivehundred and forty-two (857.542) serie "B";
  - twenty thousand (20.000) shares "C".

The capital has entirely been subscribed for and is entirely paid in.

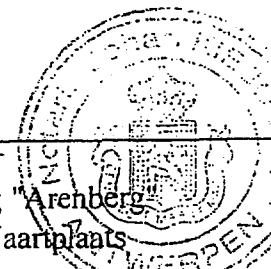
8. According to article 21 of its Articles of Association the company is validly represented in court and in all transactions by two directors acting jointly of which one (1) director "A" and one (1) director "B".

Furthermore the company is validly represented in court and in all transactions of daily management by the persons appointed to that effect, acting severally or jointly according the decisions of the board of directors.

Willem Tellstraat 3  
2000 Antwerpen

Tel. (03)233.59.74 - Fax (03)232.41.58  
GKB 068-2169494-19

Parking "Arenberg"  
Oude Vaartplaats



9. By decision of the annual general meeting held on the nineteenth of April twothousand, not yet made public in the annexes to the Belgian Official Gazette (Belgisch Staatsblad / Moniteur belge) the following twelve (12) persons have been appointed or reappoint as directors of the company to hold office until the closing of the annual general meeting of the year twothousand and one (2001) :

Directors "A"

1. Mister Frank PARENT, chairman, domiciled at 3020 Herent, Kerselarenweg 18.
2. Mister Frank VAN SEVENCOTEN, director, domiciled at 2800 Mechelen, Kamunik De Deckerstraat 23.
3. Mister Frank GERARD, director, domiciled at 2100 Deurne (Antwerpen), Langbaanvelden 139.
4. Mister Geert MAES, director, domiciled at 2820 Bonheiden, Hondshoek 3.
5. Mister Roger MAENHAUT, director, domiciled at 9000 Gent, Coupure Rechts 172.
6. Mister Ivo VAN VAERENBERG, director, domiciled at 2980 Zoersel, Zoerselhofdreef 40.

Directors "B"

7. Mister Achiel OSSAER, vice-chairman, domiciled at 2970 Schilde, Liersebaan 129.
8. Mister Luc STERCKX, director, domiciled at 2930 Brasschaat, Ericalaan 8.
9. Mister Ludo VERHOEVEN, director, domiciled at 2980 Zoersel, Oostmallebaan 28.
10. Mister Jacques CLAEYS, director, domiciled at 2950 Kapellen, Frans De Peuterstraat 2.
11. Mister Wilfried VAN DEN HEUVEL, director, domiciled at 2950 Kapellen, Lobelialaan 33.
12. Mister Yvan DUPON, director, domiciled at 2900 Schoten, Schijndallei 22.

10. The company is neither bankrupt, nor in suspension of payment; on the contrary it is enjoying an excellent reputation and it is in no way restricted or limited in the exercise of its rights.

Drawn up in good faith at Antwerpen, in witness whereof I, notary, have set my hand and seal on the date first written above.



Johan KIEBOOMS  
Notary



APOSTILLE.

(Convention de La Haye du 5 octobre 1961).

1. Land : België

Deze openbare akte

2. is ondertekend door Kiebooms

3. handelende in hoedanigheid van Notaris

4. is voorzien van het zegel / stempel van Antwerpen

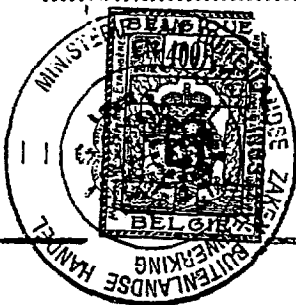
Voor echt van datum 14-06-2000

5. te Brussel

7. door het Ministerie van Buitenlandse Zaken,  
Buitenlandse Handel en Ontwikkelingssamenwerking

8. onder nr 434984

9. Zegel / Stempel : 10. Ondertekening :



*M. deaer*

Deze legalisatie waarborgt niet de authenticiteit van de inhoud van het document.

**Attachment B1.4**

**Figure B1.1: Applicants Ownership Details**

**There is a memorandum of agreement between Mary Anne Campbell Quinn and Geraldine Elizabeth Campbell O'Brien and Indaver NV for the purchase of the lands, which are subject of this licence application as shown on the attached figure.**

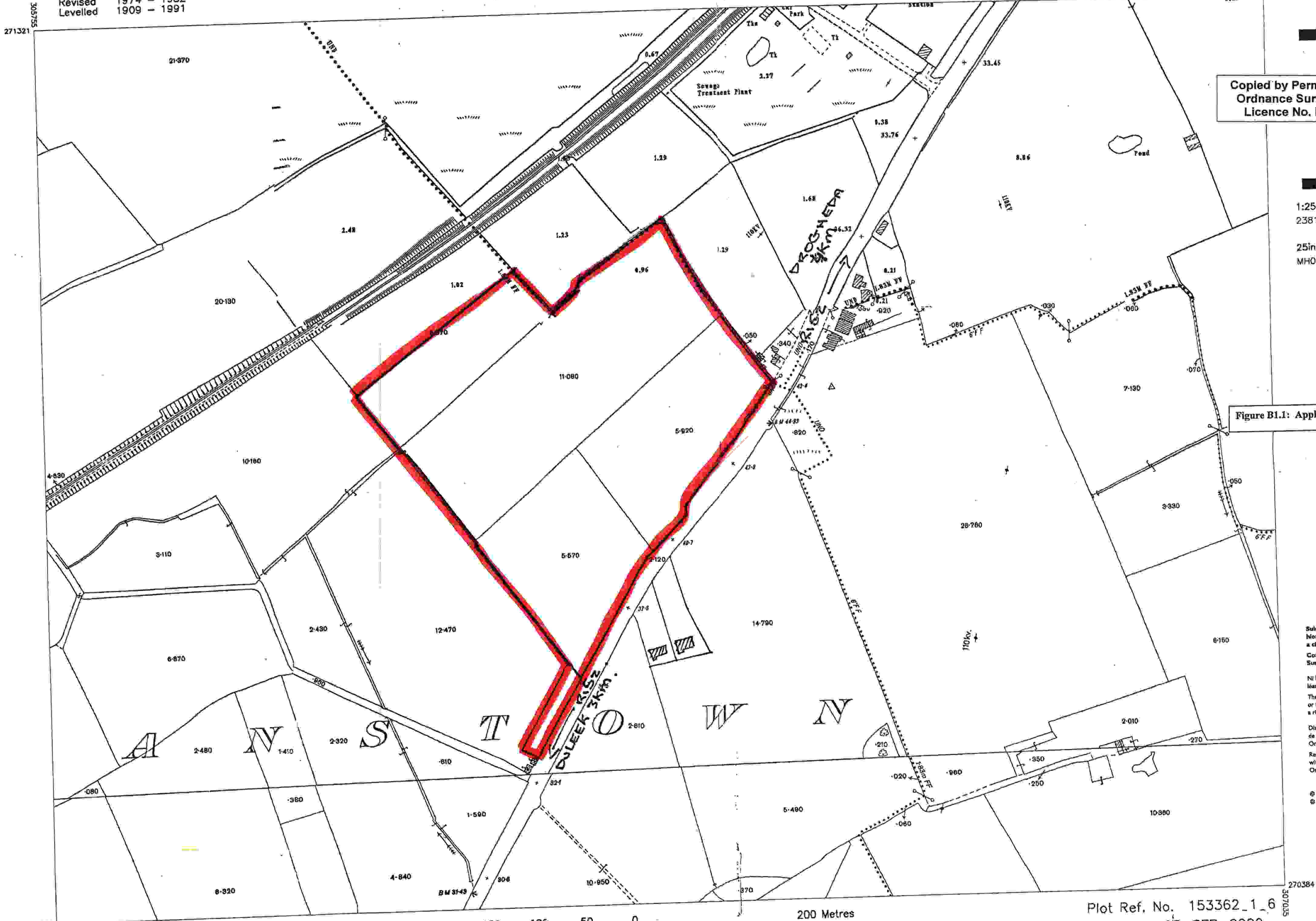
**Attached also is authorisation given by Indaver NV to Indaver Ireland Management to apply for this waste licence for the proposed waste management facility.**

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# Rural PLACE Map



Surveyed 1909 - 1993  
 Revised 1974 - 1982  
 Levelled 1909 - 1991



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**MAP SCALES**  
 1:2500  
 2381-D  
 25inch  
 MH027-06 MH027-02



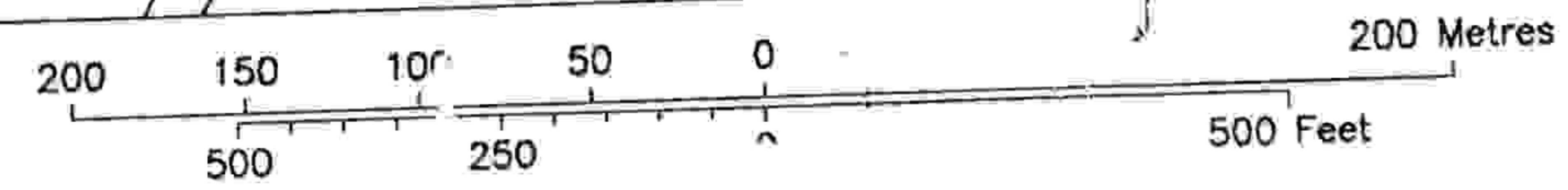
Figure B1.1: Applicants Ownership Details



Sulbhéireacht Ordánais Éireann, Páirc an  
 Inneoinice, Baile Átha Cliath a thionsaigh,  
 a chéig agus a d'hoiligh.  
 Compiled, printed and published by Ordnance  
 Survey Ireland, Phoenix Park, Dublin.  
 Ní hionann bóthar, béalach nó coisín a bheith ar an  
 léarscáil seo agus fianaise ar chread eile.  
 The representation on this map of a road, track  
 or footpath is not evidence of the existence of  
 a right of way.  
 Dlíocht ar mhacasamhlán an iomláin ná aon chuid  
 de gan chred roimh re ó Stáitóir Shulbhéireacht  
 Ordánais Éireann.  
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Scale: - 1:2500  
 Scála: - 1:2500



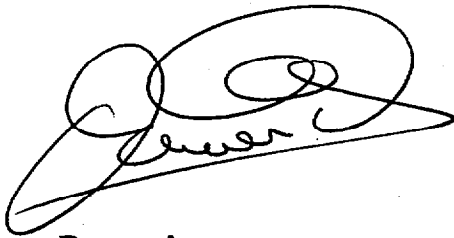
Plot Ref. No. 153362\_1\_6  
 Plot Date 25-SEP-2000

# INDAVER

Indaver NV, Poldervlietweg, B-2030 Antwerpen, Belgium hereby gives authorization to Indaver Ireland, 4 Haddington Terrace, Dunlaoghaire, Co. Dublin, Ireland to apply for all necessary consents including Planning Permission, Fire Safety Certificate and an IPC and Waste Licence for a Waste Management Facility in Carranstown Co. Meath, the lands being subject matter of an option agreement dated 2<sup>nd</sup> March 2000 between Mary Anne Cambell – Quinn and Geraldine Elizabeth Cambell- O'Brien and Indaver NV.

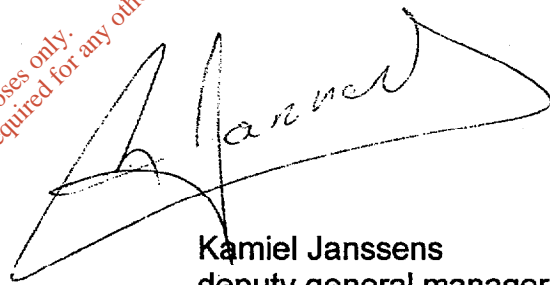
SIGNED

INDAVER NV



Ronny Ansoms  
general manager

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Kamiel Janssens  
deputy general manager

## ATTACHMENT NUMBER B2

### Location of Activity

#### Contents

**Attachment B2.1**    **Figure B2.1: Ordnance Survey Map showing Site Boundary**

**Attachment B2.2**    **Figure B2.2: Site Location Map**

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# Placeholder

This page has been inserted to indicate that content has been extracted from this location in the document and has been stored in a separate file.  
(This is due to file size issues.)

The extracted content can be found in the following electronic pdf file:

Application Form-Volume 1 -  
Drawing-1

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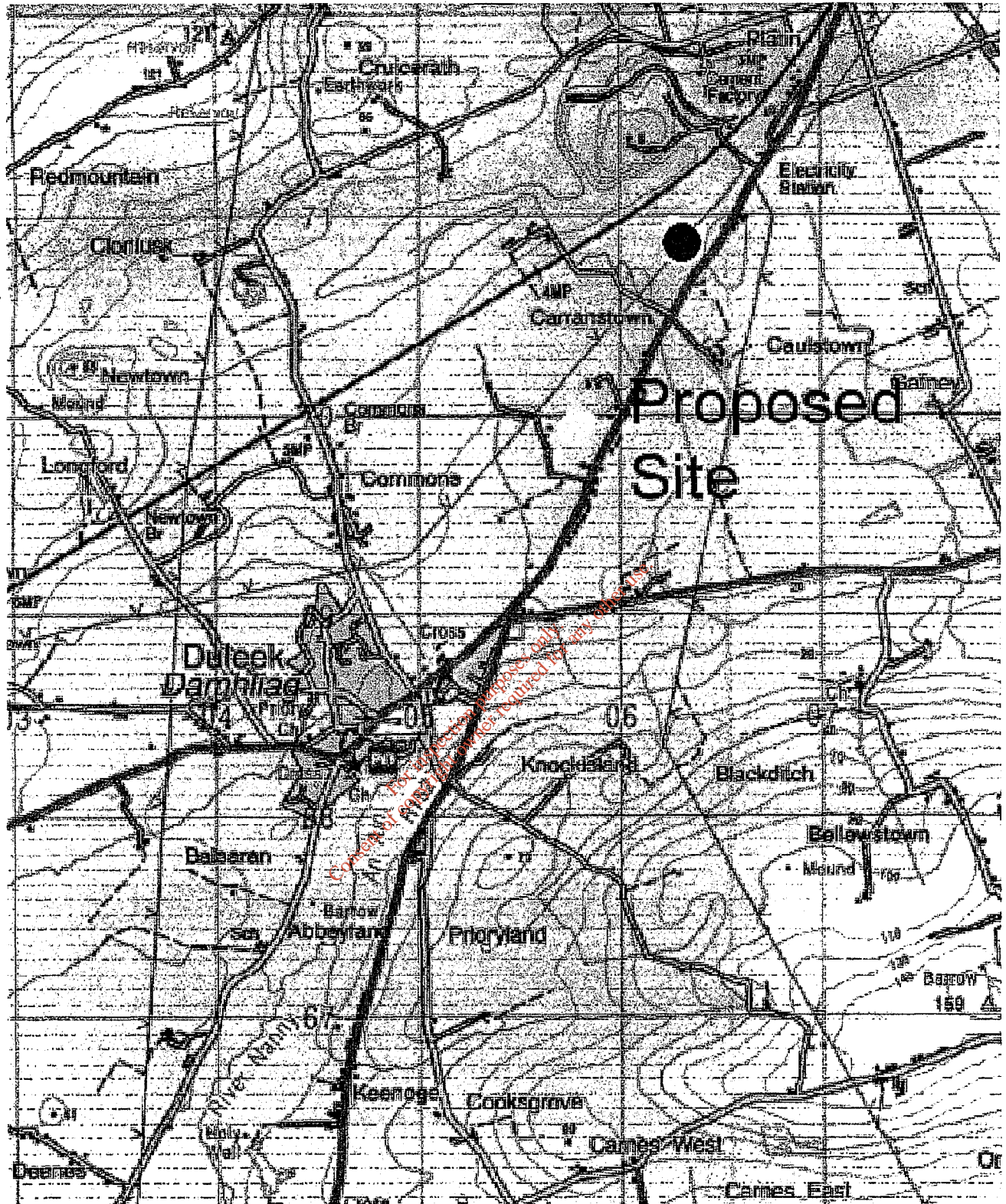


Figure B2.2: Site Location Map

## ATTACHMENT NUMBER B3

### Planning Authority

#### Contents

**Attachment B3.1 Notification of Decision to Grant Planning Permission by Meath County Council. Planning Ref. No. 01/4014**

**Indaver Ireland are happy with all conditions of the notification other than part of Condition 3. Indaver has appealed this condition to an Bord Pleanala.**

**Attachment B3.2 Copy of Indaver Ireland's Appeal to an Bord Pleanala**



**Attachment B3.1**

**Notification of Decision to Grant Planning  
Permission by Meath County Council, Planning  
Ref. No. 01/4014**

**Indaver Ireland are happy with all conditions of the  
notification other than part of Condition 3.  
Indaver has appealed this condition to an Bord  
Pleanala.**

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MEATH COUNTY COUNCIL


Planning Section  
County Hall  
Navan  
Co. Meath

Tel: 046-21581

Local Government (Planning and Development) Acts 1963 to 2000

NOTIFICATION OF DECISION TO GRANT

To: Indaver Ireland  
C/O Project Management Ltd  
Killakee House  
Tallaght  
Dublin 24

 Rec'd	Original to File No: 002666 21 C100
Date:	- 2 AUG 2001
Copy to:	MICHAEL EGAN
Action:	MARIA GLOVER

PLANNING REFERENCE NUMBER: 01/4014  
APPLICATION RECEIPT DATE: 15/01/2001  
FURTHER INFORMATION DATE: 07/06/2001

FILE ORIG.

In pursuance of the powers conferred upon them by the above mentioned Acts, Meath County Council has by order dated 31 July 2001 decided to **GRANT** permission to the above named for development of land, in accordance with the documents submitted namely:

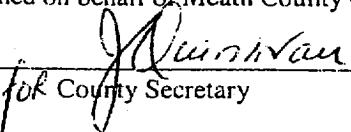
A Waste Management Facility at Carranstown, Duleek, Co. Meath. The facility will consist of a Main Process Building of 13,480 sqm incorporating a Waste Reception Hall, Waste Sorting Plant, Bunker, Operations/Turbine Building, Boiler, Grate Furnace, Ash Bunker, Demineralisation Unit, Boiler Feed Pumps, Flue Gas Treatment Building, Solidification Unit, AC Unit, Turbine Cooler, and 40m high stack.

Ancillary structures will consist of a Pump House Building of 200 sqm, Water Storage Tank, Warehouse Building, of 890 sqm incorporating Security and Drivers Rest Area, Administration Building of 770 sqm, Transformer Compound, Laydown Area, Carparks 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 3 km from Duleek and 4 km from Drogheda. Following further information the site boundary has been altered to incorporate a deceleration lane, the entrance detail has been revised to remove the acceleration lane.

This decision is subject to the 30 conditions set out in the Schedule attached.

Signed on behalf of Meath County Council

Date: 31 July 2001

  
for County Secretary

Provided there is no appeal against this DECISION a grant of planning permission will issue at the end of one month. (see footnote).

**THIS NOTICE IS NOT A GRANT OF PERMISSION AND WORK SHOULD NOT COMMENCE UNTIL GRANT OF PLANNING PERMISSION HAS ISSUED.**

NOTE:

1. Any appeal against a decision of a Planning Authority under Section 26 of the Act of 1963 may be made to An Bord Pleanala. Any person may appeal WITHIN ONE MONTH beginning on the date of the decision.
2. Appeals should be addressed to An Bord Pleanala, Floor 3, Blocks 6 & 7, Irish Life Centre, Lower Abbey Street, Dublin 1. An appeal by the applicant should be accompanied by this form. In the case of an appeal by any other person, the name of the person, particulars of the proposed development and the date of the decision of the Planning Authority should be stated. The fee for an appeal against a decision of a Planning Authority, on a planning application relating to commercial development, made by the person who made the planning application is £300. Commercial development includes the provision of two or more dwellings. The fee for other appeals is £120. An appeal will be invalid unless accompanied by the appropriate fee.
3. Submissions or observations to the Board on or behalf of a person (other than the applicant) as regards an appeal made by another person must be accompanied by a fee of £36.

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01/4014

### Schedule of Conditions

1. The development shall be carried out in accordance with the plans and particulars submitted on 15<sup>th</sup> January 2001 as amended by submissions of 7<sup>th</sup> June 2001, 27<sup>th</sup> June 2001 and 23<sup>rd</sup> July 2001 and in accordance with the provisions of the Environmental Impact Statement as amended.
2. This permission shall be conditional on the following and no development shall be carried out on foot of this permission until:
  - a) Permission has been obtained by the ESB for the connection of the proposed waste to energy facility to the ESB National Grid transmission lines and the diversion of the 110kv overhead power lines traversing the application site.
  - b) The Environmental Protection Agency has granted a Waste Management Licence.

**Reason:** It is considered reasonable and in the interests of orderly development, development control and the proper planning and sustainable development of the area that the proposed development being intrinsically linked to the above related developments that require separate planning permissions should not commence until such permissions have been obtained.

3. 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 i.e. 172,000 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, inter alia, 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.

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.

4. Prior to the commencement of development the developer shall submit for the written agreement of the Planning Authority details of the proposed public education area as outlined in the revised EIS-Section 2.6.3 submitted on 7-6-2001.

**Reason:** In the interest of development control.

5. A Community Liaison Committee shall be established consisting of a minimum of eight representatives (two officials from the Planning Authority, two representatives from 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.

6. 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 shall be based on the payment of £1.00 per tonne of waste thermally treated and recycled calculated on annual waste inputs. The identification of environmental/recreational/community facility projects shall be decided upon by reference to the Community Liaison Committee as provided for in Condition No. 5 hereof.

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 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 for the area in which the waste management facility is situated.

7. Prior to the commencement of the development the developer shall submit for the written agreement of the Planning Authority, Road Design Section, Meath County Council design details of the proposed new junction of the waste management facility access road with the Regional Road R152, to include, inter alia, 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.
- (f) Lighting.

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

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

8. Prior to the commencement of the development the developer shall submit for the written agreement of the Planning Authority and the Roads Authority details of a Traffic Management Plan for the control and operation of the proposed new junction during the construction phase.

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.

The Traffic Management Plan shall be subject to on-going review with the Planning Authority and the Roads 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.

9. No alterations shall be carried out to public roads without the prior agreement of the Planning Authority.

**Reason:** In the interest of traffic safety and public safety.

10. The developer shall pay to the Planning Authority the sum of £250,000 as a contribution to the expenditure to be incurred in the improvements and alterations to public roads by the Council to serve the development. Payment of this sum shall be made prior to commencement of development. The above sum shall apply until 31<sup>st</sup> December 2001 and shall be subject to review on that date and to annual review thereafter unless previously paid.

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 of seven years from the date of this order.

**Reason:** It is considered reasonable that the developer should contribute towards the expenditure that is proposed to be incurred by the Council in respect of road improvements to facilitate the proposed development.

11. The developers shall send written notification to the National Monuments Service, Department of Arts, Heritage, Gaeltacht and the Islands of its intention to carry out site preparation works at the proposed development site at least four weeks in advance of the commencement of works.

The developer shall employ a qualified archaeologist under license from the National Monuments Service, to monitor topsoil stripping, digging of trenches for foundations and services and all ground works associated with the development.

Should archaeological material be found during the course of monitoring, the archaeologist shall have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the National Monuments Service of Duchas the Heritage Service, with regard to any necessary mitigating action (e.g. preservation *in situ*, or excavation) and shall facilitate the archaeologist in recording any material found.

The archaeologist shall prepare and submit a report, describing the results of archaeological monitoring to the Planning Authority and the National Monuments Service within six weeks following the completion of archaeological monitoring on site.

**Reason:** To ensure proper planning and development of the area and to facilitate the recovery and recording of archaeological material.

12. 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.

13. Prior to the commencement of the development the developer shall submit for the written agreement of the Planning Authority and the Sanitary Authority details of the proposed sanitary facilities to be installed during the construction period and to include, inter alia,

- a) Number of toilets, washing facilities, ventilation arrangements etc.
- b) Proposals for the removal and disposal of effluent off-site by a licensed waste collection contractor to an approved waste disposal facility.
- c) Proposals for the removal of facilities off-site on completion of the construction period and to include for full restoration and sterilization of the area.

**Reason:** In the interest of public health and health and safety of on-site construction personnel.

14. Prior to the commencement of the development the developer shall submit for the written agreement of the Planning Authority details in relation to temporary car parking facilities for construction employees to include, inter alia,

- a) Location and number of spaces to be provided.
- b) Construction details to 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.

15. The potable water shall be via the public watermain only. A sluice valve and water meter shall be fitted at the point of take off and shall be located outside the site curtilage in the public road or grass margin. Details of the proposed connection shall be agreed in writing with the Sanitary Authority.

**Reason:** In the interest of public health and development control.

16. The developers shall pay to Meath County Council the sum of £ 15,000 as a contribution towards expenditure that was and/or that is proposed to be incurred by the Council in respect of public water supply facilitating the proposed development. Payment shall be made on the commencement of construction. The charge herein referred to shall apply for the period from the date of this permission to 31st December 2001 and will be subject to annual review thereafter on that date unless previously paid.

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 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 Council in respect of public water supply facilitating the proposed development.

17. 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 and prior to the



commencement of the development the following shall be submitted for the written agreement of the Planning Authority:

- (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.
- (b) A programme outlining the time scale for the implementation of the proposed landscape scheme.

**Reason:** In the interest of visual amenity.

18. 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 development control and in order to minimize the risk of pollution to the environment.

19. Prior to the commencement of the development the developer shall submit for the written agreement of the Planning Authority 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, inter alia, 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 to protect the surrounding residential amenity and agriculture practice from light pollution.

20. Prior to the commencement of the 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 in WSG-84 of the as constructed position of the stack and the as constructed elevation shall be submitted to the IAA.

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

21. Site construction working hours shall be confined to between 0700 – 1900 hours Monday to Saturday inclusive (excluding public holidays and Sundays) unless otherwise agreed in writing with the Planning Authority.

**Reason:** To protect the residential amenities of the area.

22. During the initial construction period BATNEEC(best available technology not entailing excessive costs) shall be employed by the developer to minimise noise from the construction operations and shall have regard to British Standard BS 5228: 1997 “ Noise Control on Construction and Open Sites”.

(a) Site noise as defined in BS 5228:1997 shall not exceed during the initial construction period the following criteria:

LAeq (1hour)	Time period.
65 dB(A)	0700 hours- 1900 hours Monday –Saturday inclusive excluding public holidays and Sundays.
45dB(A)	Any other time.

at any noise sensitive premises in the locality when measured in accordance with Annex E of BS 5228:1997: Part 1. An appropriate correction shall be applied in the case of tonal or impulsive components in the measurements of noise in accordance with the provisions of ISO 1996.

(b) Construction equipment shall comply with SI 320 1988 2 European Communities Construction Plant and Equipment (Permissible Noise Levels) Regulations 1988”

**Reason:** In the interest of residential and general amenity.

23. Dust deposition during the construction phase shall not exceed 130 mg/m<sup>2</sup>/day measured at the site boundaries and averaged over 30 days.

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

24. Prior to the commencement of the development the developer shall submit for the written agreement of the Planning Authority 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.

25. 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 the Planning Authority the sum of £3,500 per annum as a contribution towards the cost of supervision of check monitoring the development for the duration of the initial construction phase.

**Reason:** To ensure a satisfactory monitoring of the development and it is considered reasonable that the developer should contribute towards the cost of check monitoring of the development in the interests of prevention of pollution.

26. The developer shall submit to the Planning Authority a monthly report of all monitoring in relation to construction of the development.

**Reason:** In the interest of development control.

27. 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% 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 etc is acceptable.

**Reason:** In the interest of proper planning and development and prevention of groundwater and surface water pollution.

28. 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 and agreed, in writing, with the Planning Authority.

**Reason:** In the interest of development control.

29. Prior to the commencement of the development the developer shall submit for the written agreement of the Planning Authority 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 developers 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 30 hereof.

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

30. Prior to the commencement of the development the developer shall establish a fund dedicated to providing for the full costs of restoration/reinstatement proposals as provided for in condition No. 29 hereof. The developer shall provide satisfactory security in order to guarantee the availability of the fund in the event of financial failure or any other default. The type of security shall be agreed in writing and lodged with the Planning Authority.

In the event of the non-completion of the restoration/reinstatement works, the Planning Authority shall be empowered to apply the funds or part thereof for the satisfactory completion of the restoration/reinstatement of any part of the development.

The amount of the fund shall not be less than £1,500,000 and shall be indexed in accordance with the Wholesale Price Index- Building and Construction (Capital Goods) as published by the Central Statistics Office.

**Reason:** To ensure satisfactory completion of the development and to provide for the restoration of the site and in the interests of orderly development.

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**Attachment B3.2**

**Copy of Indaver Ireland's Appeal to an Bord  
Pleanála**

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PLANNING, DEVELOPMENT AND LANDSCAPE CONSULTANTS

The Secretary  
An Bord Pleanála  
3rd Floor  
Irish Life Centre  
Lower Abbey Street  
Dublin 1

28 August, 2001

**Re: Proposed Waste Management Facility at Carranstown, Duleek, Co. Meath.**

**Meath Co. Co. Register Reference : 01/4014**

## 1.0 INTRODUCTION

### 1.1 Status Of The Appeal

This First Party Appeal has been prepared by Frank L. Benson and Partners on behalf of the Applicant, Indaver Ireland, 4 Haddington Terrace, Dun Laoghaire, Co. Dublin. It relates 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. A copy of the Notification is set out as Appendix A. A cheque in the sum of £300 representing the Appeal fee is also enclosed.

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.

Whilst welcoming in principle the positive decision of the Planning Authority, there is one Condition attaching to the Notification that our Client believes is inappropriately worded and may lead to potential legal problems outside of the applicant's control if left unchanged. The said Condition, Condition No 3 forms the basis for this Appeal, which requests its amendment from a subsequent grant of planning permission.

## 2.0 GROUNDS OF APPEAL

### 2.1 Condition No. 3

Condition No. 3 states:

*"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 i.e. 172,000 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, inter alia, 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.*

*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."*

The stated reason for the imposition of this condition is given as:

*"In the interest of development control"*

Our Client's concerns with this condition relate to two of its three elements, this is the responsibility for ensuring that the waste arriving at the site has come from the North East Region and the imposition of waste certification on the community recycling park element of the proposed development.

#### 2.1.1 Responsibility For Ensuring That The Waste Arriving At The Site Has Come From The North East Region

Our client accepts the principle of this condition, in that it confirms their intention to give waste arising in the North East Region priority at the facility, however, the manner in which the condition is expressed could, in fact, subvert its intention and expose the company to potential future enforcement proceedings. The condition in its current form relies on our Clients having control over the waste being delivered to the site. Our Client cannot be expected to conclusively determine where every piece of waste arriving at the facility has come from. The following scenarios clearly illustrate this point.

- Scenario 1** If a waste collector using the facility operates close to one of the North East Region's county borders (e.g. Enfield, Co. Meath is 0.9 miles from the Kildare border) and collects waste from across the county border as part of the collection route, this would result in waste being accepted at the facility from outside the region.
- Scenario 2:** It is anticipated that waste collectors in the region will compact and bale their waste prior to transferring it to the facility in order to minimise traffic volumes on the road network. Therefore, the facility will accept material from the baling stations located throughout the region. If waste material entering the baling station is generated / produced from outside the region (as scenario 1) Indaver again would be in breach of condition 3.
- Scenario 3:** If a resident from outside the North East Region is driving by the facility and decides to use the community recycling park (e.g. to recycle glass bottles), this would result in Indaver accepting waste that was generated outside the region, and thus contravene the planning condition.

Our Client has clearly stated that this facility will always give priority to waste generated in the North East Region. Through verifiable adherence to throughput limits, waste identification and registration of waste collection operators, our Client will ensure that waste produced within the North East Region is always given priority at the Carranstown facility. However, the company cannot with certainty exclude the scenarios outlined above.

We respectfully submit that Condition no.3 does not take due cognisance of the nature of existing waste collection practices in the region. The four counties of the North East border six other counties in the Republic – Dublin, Kildare, Offaly, Westmeath, Longford and Leitrim. Commercial collection of waste has become "trans-county", similarly, the movement of waste between counties is dynamic. It is reasonable to say that some waste generated within this region is also disposed of outside the four counties of the North East. While the impact of these trans-county collections will have no effect on overall waste levels received at the proposed development - as the plant has a defined capacity - they would nevertheless constitute a breach of condition 3.

Allied to the practicalities of implementing this condition as outlined above, there is the issue of the legality of the imposition of such a condition. As the Board is aware, in order for a condition to be considered legally valid, it must not be unreasonable. In particular, the factors that it intends to influence must be within the applicant's control. In this regard, we respectfully refer the Board to *British Airports Authority v. Secretary of State, 1979 S.L.T. 197*, in which the Scottish Court of Sessions held that a condition attached to a planning permission, which required the applicant to control the direction of planes taking off and landing at Aberdeen Airport, was *ultra vires* as this was outside the applicants control.



## 2.1.2 Waste Certification On The Community Recycling Park

With regard to the part of this condition which requires that waste arriving at the proposed development has a waste certificate, our Client contends that the use of such certificates in the operation of the Community Recycling Park would be unreasonable. An example of the difficulty in operating this system is listed in scenario 4 below:

**Scenario 4:** A resident in the local area wishes to recycle a number of glass bottles in the Community Recycling Park. Upon arrival at the park, the resident will be required to produce a waste certificate detailing the origin, source and area in which the bottles were produced, the collection schedule involved in bringing the bottles to the park, the weight of the bottles, the residents name and address, and the composition and nature of the material they wish to recycle.

By implementing this condition as stated, our client believes that full participation in recycling at the park will not be achieved. Therefore in the interests of increasing recycling levels in the local area our Client wishes to have this part of the condition amended to exclude the need for waste certification of any waste being deposited in the Community Recycling Park.

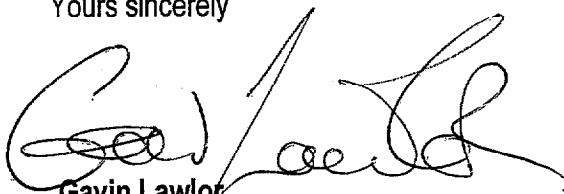
## 3.0 CONCLUSION

It is considered that Condition no. 3 as imposed by Meath County Council is inappropriately worded. In particular, we respectfully submit that it is unreasonable of the Planning Authority to impose a condition requiring the applicant to do something which is outside their control. Allied to this the imposition of waste certification on the community recycling park will result in it being under utilised and will be a barrier to encouraging the community to use the facility.

Therefore, it is requested that the Board in this instance amend Condition No. 3, as it considers appropriate.

We look forward to receiving an early and favourable response on this matter.

Yours sincerely



**Gavin Lawlor**  
**Associate Partner**  
**Frank L. Benson and Partners**

## ATTACHMENT NUMBER B4

### Sanitary Authority

#### Contents

**There are no attachments because there will be no discharge of trade effluent to a sewer of the sanitary authority.**

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