

Comhairle Chontae Uíbh Fhailí

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## Offaly County Council

Áras an Chontae,  
Charleville Road,  
Tullamore,  
Co. Offaly.



Your Ref: WO 113-04

Mr. Brian Meaney,  
Inspector,  
Office of Climate, Licensing & Resource Use,  
Environmental Protection Agency,  
Headquarters, P.O. Box 3000,  
Johnstown Castle Estate,  
County Wexford.

17 APR 2013

12/4/2013.

**Re: PL2/12/250 – KMK Metals Recycling Ltd.- Site at Cappincur Industrial Estate, Tullamore.**

Dear Sir,

I refer to your letter received on the 11<sup>th</sup> April 2013 regarding the above application and now enclose herewith as requested as a copy of our Further Information request dated 28/11/2012 and a copy of applicant's reply dated 21/12/2012.

Yours faithfully,



Administrative Officer  
Planning Office.



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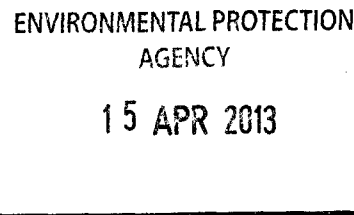
OFFALY COUNTY COUNCIL

File Ref. PL2/12/250

Planning Section  
Áras an Chontae  
Charleville Road  
Tullamore  
Co. Offaly

Date: 28/11/12

KMK METALS RECYCLING LIMITED  
c/o NIALL NALLY,  
NALLY ENVIRONMENTAL,  
DRUMCREE,  
COLLINSTOWN,  
CO. WESTMEATH.



**DEVELOPMENT** PERMISSION FOR A CHANGE OF USE OF 7 NO. PERMITTED INDUSTRIAL BUILDINGS FROM WAREHOUSE STORAGE USE TO USE FOR THE PROCESSING OF WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (WEEE), WASTE METALS AND METALLIC BASED MATERIALS, AS FOLLOWS: BUILDING A, TOTAL GROSS FLOOR AREA 473 SQ M, BUILDING B, TOTAL EXISTING GROSS FLOOR AREA 473 SQ M; BUILDING C, TOTAL GROSS FLOOR AREA 473 SQ M; BUILDING D (HANGER) TOTAL GROSS FLOOR AREA 927 SQ M; BUILDING D (WEEE) TOTAL GROSS FLOOR AREA 1,841 SQ M; BUILDING D 4 TOTAL GROSS FLOOR AREA 920 SQ M (COMPRISING CENTRAL AREA 391 SQ M, D4-R AREA 318 SQ M AND D4-L AREA 211 SQ M); AND; BUILDING E TOTAL GROSS FLOOR AREA 1,120 SQ M. OTHER WORKS ARE PROPOSED TO BUILDING E INCLUDING A NEW ESB SUBSTATION (24.5 SQ M), AN ESB SWITCH ROOM (14.4 SQ M), ANCILLARY ACCOMMODATION (33.1 SQ M) ON THE GROUND FLOOR AND FIRST FLOOR OPEN PLAN OFFICES (82 SQ M). THE UPGRADING OF THE EFFLUENT TREATMENT SYSTEM INVOLVES THE PROPOSED INSTALLATION OF AN ADDITIONAL WASTE WATER TREATMENT TANK WITH A SUBSEQUENT SAND FILTER UNIT COVERING AN AREA OF 95 SQ M. THE PROPOSED DEVELOPMENT INCLUDING THE INCREASE IN THE ANNUAL WASTE INTAKE TO 35,000 TONNES IS THE SUBJECT OF A CURRENT EPA WASTE LICENCE REVIEW APPLICATION REF. W0113-04. AN ENVIRONMENTAL IMPACT STATEMENT (E.I.S.) AND A NATURA IMPACT STATEMENT (N.I.S.) HAVE BEEN SUBMITTED WITH THIS PLANNING APPLICATION.

**LOCATION:** CAPPINCUR INDUSTRIAL ESTATE, TULLAMORE, CO. OFFALY.

Dear Sir/Madam,

In considering this application, it has been found necessary to request further information. This further information request is set out on the attached form and is essential for a full and proper evaluation of the application.

Following a response to the above request, the Planning Authority may determine that the information received contains significant additional data. **In that event**, you will be requested to give further notice in an approved newspaper under Article 35 (1) (a) of the Planning and Development Regulations 2001-2012, and also to erect or fix a site notice on the land or structure to which the further information relates in accordance with Article 35 (1) (b). In such circumstances, the 4 week period for determining the application will begin on the date the applicant gives copies of the required notices to the Planning Authority. Where the Planning Authority considers that the notices published in accordance with Articles 35 (1) (a) and (b) do not adequately inform the public, the Planning Authority may also require the applicant to give such further notices in such a manner and in such terms as the authority may specify. **The applicant should note that it is the function of the Planning Authority to determine whether the information received is significant.**

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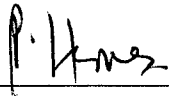
**File Reference:** PL2/12/250

The 4 weeks for making a decision does not begin until the Planning Authority considers that the Further Information request has been fully complied with.

**In the event of the Further Information request not being fully answered within the period of six months from the date of this request, the planning application shall be declared to be withdrawn.**

Where the collation of Further Information might take longer than 6 months e.g. in the case of an application accompanied by an EIS, an additional period not exceeding 3 months can be agreed with the consent of the Planning Authority.

Yours faithfully



Administrative Officer

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## **File Reference: PL2/12/250**

Application for permission for a change of use of 7 no. permitted industrial buildings from warehouse storage use to use for the processing of waste electrical and electronic equipment (WEEE), waste metals and metallic based materials, as follows: Building A, total gross floor area 473 sq m, Building B, total existing gross floor area 473 sq m; Building C, total gross floor area 473 sq m; Building D (hanger) total gross floor area 927 sq m; Building D (WEEE) total gross floor area 1,841 sq m; Building D 4 total gross floor area 920 sq m (comprising central area 391 sq m, d4-r area 318 sq m and d4-l area 211 sq m); and; Building E total gross floor area 1,120 sq m. Other works are proposed to building E including a new ESB substation (24.5 sq m), an ESB switch room (14.4 sq m), ancillary accommodation (33.1 sq m) on the ground floor and first floor open plan offices (82 sq m). The upgrading of the effluent treatment system involves the proposed installation of an additional waste water treatment tank with a subsequent sand filter unit covering an area of 95 sq m. The proposed development including the increase in the annual waste intake to 35,000 tonnes is the subject of a current EPA Waste Licence Review Application ref. W0113-04. An Environmental Impact Statement (E.I.S.) and a Natura Impact Statement (N.I.S.) have been submitted with this planning application at Cappincur Industrial Estate, Tullamore, Co. Offaly - KMK Metals Recycling Limited

### **Further Information**

1. The impacts identified in the sections of the EIS relating to Climate & Air Quality, Noise, Soils and Geology and Water were determined to be either marginal or minimal. There were no significant impacts identified. Table 14.2.1 of chapter 14 of the EIS also provides a summary of the impacts which have been ranked according to the likely effect on the environment. All of the impacts identified were assigned either positive impact or no impact ranking.

The Planning Authority considers that the EIS generally does not describe adequately the likely significant effects of the proposed development on the environment. For example the likely significant effect of noise at sensitive locations, dust particles being released into the atmosphere, or spillages to receiving waters should be described as well as measures proposed or implemented (which are described in the EIS) which mitigate such effects. The EIS should address specifically effects on the environment due to the proposed intensification from 28,000t to 35,000t throughput. The applicant is invited to submit revised particulars to address these issues. The applicant is strongly advised to contact Offaly County Council Environment Section to discuss this issue in advance of a formal response to this further information request.

2. In relation to environmental impacts of interaction of impacts it is noted that the applicants have submitted a blank table with no information, in section 13. Please submit a response to this issue.

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**File Reference:** PL2/12/250

3. The application proposes to increase the waste received and processed at the site by 75%. Please therefore provide a traffic management plan that details:
  - (a) The management of incoming traffic at the site.
  - (b) All loading and loading operations.
  - (c) The management of departing traffic at the site.
  - (d) All parking provision.
  
- 4 Section 5.2.1 of the EIS refers to parking on the main access road hindering access to the facility. Please submit proposals for road markings and signage that clarify priority on roads in and around the site in the industrial estate as far as the public road.

**"Please note 6 copies of all Further Information must be submitted. Additional copies may also be requested by the Planning Authority if required."**

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Senior Executive Officer,  
Planning Department,  
Offaly County Council,  
Aras an Chontae,  
Charleville Road,  
Tullamore,  
Co Offaly.



20<sup>th</sup> December 2012.

**Re:- Planning application for KMK Metals Recycling Ltd, site at Cappincur Industrial Estate, Daingean Road, Tullamore, Co Offaly. Planning Ref: PL2/12/250**

Dear Sir/Madam,

In relation to the planning application lodged with your department (ref: 12/250) and further to your request for **FURTHER INFORMATION** dated 28<sup>th</sup> November 2012, we Nally Environmental acting as environmental consultants and planning application agents to KMK now respond directly to all items raised in your letter as follows;

**Item 1.**

*The impacts identified in the sections of the EIS relating to Climate and Air Quality, Noise, Soils and Geology and Water were determined to be either marginal or minimal. There were no significant impacts identified. Table 14.2.1 of chapter 14 of the EIS also provides a summary of the impacts which have been ranked according to the likely effect on the environment. All of the impacts identified were assigned either positive impact or no impact ranking.*

*The Planning Authority considers that the EIS generally does not describe adequately the likely significant effects of the proposed development on the environment. For example the likely significant effect of noise at sensitive locations, dust particles being released into the atmosphere, or spillages to receiving waters should be described as well as measures proposed or implemented (which are described in the EIS) which mitigate such effects. The EIS should*

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*address specifically effects on the environment due to the proposed intensification from 28,000t to 35,000t throughput. The applicant is invited to submit revised particulars to address these issues. The applicant is strongly advised to contact Offaly County Council Environment Section to discuss this issue in advance of a formal response to this further information request.*

**Response:**

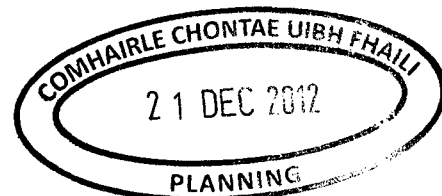
The EIS document was prepared in accordance with the EPA document 'Guidelines on the information to be contained in Environmental Impact Statements' (2002).

Section 1.4 of the EIS fully describes the development history of the KMK site both in terms of planning development and a succession of Waste Licences granted by the EPA. The established site is therefore in operation for many years, with all emissions and impacts being closely self monitored, reported and also monitored by the EPA as the Waste licence regulator. During this time, there have been no notable significant effects or impacts from KMK to the environment as KMK have always applied best industry practice to their equipment, plant, buildings and environmental controls.

In the EIS document, sections 6 Climate and Air Quality, 7 Noise, 8 Soils and Geology and 9 Water all adequately describe the impacts of the existing activity and mitigation measures proposed to take into consideration the increase in waste acceptance and incorporation of new plant within the site. There were no significant effects determined for the proposed development on the environment.

In terms of ambient dusts from general yard activities on-site, these are measured annually as part of the waste licence. The annual dust monitoring conducted for the month of August 2011 did show elevated general dust levels at two locations and also some aluminium detected in two samples. The reason for elevated dusts was attributed to increased construction traffic, construction activities and the fact that some ground had not been fully concreted, thus contributing to clay being carried on lorry wheels in and around the site. The dust levels now are significantly reduced. Annual dust monitoring conducted during August 2012 and reported in October 2012 shows all samples well below the EPA limits and aluminium levels in the dusts were reduced significantly also. The reasons for full compliance with the EPA limits are identified as; cessation of construction activities, all concrete yard surfaces were fully finished and in use and KMK using their own dedicated mobile road sweeper on-site.

Section 6.4 of the EIS describes the impacts and mitigation measures for the emission point associated with the WEEE treatment operations. All monitoring conducted on this emission point are shown to be well below the set EPA limits for this emission point both in terms of dust levels emitted and volumes of air flows. Section 6.5 of the EIS therefore states '*Existing monitoring data and technical specification information of the stack air emissions and treatment system shows that the present emissions are comparable to best practices within the industry and not environmentally significant i.e. the emissions properties are; dry, ambient temperature, minor particulates, low metal concentrations*'.



Section 7 of the EIS addresses the issue of noise at the facility. Section 7.4 specifically identifies the issue of sensitive noise receptors around KMK and states *'There are no identified housing estates or high density population zones in close proximity to the Cappincur Industrial Estate, until you cross the N52 Tullamore By-Pass road. Once-off style linear housing does occur along the Ballinagar road to the north. These houses are therefore the closest Noise Sensitive Receptors to the KMK facility'* and *'There is no direct line of site from any of the operational activities at the KMK facility and dwellings located on the L-2025 Ballinagar road'*. Therefore, the design of the KMK site has taken into consideration a reduction of noise at source by locating all processing activities furthest away from noise sensitive locations.

In addition, all waste processing activities occur inside buildings on-site. The EIS states *'..the acoustic environment around the KMK facility, within the Cappincur Industrial Estate, is approximately a LAeq of 60 - 70 dB. All primary noise sources are contained within the building structures of the facility, with forklifts and truck movements operating outside'*. In terms of any significant noise effects off-site, it is a scientific fact that noise attenuates over distance. Further to this, Table 7.5.1 of the EIS predicts the attenuation of the higher noise level of 70dB(A) (typical of the industrial estate) over a distance of 160meters. It was therefore predicted in the EIS that *'..a noise value of 70 dB will decrease to approximately 47dB at a distance of 150m'* whereby 150m is the closest dwelling garden to the nearest boundary of KMK.

Section 7.5 of the EIS further establishes the existing likely background residential noise levels around Cappincur of 54dB(A) from field measurements taken. This higher background noise level is attributable to a number of factors as stated in the EIS. *'...proximity to the N52 By-Pass... to road traffic on the road... proximity to other operational facilities within and adjacent the Cappincur Industrial Estate'*. This noise level is compared with the *'..higher likely impact from activities at the KMK facility...of 55 dB at sensitive receptors, based upon measurement of activities on site, and distance attenuation. This gives a marginal increase of 1dB above the residual noise levels'*. Using BS 4142:1997, a document designed for the purposes of assessing the likely impact of industrial noise on mixed residential and industrial areas, the EIS concludes that *'..for complaints to be minimised, and therefore to be having as low an acoustic impact as possible, the acoustic effect from the operation of the facility should be less than 5dB above the residual noise present'*. This is the case with KMK's operations whereby a difference of 1dB is achieved. It should also be noted that the development is not applying for any infrastructural or plant changes to the site that will cause notable variations to the noise arising from future site activities.

Section 9 of the EIS addresses impacts to surface waters and mitigation measures associated with the proposed development. This includes a list of interceptors, silt traps and attenuation tank on-site for treatment of all yard water run-off occurring during rainfall before discharge to the land drain along the west boundary of the site. The EIS makes reference to *'An investigation of impacts to the land drain from CX and DX was initiated in August 2011 at KMK which included sampling up-stream and down-stream of the discharge outlets CX and DX. A completed impact report was submitted to the EPA in November 2011 and is included in Appendix 9.1. This report concluded that there is little to no reduction in the water quality of the land drain downstream of the discharge points CX and DX'*. The wastes being and proposed to be accepted at KMK are dry with minimal potentials for spillages.



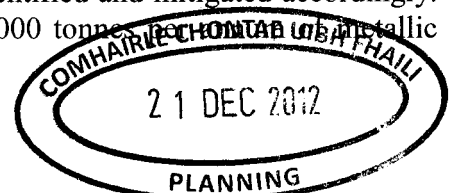
The minimal instances for accepting liquid containing wastes will be accommodated by dedicated bunded building as described in Table 2.5.1 Building B of the EIS with full containment.

With respect to the issue of increasing waste intake, processes and activities, these are all described in Sections 2 and 3 of the EIS. Section 3.2 states '*KMK proposes to increase the capacity of the overall site from 20,000 tonnes to a maximum of 35,000 tonnes per year, of metals and Waste Electrical and Electronic Equipment (WEEE). In light of the 'Duty and Stand-by Capacity Report' submitted to the Environmental Protection Agency in 2009, this report concluded that there is adequate storage facilities at the site for additional tonnages of WEEE in a safe and secure manner.*' To further elaborate on this and specifically effects on the environment, it is important to consider the previous point of the succession of waste licences granted by the EPA. Therefore, the first waste licence was granted on 20<sup>th</sup> December 2001 for the acceptance of 5,000 tonnes per annum of metallic wastes. This was succeeded by the second waste licence on 29<sup>th</sup> August 2005 for the acceptance of 10,000 tonnes per annum of metallic wastes. The third and present waste licence was granted on 9<sup>th</sup> April 2008 for the acceptance of 20,000 tonnes per annum of metallic wastes. All these increases were duly considered by the EPA at each application stage and granted accordingly. To further understand these increases it is imperative to also consider the actual total site area at each stage, these are tabulated below;

Waste licence permitted tonnages/year	KMK site buildings	Building floor areas (m <sup>2</sup> )	Total site area (m <sup>2</sup> )
5,000	A,B,C & admin buildings	1,557	2,457
10,000	A,B,C, D-Weee building, D-Hanger building & admin buildings	4,333	6,110
20,000	A,B,C, D-Weee building and D-Hanger building, D4, D4L, D4R & admin buildings	5,460	8,205
35,000 (applied)	A,B,C, D-Weee building and D-Hanger building, D4, D4L, D4R and E building & admin buildings	6,580	12,982

Hence the progression of waste intake increases all occurred with corresponding site footprint increases to effectively accommodate increases in business activity.

Furthermore, the progression of increases in waste acceptance from 5,000 tonnes, to 10,000 tonnes to 20,000 tonnes, all occurred without significant environmental impacts as EPA fully sanctioned waste licences at every proposed increase. This is due to the positive development of KMK using best available technologies, plant, equipment, design and robust environmental monitoring schedules. The environmental management system certified to ISO14001:2004 ensures both present and future environmental impacts are identified and mitigated accordingly. The present waste licence application to the EPA is for 35,000 tonnes of metallic wastes.





wastes and similarly, this increase will be assimilated within the existing company infrastructures and practices at KMK without any significant effects to the environment.

In relation to traffic, the KMK site within Cappincur Industrial Estate is excellently serviced by the N52 Tullamore By-pass road. The closest roundabout on this road is less than 500m from KMK's entrance and all KMK traffic has unhindered access to the by-pass without having to travel through any urban congregations or densely populated areas of Tullamore. KMK contests that Cappincur Industrial Estate is better serviced by the N52 Tullamore By-pass road than any other industrial estate in Tullamore town.

**Item 2.**

*In relation to environmental impacts of interaction of impacts it is noted that the applicants have submitted a blank table with no information, in section 13. Please submit a response to this issue.*

**Response:**

A summary table of the interactions of the impacts was prepared as part of the EIS document. Unfortunately, during the document conversion from word to pdf, the format of the table changed to portrait. This regrettable formatting error resulted in a blank table being printed. The correct format is landscape and Table 12.8.1 is attached to this response which forms Page 188 of the EIS document.

Please note that this table functions as a summary interactions matrix table of impacts versus receptors and that the actual impacts, effects and mitigation measures are fully presented in all previous chapters of the EIS as submitted. Therefore the submission of the blank table in error is not considered a substantial deficiency of information within the EIS.

**Item 3.**

*The application proposed to increase the waste received and processed at the site by 75%. Please therefore provide a traffic management plan that details:*

- (a) The management of incoming traffic at the site.*
- (b) All loading and loading operations.*
- (c) The management of departing traffic at the site.*
- (d) All parking provision.*

**Response:**

This information is contained in various sections throughout the EIS as detailed below.

The management of incoming traffic at the site is described in Section 5.3.4 of the EIS.





All loading and unloading operations are described within Section 2.5 and Table 2.5.1 as part of Site Processes at KMK.

The management, departing of traffic and all parking provisions are contained in the drawings pack as submitted with the planning application at that time. In addition, please refer to Drawing No: 12-022-P07 rev 1 as per item 4 below.

**Item 4.**

*Section 5.2.1 of the EIS refers to parking on the main access road hindering access to the facility. Please submit proposals for road markings and signage that clarify priority on roads in and around the site in the industrial estate as far as the public road.*

In response to this, please refer to the following drawings attached;

Drawing No: 12-022-P07 rev1 truck routes in and around the site

Drawing No: 12-022-P10 rev- road markings and signage layout.

We trust this information is to your satisfaction and look forward to a favourable decision at your earliest convenience.

Yours Sincerely



Niall Nally B.Sc, M.Sc, AEMA, MCIWM

Senior Environmental Consultant (Nally Environmental)

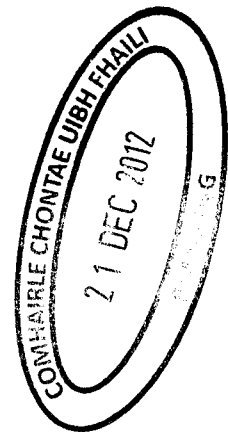


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**Table 12.8.1 Interactions of the Foregoing**

	Receptor									
	Human Beings	Traffic & Transport	Air Quality	Noise	Soils & Geology	Surface Water	Ground Water	Visual Landscape	Flora	Fauna
Human Beings		*	*	*		*	*	*	*	*
Traffic & Transport	*		*	*						
Air/Odour	*									
Noise	*									*
Soils & Geology						*	*			
Surface Water	*							*	*	*
Ground Water	*									
Visual Landscape	*									
Flora						*				*
Fauna									*	*

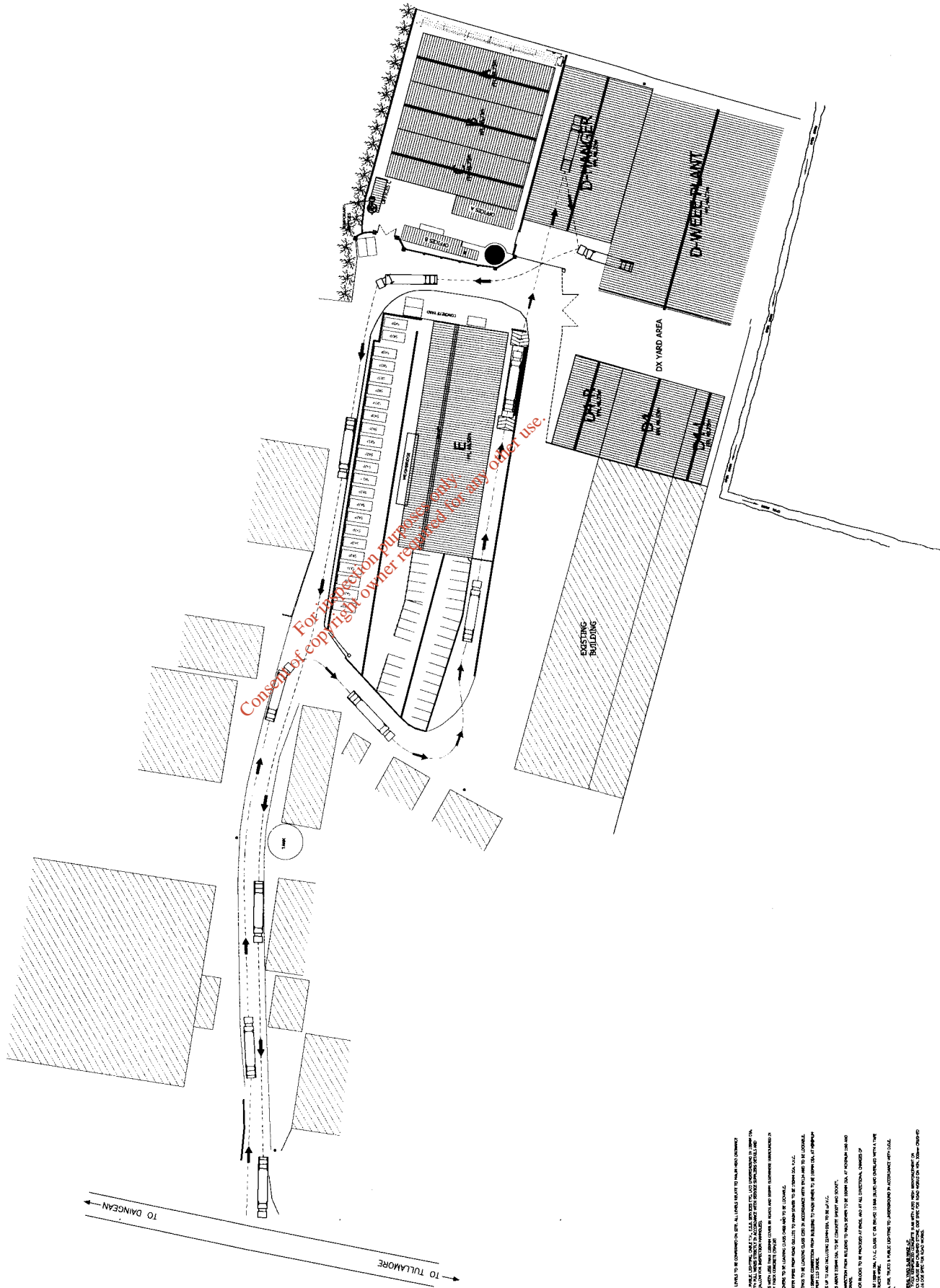
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LEGEND:



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NOTE:  
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DATE: 12/12/12  
BY: [Signature]

REVISIONS

NO.	DATE	DESCRIPTION	BY
1	12/12/12	ISSUE APPROVED FOR TENDERS	[Signature]

PLANNING APPLICATION  
Project: KMK METALS RECYCLING LTD.  
Drawing Title: TRUCK ROUTES AND SIGNAGE

Client: KMK METALS RECYCLING LTD.  
Company Name: KMK METALS RECYCLING LTD.  
Address: DUNGEAN RD, TULLAMORE

Malachi Cullen  
CONSULTING ENGINEERS LTD  
One Kings Quay, Dublin 7  
Tel: 01 454 4111  
Fax: 01 454 4112  
Email: info@malachicullen.ie

SCALE: A1: 1:500  
DATE: JUN 2012  
DRAWN: [Signature]  
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Rev.	1
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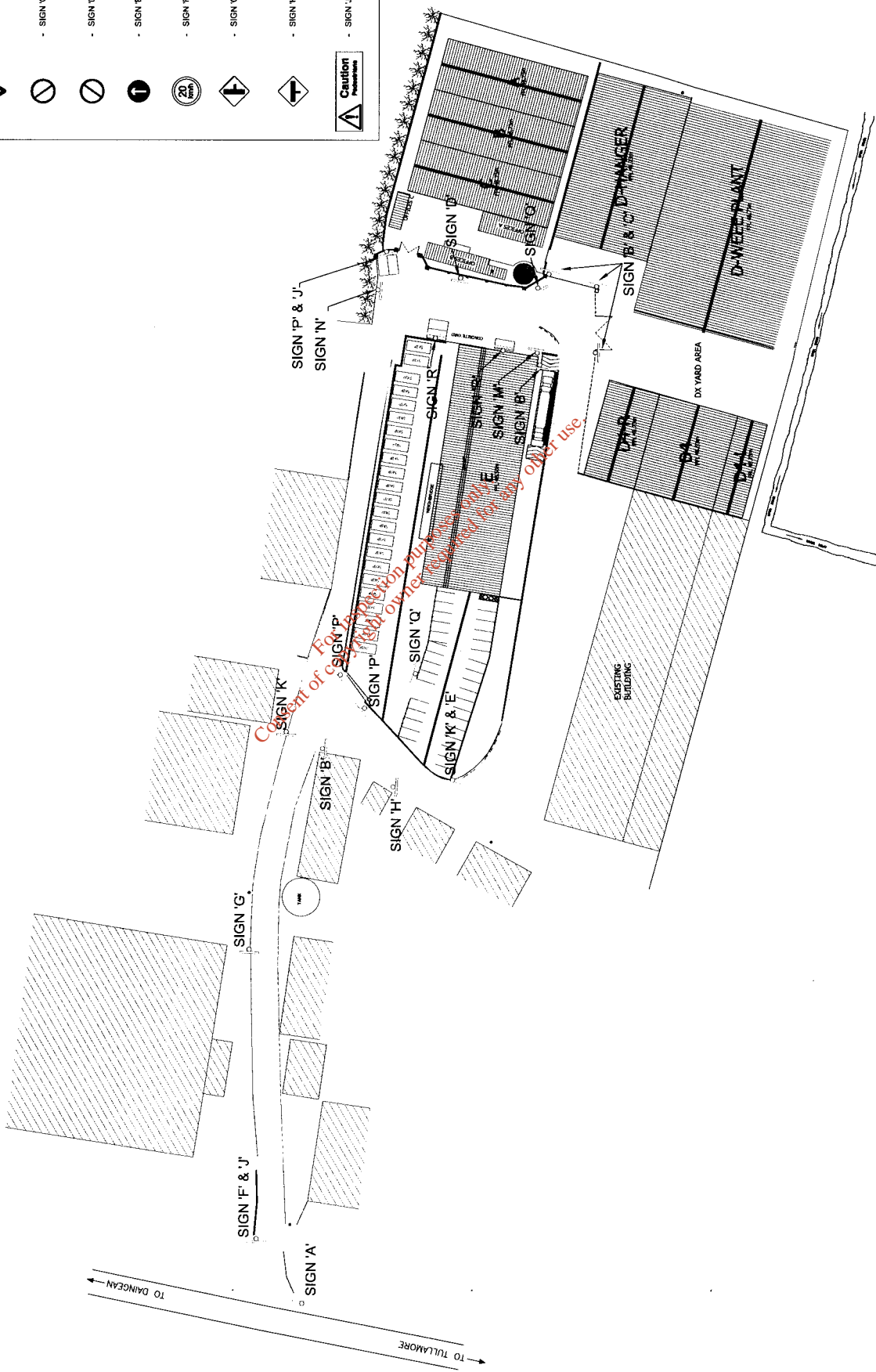
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**SIGNAGE LEGEND**

	- SIGN 'A'		- SIGN 'K'
	- SIGN 'B'		- SIGN 'L'
	- SIGN 'C'		- SIGN 'M'
	- SIGN 'D'		- SIGN 'N'
	- SIGN 'E'		- SIGN 'P'
	- SIGN 'F'		- SIGN 'Q'
	- SIGN 'G'		- SIGN 'R'
	- SIGN 'H'		- SIGN 'S'
	- SIGN 'I'		

NOTE: THESE SIGNS ARE TO BE SUPPLIED BY THE CLIENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION OF THESE SIGNS IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS OF THE ROAD AND TRAFFIC SIGNS REGULATIONS 1997.



THIS DRAWING IS TO BE USED ONLY FOR THE PURPOSES SPECIFIED IN THE CONTRACT DOCUMENTS. IT IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF MALACHI CULLEN CONSULTING ENGINEERS LTD.

Rev.	Date	Amendment

**PLANNING APPLICATION**  
 PROJECT: KMK METALS RECYCLING LTD.  
 PROPOSED ROAD MARKINGS & SIGNAGE LAYOUT

KMK METALS RECYCLING LTD.  
 CAPRICUR INDUSTRIAL ESTATE  
 DANEGAN RD., TULLMORE

**MALACHI CULLEN**  
 CONSULTING ENGINEERS LTD  
 06, Bishop House, Strand Street, Athlone, Co. Wick, Ireland  
 T: 0464 85400 F: 0464 85401 E: mc@malachicullen.ie W: www.malachicullen.ie

SCALE	A1: 1:500	Drawing Number	12-022-P10
DATE	DEC 2012		
DRAWN	PK	CHECKED	JK

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