4. Third Party (no-arc21) Representation

4.1 The purpose of this Chapter is to respond to the no-arc21 representation dated 19 May 2019 submitted to Antrim and Newtownabbey Borough Council, DfI Roads, DAERA and copied to DfI Planning – see Appendix 1.2 for a copy of the representation.

4.2 A memo from Atkins accompanies this Chapter (see Appendix 4.1) which sets out a number of clarifications in relation to the air quality and transport assessments previously undertaken. The memo confirms that the information submitted previously has comprehensively considered the transport and air quality impacts of the residues generated by the proposed development i.e. IBA and APCr.

4.3 This Chapter also sets out the up-to-date position on disposal/recovery methods available to the applicant and confirms that any disposal/recovery will take place only at a licensed facility authorised for such disposal/recovery.

Environmental Statement (2014)

4.4 The ES accompanying the planning application in 2014 outlines the quantum and potential disposal solutions of the two likely residual waste streams resulting from the proposed development, being IBA and APCr.

4.5 The ES identified that IBA would be transported by HGV to a landfill capable of accepting non-hazardous waste until there is a viable market in Northern Ireland to secure and recover maximum value from Incinerator Bottom Ash Aggregate (IBAA) for use in the construction industry. For the purposes of the Transport Assessment, this landfill was assumed to be the nearby Cottonmount facility.

4.6 In relation to the APCr, the ES identified that the APCr would be transported via sealed tanker to a specially designated landfill for hazardous waste until such times as more sustainable solutions became available such as recovery in a salt mine or recycling/recovery in the construction industry.

Potential facilities for the disposal and recovery of IBA and APCr

IBA

4.7 There are a number of existing landfill facilities, both in Northern Ireland and Great Britain which are licensed and capable of accepting IBA.

4.8 While it would be premature to confirm specific sites at which waste from the proposed development will be disposed/recovered (as this will be dependent on availability at the time and subject to commercial negotiations), the applicant has identified and assessed the legal requirements which any suitable facility must meet in order to be considered a viable destination for IBA.

4.9 The IBA to be disposed/recovered off-site will be categorised as non-hazardous waste for the purpose of disposal/recovery, and must therefore be disposed of/recovered at a facility authorised for such disposal/recovery.

4.10 Typically and by way of an example, a landfill facility authorised to accept IBA would have in its PPC permit a list of European Waste Catalogue (EWC) codes as listed below:

Table 4.1 Relevant EWC Codes

European Waste Catalogue Code	Waste Description
10 01 01	Bottom ash, slag and boiler dust (excluding boiler dust mentioned in 10 01 04)
10 01 15	Bottom ash, slag and boiler dust from co-incineration other than those mentioned in 10 01 14
10 01 17	Fly ash from co-incineration other than those mentioned in 10 01 16
10 01 19	Wastes from gas cleaning other than those mentioned in 10 01 05, 10 01 07 and 10 01 18
10 02 08	Solid wastes from gas treatment other than those mentioned in 10 02 07

Permit Validity and Monitoring Requirements

4.11 By law, residues produced by the proposed development must be disposed/recovered at a facility which is appropriately authorised. In Northern Ireland these facilities must hold the necessary permit under The Pollution Prevention and Control (PPC) Regulations (Northern Ireland) 2013.

4.12 The PPC Regulations requires industrial activities with a high pollution potential to have a permit; this permit can only be issued if certain environmental conditions are met, so that the operators themselves bear responsibility for preventing and reducing any pollution they may cause. In Northern Ireland NIEA are the competent authority and it is they who decide whether or not to authorise an activity and issue a permit.

4.13 Once awarded, permits remain valid provided that the operator submits annual reports to the Chief Inspector and that the facility has not reached capacity. Typically, under the terms of a permit of a landfill licensed to accept IBA, the operator is required to submit a report(s) to the chief inspector (DAERA) each year demonstrating performance of the facility over the previous year. By way of an example a permit will outline the minimum requirements of this report and may include (in summary):

- A review of monitoring and assessments against relevant parameters;
- Summary of progress against the Operator's Management Plan and any targets identified in the previous year;

- Energy and water consumption rates;
- Details of any contamination or decontamination of the site;
- Volumetric difference between most recent topographical survey and previous year's survey to determine the additional volume of landfill void that is occupied;
- Assessment of settlement behaviour of the landfill;
- Calculation of the remaining capacity; and
- Compliance testing undertaken in the period.

4.14 Similar regulatory requirements are in place in Great Britain and other EU member states.

APCr

4.15 There are a number of existing facilities in Northern Ireland, Great Britain and continental Europe which are licensed and capable of accepting APCr.

4.16 While it would be premature to confirm specific sites at which waste from the proposed development will be disposed/recovered (as this will be dependent on availability at the time and subject to commercial negotiations), the applicant has identified and assessed the legal requirements which any suitable facility must meet in order to be considered a viable destination for APCr.

4.17 If disposed/recovered of within Northern Ireland, a facility authorised for disposal of hazardous waste.

4.18 Typically and by way of an example, a facility authorised to accept APCr would have in its PPC permit the relevant EWC code as listed below:

Table 4.2 Relevant EWC Code

European Waste Catalogue Code	Waste Description
19 01 07*	Solid waste from gas treatment

Permit Validity and Monitoring Requirements

4.19 By law, residues produced by the proposed development must be disposed/recovered at a facility which is appropriately authorised. In Northern Ireland these facilities must hold the necessary permit under The Pollution Prevention and Control (PCC) Regulations (Northern Ireland) 2013.

4.20 The PPC Regulations requires industrial activities with a high pollution potential to have a permit; this permit can only be issued if certain environmental conditions are met, so that the operators themselves bear responsibility for preventing and reducing any pollution they may

cause. In Northern Ireland NIEA are the competent authority and it is they who decide whether or not to authorise an activity and issue a permit.

4.21 Once awarded, permits remain valid providing that the operator provides annual reports to the Chief Inspector and that the facility has not reached capacity. Typically, under the terms of a permit for a hazardous disposal or recovery facility for APCr, the operator is required to submit a report(s) to the chief inspector (DAERA) each year demonstrating performance of the facility over the previous year. By way of an example a permit will outline the minimum requirements of this report and may include (in summary):

- A review of monitoring and assessments against relevant parameters;
- Summary of progress against the Operator's Management Plan and any targets identified in the previous year;
- Energy and water consumption rates; and
- Compliance testing undertaken in the period.

4.22 Similar regulatory requirements are in place in Great Britain and other EU member states.

Capacity

4.23 The proposed development has been designed to accept and treat up to 300,000 tonnes of waste annually. Currently a significant volume of this waste produced by arc21's councils is being disposed of in landfills within Northern Ireland. By diverting this waste away from landfill and to the proposed development, the landfill capacity normally filled by arc21's waste will be preserved thus extending the lifespan of Northern Ireland landfills. This capacity will therefore be available for IBA from the proposed development which will be significantly less, in volume, than the waste currently going to landfill.

4.24 Following the thermal treatment of waste in an Energy from Waste facility, the volume of the residual output in the form of IBA will be a circa 90% reduction from the input waste volume.

4.25 In relation to APCr, there are a number of facilities suitably permitted to accept APCr in Northern Ireland, Great Britain and continental Europe. For example, Northern Ireland currently has a licensed facility capable of accepting 50,000 tonnes of APCr per annum. This volume is significantly more than the APCr output from the proposed development. As detailed above the applicant will identify and enter into commercial discussions with the various licensed outlets with sufficient capacity available as the proposed development progresses towards the operational phase.

Conclusions

4.26 By law, the applicant must dispose or recover of all waste at a facility which is appropriately authorised. Where such a facility is located within Northern Ireland, the facility must hold the necessary permit [under The Pollution Prevention and Control (PCC) Regulations (Northern Ireland) 2013]. The applicant will not commence operation of the proposed development until it has contracts in place with the operators of such facilities for disposal of the amounts of IBA and APCr anticipated to be generated.

4.27 While end destinations for the IBA and APCr have not been confirmed, the applicant has nevertheless been able to assess the likely significant effects of disposal/recovery in transport (and air quality) terms on the local road network, since such effects will not differ depending on the disposal/recovery sites chosen.

4.28 In terms of the local environmental effects of disposing of IBA and APCr at specific facilities, these are not required to be assessed as part of the application for the proposed development on the basis that:

1. The effects of disposal/recovery of waste up to the limits authorised by the permit for the relevant facilities will have been considered and assessed as part of the permit granting process for these facilities; and

2. It makes clear within Planning Policy Statement 11, 'Planning and Waste Management' that:

   "planning controls should not duplicate other statutory controls or be used to achieve objectives relating to other legislation. Planning must make its planning decisions on the basis that the pollution control regimes will be properly applied and enforced. The relevant expertise and statutory responsibility for pollution control rests with the relevant pollution control authorities".

4.29 Provided that IBA and APCr are disposed of at permitted facilities, no significant environmental effects of disposal are anticipated, beyond those already assessed as part of the permit granting process.