



**Clyde  
Shanks**

**Chapter 5**

Consultation Responses

## 5. Consultations on application to date

5.1 Throughout the consideration of this planning application a number of statutory and non – statutory consultees have been consulted by first DoE Planning and more latterly by DfI Planning for their expert views on the proposal.

5.2 Table 5.1 below summarises the history of consultee responses to date as pert of the consideration of the planning application.

**Table 5.1 Summary of Consultee Responses**

Submission	Consultees consulted	Consultation responses
Original Submission – March 2014	<ul style="list-style-type: none"> <li>• Antrim Borough Council</li> <li>• Antrim Borough Council Environmental Health Department (EHD)</li> <li>• Belfast International Airport (BIA)</li> <li>• DARD Rivers Agency (RA)</li> <li>• DARD Veterinary Service (VS)</li> <li>• DCAL Inland Fisheries (IF)</li> <li>• DRD Economics Branch</li> <li>• DRD Roads Service (RS)</li> <li>• Landscape Architects Branch (LAB)</li> <li>• Newtownabbey Borough Council</li> <li>• NIEA Historic Monuments Unit (HMU)</li> <li>• NIEA Industrial Pollution and Radiochemical Inspectorate (IPRI)</li> <li>• NIEA Land and Resource Management (LRM)</li> <li>• NIEA LRM Groundwater Team</li> <li>• NIEA Natural Heritage (NH)</li> <li>• NIEA Water Management Unit (WMU)</li> <li>• Northern Ireland Electricity (NIE)</li> <li>• NI Tourist Board (NITB)</li> <li>• NI Water (NIW)</li> <li>• Public Health Agency (PHA)</li> </ul>	<p>NIEA LRM requested clarification in relation to existing consents and licences and additional information in respect of the hydrogeological impact to water features (both groundwater and surface water). The Environmental Health Department (Joint Response from Antrim BC and Newtownabbey BC) requested commentary in relation to the potential noise impact from the harmonics between the induced draft fans and the chimney. Transport NI requested amended drawings for the proposed road improvements. NIEA Natural Environment Division requested an otter survey.</p> <p><b>All other Consultees responded with no objections.</b></p>

September 2014	<ul style="list-style-type: none"> <li>• NIEA Land and Resource Management (LRM)</li> <li>• NIEA Natural Heritage (NH)</li> <li>• Antrim Borough Council Environmental Health Department (EHD)</li> <li>• Transport NI</li> </ul>	<b>All Consultees responded with no objections.</b>
Appeal	N/A	N/A
March 2019	<ul style="list-style-type: none"> <li>• Antrim and Newtownabbey Borough Council (ANBC)</li> <li>• BIA</li> <li>• DfI Roads</li> <li>• Environmental Health</li> <li>• HEALTH AND Safety Executive Northern Ireland (HSENI)</li> <li>• NIEA Historic Environment Division (HED)</li> <li>• NIE</li> <li>• NI Water</li> <li>• NIEA</li> <li>• Public Health Agency</li> <li>• DfI Rivers</li> </ul>	<p>BIA and NIEA did not provide a response.</p> <p>HSENI requested clarification on the occupational exposure level and who will be responsible for the coring and sampling programme.</p> <p><b>All other Consultees responded with no objections.</b></p>
August 2019	<ul style="list-style-type: none"> <li>• NIEA WMU</li> <li>• NIEA NED</li> <li>• EHD</li> <li>• Rivers Agency</li> <li>• ANBC Chief Exec</li> </ul>	<b>All Consultees responded with no objections.</b>
October 2020/ December 2020	<ul style="list-style-type: none"> <li>• Antrim and Newtownabbey Chief Executive</li> <li>• DAERA Environmental Policy Division (EPD)</li> <li>• DfI Rivers</li> <li>• ANBC Environmental Health</li> <li>• NIEA Inland Fisheries Division</li> <li>• NIEA Water Management Unit</li> <li>• NIEA Industrial Pollution and Radiochemical Inspectorate</li> <li>• NIEA Natural Environment Division</li> <li>• NIEA Regulation Unit</li> <li>• NIE</li> <li>• NI Water</li> <li>• Ofcom</li> <li>• Public Health Agency</li> <li>• Shared Environmental Services (SES)</li> <li>• SONI</li> </ul>	<p>ANBC Chief Executive, DAERA EPD, ANBC Environmental Health, NIEA Inland Fisheries Division, NIEA Water Management Unit, NIEA Industrial Pollution and Radiochemical Inspectorate, NIEA Natural Environment Division, NIEA Regulation Unit <b>all responded with no objections.</b></p>

May 2021	<ul style="list-style-type: none"> <li>• Antrim and Newtownabbey Chief Executive</li> <li>• DAERA EPD</li> <li>• Antrim and Newtownabbey Borough Council Environmental Health</li> <li>• NIE</li> </ul>	<p>ANBC Chief Executive, ANBC Environmental Health and NIE all responded with <b>no objections</b>.</p> <p>DAERA EPD did not provide a response.</p>
September 2023	<ul style="list-style-type: none"> <li>• DAERA EPD</li> <li>• DfI Roads</li> <li>• Antrim and Newtownabbey Borough Council Environmental Health</li> <li>• NIEA Marine Strategy Team</li> <li>• NIEA Inland Fisheries Division</li> <li>• NIEA Water Management Unit</li> <li>• NIEA Industrial Pollution and Radiochemical Inspectorate</li> <li>• NIEA Natural Environment Division</li> <li>• NIEA Regulation Unit</li> <li>• Public Health Agency</li> </ul>	<p>DAERA EPD, DfI Roads, ANBC Environmental Health, NIEA Regulation Unit and Public Health Agency all responded with <b>no objections</b>.</p> <ul style="list-style-type: none"> <li>• <u>NIEA Marine Strategy Team</u> has identified candidate bathing water at Reas Wood and the need for the ES to address possible impact on faecal indicator bacteria.</li> <li>• <u>NIEA Inland Fisheries Division</u> requested for specific CEMPs outlining construction process for the bridges/realignments.</li> <li>• <u>NIEA Water Management Unit</u> requested full site drainage plan confirming destination of all drainage</li> <li>• <u>NIEA Industrial Pollution &amp; Radiochemical Inspectorate</u> requested additional air emission modelling using the latest version of AERMOD or ADMS and a re-run of the air emission modelling using updated meteorological data</li> <li>• <u>NIEA Natural Environment Division</u> requested confirmation that the ecological surveys comply with NIEA specifications and sets out series of bullet points to be addressed; reiterates need to ensure mitigation measures are the subject of conditions; mitigation clarification required relating to badgers and common lizards</li> </ul>

5.3 It is evident to date that the application has not received any objection from any consultee. Where matters have been raised additional information and/or clarification has to date been provided to prompt a no objection consultation response to the DfI Planning team.

5.4 Table 5.2 below sets out a summary explanation of the planning application timeline of events over the period March 2014 to February 2025.

**Table 5.2 Summary of Events**

<p><u>March 2014</u></p> <p>An Environmental Statement was submitted with the submission of the full planning application submission. The Environmental Statement assessed the environmental effects associated with the development of an integrated residual waste management facility on lands at Hightown Quarry.</p>
<p><u>September 2014</u></p> <p>A further ES addendum was submitted in response to the request for Further Environmental Information (FEI) by the Department following the consultation responses from NIEA LRM, Environmental Health Department (Antrim Borough Council and Newtownabbey Borough Council), Transport NI and NIEA NED.</p> <p>The addendum included an assessment of hydrogeological impact to water features, copies of laboratory analysis, information on the harmonics between the draft fans and chimney, revised road design drawings and revised landscaping plans.</p>
<p><u>September 2015</u></p> <p>Officials recommend approval of the planning application as part of their Development Management Officer Report (DMOR), however the former Minister of the Department of Environment (Mark H Durkan) disagreed and a Notice of Opinion to refuse was issued. Following this decision the applicant, arc21, requested an opportunity to appear before the Planning Appeals Commission (PAC).</p>
<p><u>Appeal – 2016</u></p> <p>A hearing before the PAC was held in October 2016.</p> <p>Further Environmental Information was submitted following legal and professional advice as part of the statement of case submission which updated baseline surveys and considered committed development post 2014 for a windfarm approval.</p>
<p><u>March 2017</u></p> <p>The Planning Appeals Commission provided its independent report, recommending to the Department that full planning permission be granted subject to conditions.</p>
<p><u>September 2017</u></p> <p>DfI Planners prepare further recommendation to approve the full planning application following receipt and consideration of the PAC report. DfI Strategic Planning Division did not depart from the PAC recommendation and considered the proposal to be in the wider public interest. Accordingly, a decision to grant planning permission was issued in September 2017 by the Permanent Secretary acting in the absence of the DoE Minister.</p> <p>This was subsequently quashed following a legal challenge relating to the lawfulness of the Department's ability to issue a decision in the absence of a Minister.</p>

March 2019

The planning application was then the matter of re-consideration by DfI Strategic Planning Division following the introduction of The Northern Ireland (Executive Formation and Exercise of Functions) Act 2018 and associated guidance on decision-making for Northern Ireland Department's published by the Secretary of State for Northern Ireland.

A further ES addendum was submitted to refresh the EIA baseline surveys and methodologies and to respond to No-arc21 objections.

August 2019

Further ES addendum Information was submitted to respond to DfI Rivers' request for a Drainage Assessment in addition to an updated Appropriate Assessment.

October 2020

Further ES addendum submission made to respond to objections and provide further information in relation to need for the proposal following a response from DAERA Environmental Policy Division.

December 2020

Further ES addendum submitted to provide additional ecology surveys which were not available at the time of the October 2020 submission to ensure the timeliness of the evidence base.

May 2021

Further ES addendum submitted to provide additional information in relation to need following response from DAERA Environmental Policy Division and in response to No-arc21's objection.

March 2022

The planning application was recommended for approval by DfI Strategic Planning Directorate officials following their consideration of the ES addendums made by the applicant in March 2019, August 2019, October 2020, December 2020 and May 2021.

Despite this further recommendation to approve, the then DfI Minister (Nichola Mallon) decided to refuse planning permission, contrary to the advice from her planning officials, on 01 April 2022.

Judicial Review proceedings were subsequently brought by the applicant against the Departments decision on a number of grounds.

The Department later conceded the challenge and accepted the impugned decision. In so doing they accepted that the Minister had acted irrationally.

Accordingly, the decision to refuse planning permission was quashed and the planning application was returned to DfI Strategic Planning Directorate for re-consideration.

September 2023

A further ES addendum was submitted to the Department due to the time lapse since the previous ES addendum submissions. ES baseline surveys were again updated to ensure the timeliness of the evidence base.

5.5 Through the planning process to date, the planning application has been recommended for approval by the Department on three separate occasions with the Planning Appeals

Commission also endorsing the application and recommending that full planning permission should be granted following a public inquiry.

5.6 The application has been the subject of two Judicial Reviews, the first in 2017 by an objector and the second in 2022 by the applicant following what was subsequently conceded to have been an unlawful and irrational decision by the then Minister Mallon.

5.7 Notably, no statutory consultees have ever objected to the proposal.

### **September 2023 FEI**

5.8 The September 2023 ES addendum once again saw the ES chapters and related appendices updated and refreshed to maintain the timeliness of the baseline evidence. That included refreshed chapters relating to:

- Geology, Soils and Agriculture;
- Water Environment;
- Land Quality;
- Cultural Heritage;
- Transport;
- Noise;
- Air Quality.
- Landscape and Visual Impact
- Ecology;
- Population and Human Health; and
- Climatic Factors

5.9 DAERA EPD, DFI Roads, Environmental Health, NIEA, and Public Health Agency were all consulted by the Department following the submission of the September 2023 ES addendum.

5.10 DAERA EPD, DFI Roads Environmental Health, NIEA – Regulation Unit and the Public Health Agency all responded with no objections to the application.

5.11 NIEA - Marine Strategy Team, NIEA – Inland Fisheries Division, NIEA – Water Management Unit, NIEA - Industrial Pollution & Radiochemical Inspectorate, and NIEA – Natural Environment Division requested further information as summarised below:

- NIEA – Marine Strategy Team – identified candidate bathing water at Reas Wood and the need for the ES to address possible impact on faecal indicator bacteria

- NIEA – Inland Fisheries Division - request for specific CEMPs outlining construction process for the bridges/realignments
- NIEA – Water Management Unit – request full site drainage plan confirming destination of all drainage with all clearly stated and identified to discharge to foul sewer; combined sewer; surface water sewer; underground stratum or waterway.
- NIEA – Industrial Pollution & Radiochemical Inspectorate – request additional air emission modelling using the latest version of AERMOD or ADMS and specifically a re-run of the air emission modelling using updated meteorological data
- NIEA – Natural Environment Division – request confirmation that the ecological surveys comply with NIEA specifications and sets out series of bullet points to be addressed; reiterates need to ensure mitigation measures are the subject of conditions; mitigation clarification required relating to badgers and common lizards.

5.12 Following receipt of the overarching NIEA response on 19 April 2024 which requested additional information, arc21 and its professional advisers have had a series of discussions and one-to-one meetings with NIEA and its Water Management Unit (WMU) and Industrial Pollution and Radiochemical Inspectorate (IPRI) Divisions in two teams calls first on 11 June 2024 and a further follow up call on 19 June 2024. Further discussions have also taken place with Water Management Unit in a teams call on 18 December 2024.

5.13 The purpose of these meetings was to explore the consultation response more fully in order to understand what additional information NIEA require.

#### **IPRI comments**

5.14 In terms of addressing the comments raised by IPRI the following scope of additional air quality modelling work was agreed was agreed between the applicant's advisers and IPRI.

5.15 Air quality modelling to be rerun to sense check the findings of the ES and ensure these remain sound

- Rerun AERMOD and ADMS using latest version of the software
- Use 5 years of recent meteorological data for Belfast International Airport (2019-2013)
- Focus on emissions from the EfW
- Run for a unitised emission rate and estimate for selected pollutants
- Present results for a selection of representative receptors

- Check PC against new EALs, check PEC using latest backgrounds.
- Produce a technical addendum containing tabulated results comparing with ES 2014
- Update the plume visibility assessment as part of addendum to Landscape and Visual ES Chapter

### **WMU comments**

- 5.16 In terms of the WMU consultation response it was confirmed that they wished the storm and foul drainage regime on site to be kept separate.
- 5.17 Accordingly, the planning application now proposes a larger package treatment plant on site. In response to advice from WMU separate submissions have subsequently been made to them for discharge consent under the Water (Northern Ireland) Order 1999 for separate storm and foul discharges to their respective discharge locations.
- 5.18 This is explained further in an updated Water Quality Chapter 7. and related appendices that form part of the parallel further ES addendum that accompanies the submission of this planning statement.

### **Natural Heritage Comments**

- 5.19 In terms of the response received from NIEA Natural Heritage it has requested information to demonstrate that the applicant's 2021 and 2022 survey reports meet NIEA specifications.
- 5.20 The applicant has continued to undertake ecological surveys of the application site and this has continued through 2023 and into 2024.
- 5.21 It is noted that NIEA has not specifically asked for any new surveys but this has been done to update the evidence base and reinforce the findings and proposed mitigation that have previously been articulated. This updated information is included in this April 2025 ES addendum that addresses the above IPRI and WMU requirements.
- 5.22 It includes 2023 survey assessment and a further site survey review in September 2024 that addresses the quarry site, Boghill Road and an updated review of the three potential grid connection routes.

### **NIEA Inland Fisheries Division**

- 5.23 In the meetings with NIEA in June 2024 the comments made by Inland Fisheries relating to the submission of CEMPs was discussed.

5.24 The planning application submission includes a comprehensive Outline CEMP that goes into significant detail on the approach to construction of new bridges on the Boghill Road. NIEA agreed that a condition can capture the requirement for a final CEMP to be submitted once a contractor has been appointed.

5.25 Following the extensive discussions with NIEA following the consultation response dated 19 April 2024, additional information has been provided within this addendum to update and reinforce the extensive survey analysis and conclusions reached on the initial ES assessment and the extensive series of addenda. This includes:

- the Water Environment chapter 7 (updated drainage assessment; WFD assessment; specific updating to reflect the separation of storm and sewer water);
- Ecology Chapter 9 – updated site surveys; chapter review reassesses updated drainage assessment; air quality impact assessment and updated transport and noise assessments
- Landscape and Visual chapter 10 – further assessment undertaken to review landscape and visual impact informed by the latest air quality modelling
- Transport chapter 12 – reviewed to assess a year of opening at 2030 and informed by the latest air quality modelling.
- Noise chapter 13 – updated to reflect the latest transport and air quality modelling to test 2030 opening
- Air Quality chapter 14 – updated software modelling to test most up-to-date baseline met data and transport data.
- Climatic conditions chapter 15 – updated climatic assessment to examine sustainability benefits of proposed development over landfill and present reliance of exporting NI waste to fuel EfW plants in Europe.
- Population and Human Health chapter 16 – updated following review of air quality traffic noise and odour revised modelling.

5.26 The findings of this ES addendum underscore and reaffirm the initial ES findings and those in updated baseline evidence submitted as part of the series of addenda submitted over the period September 2014 to September 2023.