

An  
Bord  
Pleanála

**Board Direction**  
**BD-010957-22**  
**ABP-310332-21**

The submissions on this file and the Inspector's report were considered at Board meetings held on 06/07/2022 and 18/07/2022.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

In coming to its decision, the Board had regard to the following:

#### **European legislation**, including of particular relevance:

- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.

#### **National and regional planning and related policy**, including:

- National Planning Framework Project Ireland 2020,
- Waste Action Plan for a Circular Economy | Ireland's National Waste Policy 2020-2025

#### **Regional and local level policy**, including:

- Regional Spatial Economic Strategy for the Eastern and Midland Region

#### **Local planning policy** including:

- the Fingal County Development Plan 2017-2023,
- other relevant guidance documents,
- the nature, scale of the proposed development as set out in the planning application and the pattern of development in the vicinity, including the permitted development within the vicinity of the proposed development site within an established industrial and commercial area,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
- the submissions made to An Bord Pleanála in connection with the planning application, and

the report and recommendation of the Senior Planning Inspector, including the examination, analysis and evaluation undertaken in relation to the environmental impact assessment.

### **Proper Planning and Sustainable Development**

It is considered that the proposed development would accord with European, national, regional and local planning and that it is acceptable in respect of its likely effects on the environment and its likely consequences for the proper planning and sustainable development of the area.

### **Environmental Impact Assessment:**

The Board completed an environmental impact assessment of the proposed development taking account of:

- (a) the nature, scale, location and extent of the proposed development on a site,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,

- (c) the submissions received from the prescribed bodies and planning authority and,
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board considered that the main direct and indirect effects of the proposed development on the environment are:

- Negative impacts on **human health and population** arising from the operation of the development include noise, traffic and dust disturbance to residents of neighbouring dwellings. All of these impacts are slight to imperceptible. Adequate mitigation measures are proposed to ensure that these impacts are not significant and include adequate mitigation for operational noise.
- Slight negative **traffic** impacts arise during the operational phase of the development, these impacts are not significant in terms of magnitude and can therefore be ruled out.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

#### **Screening for Appropriate Assessment:**

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for

Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European sites, in view of the site's Conservation Objectives.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. All mitigation and monitoring measures identified in the EIAR shall be implemented in full as part of the proposed development.

**Reason:** In the interest of development control, public information, and clarity.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

**Reason:** In the interest of public health and to ensure a proper standard of development.

4. (a) No storage, either permanent or temporary of any materials shall occur within the site which is outside of any structure shown on the Site Layout Plan (Drawing no. 18139-200) submitted with the application.

(b) Any waste vehicles parked on the apron of the facility shall not contain waste. All organic materials shall be transported to and from the site in sealed containers. No materials that would attract birds shall be present on the open areas of the site at any time.

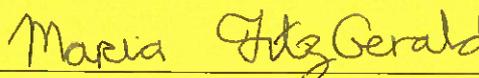
**Reason:** In the interest of public health.

5. Prior to the commencement of development an operational management plan shall be submitted for the written agreement of the Planning Authority which clearly sets out mitigation measures to prevent any possible traffic queuing on the public road from the entrance to the development in the of internal issues or a backlog of arrivals.

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

**Note:** In deciding to omit an unspecified financial contribution condition as a special contribution under section 48(2)(c) of the Planning and Development Act 2020, as amended, in respect of road and junction improvement works, the Board considered that in the absence of an assessment including modelling of junction 5, that there was no clarity on the nature and scale of specific works that might be required to improve capacity and/or what proportion of overall costs could be reasonably attributed to the proposed development, it was not appropriate to include this condition.

**Board Member**

  
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Maria FitzGerald

**Date:** 06/07/2022

