

An
Bord
Pleanála

Board Direction
BD-018948-25
ABP-318683-23

The submissions on this file and the Inspector's report were considered at Board meetings held on 6/11/2024 and 18/02/2025.

The Board decided to grant permission under section 37G of the Planning and Development Act 2000, as amended, 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:

(a) European legislation, including of particular relevance:

- The relevant provisions of European Union Directive 2014/52/EU amending Directive 2011/92/EU (Environmental Impact Assessment Directive) on the assessment of the effects of certain public and private projects on the environment, and
- 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.

(b) National and regional planning and related policy, including:

- Climate Action Plan 2024, with which the proposed development was consistent with,

- Project Ireland 2040 National Planning Framework,
- A Waste Action Plan for a Circular Economy, Ireland's National Waste Policy 2020-2025,
- The National Biodiversity Plan 2023-2030,
- National Waste Management Plan for a Circular Economy 2024-2030, in particular, Core Policy 12 of the National Waste Management Plan for a Circular Economy 2024-2030 which supports the need for nationally and regionally important waste infrastructure and to 'Target Policies' 13.1 and 14.1 which seek to support the development of pre-treatment waste facilities for reprocessing, recycling and recovery within the State where this capacity is technically, economically and environmentally practicable, and
- the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031.

(c) **The local planning policy** including:

- South Dublin County Development Plan 2022-2028

- (d) The location of the proposed development in an area which is zoned in the 'EE' South Dublin County Development Plan 2022-2028, 'to provide for enterprise and employment related uses' and where in this zoning category, it is the policy of the planning authority to facilitate recycling facilities and refuse transfer stations.
- (e) the nature and scale of the proposed development as set out in the planning application and the pattern of development on the site and in the vicinity, within an established and developing industrial and commercial area,
- (f) 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, and
- (g) the submissions made to An Bord Pleanála in connection with the planning application, and the reports and recommendation of the Inspector, including the

examination, analysis and evaluation undertaken in relation to the environmental impact assessment.

Appropriate Assessment:

The Board completed an appropriate assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. 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 exercise, the Board accepted and adopted the report of the Inspector in respect of the identification of the European Sites which could potentially be affected, namely, South Dublin Bay Special Area of Conservation (Site Code: 000210), North Dublin Bay Special Area of Conservation (Site Code: 000206), North Bull Island Special Protection Area (Site Code: 004006) and South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), 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 Sites' 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 Sites' conservation objectives:

Environmental Impact Assessment:

The Board undertook an environmental impact assessment of the proposed development, taking into account:

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

- (c) the submissions from the applicant, the planning authority and the prescribed bodies, and,
- (d) the Inspectors' reports.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of European Union Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and 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 the submissions made during the course of the application as set out in the Inspectors' reports. The Board was satisfied that the Inspectors' reports set out how these various environmental issues were addressed in the examination and recommendation (including environmental conditions) which are incorporated into the Board's decision.

Reasoned Conclusion on the Significant Effects:

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- **Climate:** Positive impacts on climate from generation of electricity to part-supply the operational needs of the proposed development and the provision of the expanded facility will assist in the transition to a low carbon circular economy. Increase in air emissions will be mitigated by fast-closing doors, processing within buildings, odour abatement system and regulatory control including licence requirements.
- **Water:** There is potential for infiltrating water to ground, and then to groundwater, which could be contaminated by oil leaks from vehicles. In the event of a fire there is the potential for firewater to infiltrate to ground through damaged paving and surface water sewers. This will be mitigated through installation of an oil interceptor, bunded fuel storage areas and regular

inspection of the condition of the underground sewers and paved areas, and compliance with licence requirements. Gully bungs will be maintained on site, and in the event of a fire will be used to prevent firewater run-off.

- **Air:** Dust soiling impact is high from construction works having regard to the proximity of sensitive receptors. The unmitigated risk of dust impacts is classified as a medium risk for dust soiling impacts, and a medium risk for health effects of PM10. This will be mitigated by water spraying of exposed earthworks, wheel cleaning, control of vehicle speeds on site roads and minimisation of material drop heights.

The operational phase of the proposed development has the potential to result in odorous emissions that could cause adverse impacts that could in the absence of mitigation be described as significant, negative and long-term.

Mitigation, in the form of an onsite odour abatement unit and compliance with licence requirements will be required to reduce potential impacts of operational activities to levels that can be described as not significant.

In the event of a fire, smoke emissions would be generated by the combustion of materials and wastes; however, the localised impacts on air quality will be brief and will be mitigated through the fire safety and emergency response measures set out in the Environmental Impact Assessment Report and regulatory licence.

- **Population and Human Health:** There will be an increase in noise and air emissions impacts on nearby residential properties which will be mitigated by fast-closing doors, processing within buildings, odour abatement system and regulatory control including licence requirements. A solid noise barrier along the south-eastern boundary is proposed to mitigate noise emissions from vehicle movements at evening and nighttime, on the nearby residential dwelling.
- **Material Assets:** The proposed development will increase the waste treatment capacity in the Greater Dublin Area by 70,000 tonnes (net increase if the South Dublin County Council Baling Station and Civic Amenity Area facility is to close, as indicated in the Environmental Impact Assessment Report) to significantly assist in the achievement and maintenance of national and regional recycling and recovery targets and circular economy initiatives.

In conclusion, the Board is satisfied on the basis of the submitted information that impacts can be adequately mitigated and that no residual significant negative impacts on the environment would remain as a result of the proposed scheme. The Board is, therefore, of the view that the potential for unacceptable direct or indirect effects on the environment can be excluded on the basis of the submitted information.

The Board concluded that, subject to the implementation of the proposed mitigation and monitoring measures, as set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, both by itself, and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the reports and conclusions of the Inspector.

The Board is satisfied that the reasoned conclusion is up to date at the time of making the decision.

Proper Planning and Sustainable Development:

The location of the proposed development is an area which is zoned in the South Dublin County Development Plan 2022-2028 for 'EE', 'to provide for enterprise and employment-related uses'.

Having regard to the:

- (a) location of the proposed development on a site with an existing waste recovery facility and where the Development Plan permits in principle a recycling facility and refuse transfer facility on sites zoned with zoning objective 'EE',
- (b) information provided in the Environmental Impact Assessment Report which concludes that, subject to mitigation measures, the proposed development will not have a significant environmental impact, and,
- (c) positive contribution the proposed development would make to Ireland's Waste Action Plan for a Circular Economy Ireland's National Waste Policy 2020-2025,

National Waste Management Plan for a Circular Economy 2024-2030 and the Climate Action Plan 2024 to move to a low carbon future,

it is considered that subject to compliance with the conditions set out below the proposed development would accord with European, national, regional and local planning and related policy, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not have an unacceptable impact on population and human health, the landscape or ecology, would not pose a risk to water quality and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed 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. The intake of waste material to the site shall not exceed 350,000 tonnes per annum, which shall consist of Commercial and Domestic Dry Mixed Recyclables (DMR), Commercial and Domestic Mixed Residual Waste - black bin, Commercial and Domestic Source Segregated Biodegradable Waste - brown bin, Source Segregated Commercial Dry Recyclables, and Mixed Construction and Demolition Waste. No hazardous waste shall be accepted at the facility. The developer shall maintain records of all waste accepted at the site and these records shall be made available to the planning authority if

required. The facility shall be not available for use directly by members of the general public. The structures hereby approved shall be for waste recovery purposes only.

Reason: the interest of clarity.

3. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR), shall be implemented.

Reason: To protect the environment.

4. Prior to operation of the facility hereby permitted, a 4-metre-high solid noise barrier shall be erected along the south-eastern boundary of the site in accordance with drawing number 221244-ORS-Z0-00-DR-AR-206.

Reason: In the interest of residential amenity.

5. Prior to the commencement of development, a Stage 1 Road Safety Audit shall be submitted to the planning authority for written agreement.

Reason: In the interests of traffic safety and traffic management.

6. (a) No storage, loading, unloading or processing, either permanent or temporary, of any materials shall occur outside of material recovery facility building shown on the Proposed Site Layout (Drawing number 221244-ORS-Z0-00-DR-AR-203) submitted with the application.

- (b) All organic material shall be transported to and from the site in sealed containers. No material that would attract birds shall be present on the open areas of the site at any time.

- (c) Stacking skips shall not be stored along the south-eastern boundary.

Skips to be stored in the external areas shall not be stacked greater than a height of 3 metres.

Reason: In the interests of amenities, public health and safety.

7. (a) The clearance of any vegetation including trees, hedgerows and scrub, shall only be carried out in the period between the 1st day of September and the end of February i.e., outside the main bird breeding season.
- (b) Trees to be felled will be surveyed for bats before their removal. All trees should be felled under the supervision of an ecologist and left intact on the ground for a period of at least 24 hours. The destruction or interference of any tree identified as a bat roost shall only be carried out on receipt from the National Parks and Wildlife Service of a licence to derogate from the Habitats Directive and destroy the roost.

Reason: In the interest of biodiversity and to provide for the conservation and protection of species of fauna protected under the Habitats Directive (92/43/EEC) and the Wildlife Act, 1976.

8. The developer shall accord with any future requirements of the planning authority in relation to glint and glare issues that may arise and which only become apparent when the proposed installation is commissioned. Any such requirements shall be carried out at the developer's expense according to the specification and conditions of the planning authority.

Reason: To ensure the avoidance of any potential traffic, air or other hazard and in the interest of the proper planning and sustainable development of the area.

9. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of 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.

10. Details of the materials, colours and textures of all the external finishes, signage, and external hard surfaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

11. No advertisement or advertisement structure shall be displayed or erected on the building/within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

12. A site layout plan detailing all external lighting and a lighting operational plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All external lighting shall be cowled to ensure deflection of lighting is away from adjoining residential properties.

Reason: In the interest of visual amenity.

13. (a) A scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works.
- (b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.
- (c) All tree and shrub removal shall be undertaken outside the bird nesting season.

Reason: In the interests of orderly development and the protection of birds.

14. Prior to commencement of development, a detailed Construction Environmental Management Plan (CEMP) for the construction and demolition phase shall be submitted to and agreed in writing with the planning authority. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, air quality controls, external lighting and off-site disposal of construction/demolition waste.

Reason: In the interest of environmental protection and orderly development.

15. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays and 0800-1400 on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the scheme at the time of payment. Details of the application of the terms of the scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the scheme.

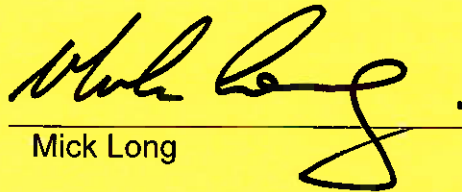
Reason: It is a requirement of the Planning and Development Act 2000, as amended that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended, be applied to the permission.

Schedule of Costs

In accordance with the provisions of section 37H(2)(c) of the Planning and Development Act 2000, as amended, the amount due to be reimbursed to the applicant is **€74,471**.

A breakdown of the Board's costs is set out in the attached Appendix 1.

Board Member


Mick Long

Date: 18/02/2025