



An
Bord
Pleanála

Board Direction
BD-018602-25
ABP-319506-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/01/2025.

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 Union Legislation, including in particular:

- European Union Directive 2014/52/EU amending Directive 2011/92/EU (Environmental Impact Assessment Directive), which outlines requirements for assessing the effects of certain public and private projects on the environment, and
- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC (Birds Directive), as amended by 2009/147/EC, which set out requirements for the conservation of natural habitats, wild fauna, and flora across the European Union.

National Legislation, including in particular:

- Planning and Development Act 2000 (as amended), specifically Sections 37A and 37E, which govern Strategic Infrastructure Development (SID) applications and Environmental Impact Assessments (EIA).

National and Regional Policy and Guidance Policy, including in particular:

- Project Ireland 2040 National Planning Framework, which supports the sustainable development of industrial and commercial facilities within business parks and the sustainable management of waste,
- Climate Action Plan 2024, which promotes energy efficiency in industrial processes and addressing waste management practices to align with national climate goals,
- the National Waste Management Plan for a Circular Economy (2024-2030), which aims to develop additional capacity for hazardous waste treatment in accordance with the National Hazardous Waste Management Plan by ensuring adequate active treatment capacity, and
- the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, which encourages regional development and sustainable management of industrial waste.

Local Planning Policy, including in particular:

- South Dublin County Development Plan 2022-2028, including its objectives for enterprise and employment zones (EE), which supports sustainable waste recovery infrastructure and the development of hazardous waste treatment capacity, in line with the European Union waste hierarchy and environmental protection standards.

Other Considerations including:

- the nature, scale, and design of the proposed development, including the handling and processing of Healthcare Risk Waste, which is consistent with the site's existing industrial use.
- the Environmental Impact Assessment Report and the accompanying documentation submitted, which adequately assess the direct, indirect, and cumulative impacts of the proposed development.
- submissions from prescribed bodies, including the Environmental Protection Agency, Health Service Executive, and Transport Infrastructure Ireland, along with the observation from the local authority, all of which informed the Board's decision-making process, and

- potential impacts on nearby European Sites: The appropriate assessment screening concluded that the proposed development, either alone or in combination with other projects, would not have a significant adverse impact on any designated European Sites.

Appropriate Assessment Screening:

Board noted that the proposed development is not directly connected with or necessary to the management of any European Site. In completing the screening for appropriate assessment, the Board accepted and adopted the screening assessment and conclusions reached in the Inspector's report. This assessment identified the relevant European Sites that could potentially be affected by the proposed development, namely Rye Water Valley/Carton Special Area of Conservation (Site Code: 001398), Wicklow Mountains Special Area of Conservation (Site Code: 002122), Glenasmole Valley Special Area of Conservation (Site Code: 001209), Poulaphouca Reservoir Special Protection Area (Site Code: 004063) and Wicklow Mountains Special Protection Area (Site Code: 004040), and evaluated the potential for likely significant effects, either individually or in combination with other plans or projects, on these Sites in view of their conservation objectives. The Board is satisfied that the proposed development, either alone or in combination with other plans or projects, would not be likely to have a significant effect on any European Site, in view of the Sites' conservation objectives.

Environmental Impact Assessment

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

- the nature, scale, and extent of the proposed development, which includes modifications to an existing hazardous waste facility to accommodate Healthcare Risk Waste without increasing the overall waste intake beyond the permitted capacity,

- the Environmental Impact Assessment Report, which comprehensively examines potential impacts on human health, biodiversity, air quality, water resources, and traffic,
- submission reports from prescribed bodies and the local authority, which provided relevant environmental and planning considerations, and
- the Inspector's report, which evaluated the environmental and operational impacts, ensuring that all significant issues were addressed.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the developer, adequately considers alternatives to the proposed development and identifies and adequately describes the direct, indirect, and cumulative impacts 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 developer and submissions made during the course of the application.

Reasoned Conclusions on the Significant Effects:

The Board considered that the main significant effects, both positive and negative, of the proposed development on the environment are as follows:

- Positive indirect impacts on **population and human health** would include increased capacity for managing healthcare risk waste, supporting Ireland's indigenous waste treatment capabilities, and reducing dependency on waste exportation. The development would also generate employment during both the construction and operational phases.
- In relation to **biodiversity**, the proximity to the Griffeen River requires careful management. Mitigation measures, including surface water drainage systems and appropriate pollution controls, would ensure that the risk to local ecosystems, particularly regarding water quality, is minimal.
- In relation to **water quality**, potential short-term impacts during construction, such as runoff and chemical spills, would be mitigated through the

implementation of a comprehensive Construction Environmental Management Plan (CEMP) and adherence to best practice water protection measures.

- In relation to **material assets**, the development would enhance Ireland's infrastructure for hazardous waste treatment, improving local waste management capacities. Modifications to the existing facility, including new storage enclosures and plant installations, would support operational efficiency without negatively impacting surrounding land uses
- In relation to **noise and visual impact**, the design and layout of the proposed modifications, including the addition of an air emissions stack and new storage structures, are compatible with the industrial setting of Greenogue Business Park. Noise levels would remain within acceptable limits due to the use of enclosed operations and noise mitigation measures, minimising disturbance to nearby receptors.
- In relation to **air quality**, the proposed installation of air emissions control systems would ensure that potential emissions remain within regulated limits, safeguarding the local environment and air quality standards.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that subject to the implementation of the proposed mitigation measures, including proposed monitoring as appropriate, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions set out in the Inspector's report. The Board is satisfied that this reasoned conclusion is up to date at the time of making this decision.

Proper Planning and Sustainable Development

The Board is satisfied that, subject to compliance with the conditions set out below, the proposed development complies with European, national, regional, and local planning and related policies. The use of the proposed development is consistent with the EE zoning objective of the site, which seeks to provide for enterprise and employment-related uses. The nature of the proposed development aligns with the

objectives of the South Dublin County Development Plan 2022-2028, which promotes the enhancement of industrial infrastructure and supports sustainable waste management practices in compliance with environmental standards. The proposed development accords with the recommendations of the National Hazardous Waste Management Plan 2021–2027, which promotes the safe management, treatment, and recovery of hazardous healthcare waste. The proposed development aligns with the Project Ireland 2040 National Planning Framework, which emphasises the sustainable management of waste and is consistent with the National Waste Management Plan for a Circular Economy 2024-2030, which aims to develop additional capacity for hazardous waste treatment in accordance with the National Hazardous Waste Management Plan 2021-2027 by ensuring adequate active treatment capacity. The proposed development would help reduce the need for Healthcare Risk Waste treatment elsewhere by providing a necessary hazardous waste management facility. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. The Board was satisfied that a grant of permission for the proposed development would be consistent with national climate ambitions and with the relevant provisions of the Climate Action Plan 2024. Furthermore, the Board has performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Act 2021.

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

Reason: To protect the environment

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of Uisce Éireann 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 Proposed Site Plan (Drawing number E000113-RPS-DG-XX-D-T-0010 RevC01) 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. The facility shall not be available for use directly by members of the general public.

Reason: In the interest of proper planning and development of the area.

6. 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 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 An Bord Pleanála 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 Act 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 refunded to the applicant is **€59,534**.

Board Member


Tom Rabbette

Date: 09/01/2025