



An  
Bord  
Pleanála

**Board Direction**  
**PL 06F.PA.0048**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 24<sup>th</sup> May 2017 , at which the reporting inspector Ciara Kellett presented an overview of the case (accompanied by Philip Green Assistant Director of Planning).

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:

- (a) national policy with regard to the sustainable management of resources and the development of waste infrastructure,
- (b) the policies and objectives of the Eastern and Midlands Regional Waste Management Plan 2015-2021,
- (c) the policies set out in the Greater Dublin Area Regional Planning Guidelines 2010-2022
- (d) the policies of the planning authority as set out in the Fingal County Development Plan 2017-2023,

- (e) the location of the proposed development, in an area which is zoned in the development plan for 'GE' and 'HI' uses, and is a land use 'Open for Consideration' in these zoning categories, and where it is the policy of the planning authority to facilitate the development of appropriate proposals,
- (f) the environmental licensing regime (Industrial Emissions Directive) under which the facility will be regulated by the Environmental Protection Agency,
- (g) the character of the landscape in the area,
- (h) the characteristics of the site and of the general vicinity,
- (i) the pattern of existing and permitted development in the area,
- (i) the distance to dwellings and other sensitive receptors from the proposed development,
- (j) the environmental impact statement submitted,
- (k) the Appropriate Assessment Screening Report submitted,
- (l) the submissions made in connection with the planning application, including those made by the environmental protection agency and other statutory bodies and
- (m) the report of the Inspector.

The Board was satisfied that the information before it was adequate to undertake an appropriate assessment screening and an environmental impact assessment in respect of the proposed development.

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

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. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development, would not be likely to have a significant effect on any European Site in view of the sites' conservation

objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required.

### **Environmental Impact Assessment:**

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

- (a) the nature, scale and location of the proposed development,
- (b) the environmental impact statement and associated documentation submitted in support of the application,
- (c) the submissions from the applicant, the planning authority, the observers and the prescribed bodies in the course of the application, and
- (d) the Inspector's report.

It is considered that the environmental impact statement, 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 completed an environmental impact assessment in relation to the proposed development and concluded that, by itself and in combination with other development in the vicinity, including other existing warehouse and industrial-type developments, and, subject to the implementation of the mitigation measures proposed, the effects of the proposed development on the environment would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

### **Conclusions on Proper Planning and Sustainable Development:**

It is considered that, subject to compliance with the conditions set out below, the proposed development

- would align with national and regional waste management policy, enabling increased rates of resource recovery by means of advanced waste treatment
- would be an appropriate type and scale of facility to be located within this business park environment, which is suitably zoned for general employment, and where a number of similar businesses already operate
- would not have a significant adverse impact on the amenities of the area
- would be acceptable in terms of flood risk, odour management, visual impact and traffic safety and convenience or road users.

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, as amended by the further points of clarification and particulars received by An Bord Pleanála on the 24<sup>th</sup> day of April, 2017, 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 and commitments identified in the environmental impact statement and other plans and particulars submitted with the planning application shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity and the protection of the environment during the construction and operational phases of the proposed development.

3. Details of the materials, colours and textures of all the external finishes, and external hard surfaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In this regard:
- a) No 'Portakabin' or other temporary structures are permitted
  - b) Architectural details of the proposed administration building and the proposed weighbridge building shall be submitted. The treatment shall achieve a greater level of coherence for all four proposed buildings in terms of materials, textures and colours.
  - c) Appropriate architectural consideration shall be given to the choice of panel material and shading/ colour scheme for the waste processing and bale storage buildings.

**Reason:** In the interest of visual amenity.

- 4.
- a) A comprehensive proposal for an overall signage scheme for the entire facility shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This shall arrive at an attractive, consistent and coherent signage scheme with appropriately dimensioned signs.
  - b) With the exception of the signage scheme agreed under (a) above, no advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity.

- 5.
- (a) A scheme indicating boundary treatment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall provide a screen along the southern boundary, consisting predominantly of trees, shrubs and hedging of indigenous species. 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 proposed

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.

**Reason:** In order to screen the proposed development, in the interest of visual amenity.

6. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including:
  - (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
  - (b) location of areas for construction site offices and staff facilities;
  - (c) details of site security fencing and hoardings;
  - (d) details of on-site car parking facilities for site workers during the course of construction;
  - (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage,
  - (f) measures to obviate queuing of construction traffic on the adjoining road network;
  - (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
  - (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
  - (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
  - (j) containment of all construction-related fuel and oil within specially

constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

- (k) management of construction/demolition waste including excavated soil; and
- (l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for public inspection by the planning authority.

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

- 7. Site development and building works shall be carried out only between 0800 and 1900 hours Mondays to Saturday inclusive, and not at all on Sundays or bank or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

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

- 8. The following details shall be agreed in writing with the planning authority prior to commencement of development:
  - (a) The proposed access on to Millennium Business park to include a three-metre setback to provide a footpath/verge and suitable boundary treatment.
  - (b) The proposed entrance on to Cappagh Road, in particular the boundary details (to include re-use of the existing stone from the existing walls to be demolished) reinstatement of footpath and cycle lanes, and the road markings required for the right-turning lane,
  - (c) The entrance overall opening width shall be reduced and gates shall be set-back sufficiently to allow an articulated truck to wait off the public road,

- (d) The provision of a separate pedestrian access and footpath from the main staff entrance to the administration building.
- (e) A revised parking layout minimising the parking area to 16 car parking spaces.
- (f) The provision of 10 covered cycle parking spaces in close proximity to the main entrance.

**Reason:** In the interest of traffic safety, sustainable transport and to protect the amenities of the area.

- 9.
  - 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 submitted with the planning application.
  - b) Any waste vehicles parked on the apron of the facility shall not contain waste. Any 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.

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

- 10. Prior to commencement of development, a detailed invasive species management plan shall be submitted to, and agreed in writing with, planning authority.

**Reason:** In the interest of the ecology of the area, and to prevent the spread of invasive species.

- 11. 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.

**Reason:** To ensure adequate servicing of the proposed development and to prevent pollution.



12. 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. 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 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.

#### **COSTS**

In accordance with the provisions of section 37H(2)(c) of the Planning and Development Act 2000, as amended, the Board also determined the costs to be paid in relation to the case, in accordance with the summary form on the costs file, as follows:

- Refund to applicant: €77,440

**Board Member**

**Date:** 24<sup>th</sup> May 2017

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**Conall Boland**