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**Planning and Development Acts 2000 to 2019**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD19A/0234**

**APPEAL** by Starrus Eco Holdings Limited care of O'Callaghan Moran and Associates of Unit 15 Melbourne Business Park, Model Farm Road, Cork against the decision made on the 10<sup>th</sup> day of September, 2019 by South Dublin County Council to refuse permission for the proposed development.

**Proposed Development:** The amalgamation of Units 14A and 14B to create a single waste processing facility as follows: (1) the demolition of a 60 metres long by 6 metres high internal wall, single storey site office and store and the removal of three number portacabin offices; (2) the change of use from timber recycling to hazardous waste processing and construction of a new hazardous waste processing Building A (1,831 square metres) with a 14.58 metres ridge height all at Unit 14A; (3) the processing of hazardous waste within existing waste processing Building B and the construction of an extension (1,000 square metres) with a 14.60 metres ridge height to Building B; new two storey offices (288 square metres) with a 8.5 metres ridge height; new weighbridge and weighbridge office (40 square metres) and alterations to existing site layout to provide 25 number car parking spaces, 4 number truck parking spaces and 24 number bicycle stands all at Unit 14B; (4) new internal circulation road and the relocation of existing weighbridge; new weighbridge; alterations to the surface water drainage systems; (5) installation of an aqueous waste treatment plant in the new waste processing Building A; (6)

installation of a sewage sludge treatment plant in the extended waste processing Building B and associated odour control unit (32 square metres) with 18 metres high stack; (7) installation of a waste oil recovery plant in the extended waste processing Building B and associated natural gas boiler house and stores (102 square metres) with 16 metres high stack; (8) installation of a waste oil re-refining plant and storage tanks in the extended processing Building B and associated de-asphalting and fractionating columns (60 square metres total floor area) both with 16 metres high stacks and all ancillary and associated works. The proposed development entails a phased transition from the existing non-hazardous waste materials recovery facility to a hazardous waste processing facility. During this transition, hazardous waste and non-hazardous waste will be accepted and processed simultaneously at the waste facility and the total quantum of waste accepted will not exceed 95,000 tonnes per annum as permitted at the existing licenced waste facility. The proposed development will require a review of the Industrial Emissions Licence granted by the Environmental Protection Agency. All at Units 14A and 14B Greenogue Industrial Estate, Rathcoole, County Dublin.

## **Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

1. Having regard to the location of the site within the 1 in 100 year fluvial flood risk zone and Zone A as defined in The Planning System and Flood Risk Management Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in November, 2009, to the nature of the proposed use on the site which constitutes 'vulnerable development' as defined in the same guidelines, to the information submitted regarding potential flood levels on the site submitted as part of the Site Specific Flood Risk Assessment and the design of the proposed development including finished floor levels which are below predicted flood levels, it is considered that the nature of the proposed use is inappropriate for a location such as the appeal site and would be contrary to the principle set out in the guidance not to increase the level of vulnerability of use within flood risk areas and if possible to substitute uses that are less vulnerable within such locations. The proposed development would, therefore, be contrary to the justification test set out in The Planning System and Flood Risk Management Guidelines for Planning Authorities, would pose an unacceptable risk of environmental pollution which has not been adequately addressed in the submitted Environmental Impact Assessment Report and would be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information provided with the planning application and the appeal and in the absence of a Natura impact statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), the South Dublin Bay Special Area of Conservation (Site Code: 000210), the North Dublin Bay Special Area of Conservation (Site Code: 000206) and the North Bull Island Special Protection Area (Site Code: 004006) in view of the conservation objectives of these sites and the hydrological pathway between the appeal site and these identified European sites. In such circumstances, the Board is precluded from granting planning permission.
  
3. On the basis of the information submitted with the planning application, (including the absence of attenuation area design and calculations), the Board is not satisfied that the proposed surface water drainage and attenuation system proposed is adequate to manage surface water on the site and to protect and enhance surface water quality. In the absence of such information, the proposed development would be contrary to Policy IE2 of the South Dublin County Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.

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**Terry Prendergast**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2020.**