

An
Bord
Pleanála

Board Order ABP-316027-23

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Application for permission under section 37E of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report, lodged with An Bord Pleanála on the 10th day of March, 2023 by Starrus Eco Holdings Ltd care of Tom Phillips & Associates, 80 Harcourt Street, Dublin

Proposed Development: The proposed development comprises of the following:

An amendment of Condition 5 of Register Reference FW18A/0079 to increase the annual waste acceptance rate from 270,000 tonnes to 450,000 tonnes per year so as to expand the recycling / recovery capacity and the installation of odour control unit to the rear (east) of Material Recovery Building Number 1. The unit will include an external flue some 18 metres in height above ground. The increased intake does not require buildings, or extensions to existing buildings. The application relates to development that comprises and is for the purposes of an activity requiring an Industrial Emissions Licence. The facility operates under an Industrial Emissions Licence (Number W0183-01) issued by the Environmental Protection Agency.

All at Millennium Business Park, Cappagh Road, Dublin.

**An amendment to this
Board Order has been made**

Dated 11/10/2023

Signed: Secretary

Ellen W. Smith
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Decision

Grant permission under section 37G of the Planning and Development Act 2000, as amended, for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Determine under section 37H(2)(c) the sum to be paid by the applicant in respect of costs associated with the application as set out in the Schedule of Costs below.

Reasons and Considerations:

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

European legislation, including of particular relevance:

- the relevant provisions of Council 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, 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:

- the National Planning Framework: Project Ireland 2040,
- the Climate Action Plan 2024,
- the National Waste Management Plan for a Circular Economy 2024-2030, and,
- the Waste Action Plan for a Circular Economy – Ireland's National Waste Policy 2020-2025.

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Regional and local level policy, including:

- the Eastern and Midland Regional Assembly's Regional Spatial and Economic Strategy 2019-2031.
- **The local planning policy**, including:
 - the Fingal Development Plan 2023 – 2029,
 - 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 Inspector, including the examination, analysis and evaluation undertaken in relation to the environmental impact assessment.

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 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

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Signed: Secretary *Eileen Wynn*

effect on the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), or any other European Site, in view of the Site's conservation objectives and appropriate assessment (and submission of a Natura Statement) is not therefore required.

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 site,
- b) the Environmental Impact Assessment Report 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 significant direct and indirect effects of the proposed development on the environment are:

- **Population and Human Health:** Operational impacts on population and human health considerations as a result of the generation of noise, odours, dust, increased traffic and general nuisance will be adequately mitigated through the application of various measures and best practice site management.
- **Land and Soils:** During the operational stage of the development, the potential arises for negative impacts on soil, in conjunction with the permitted operations, by way of accidental spills and oil leaks from vehicles and mobile plant which may infiltrate to ground via damaged paving; leaks from foul sewers; and, in a

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Eileen Wynn

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worst-case scenario, for contaminated firewater runoff to percolate to ground. The preventative and mitigation measures incorporated into the design and operating practices of the existing facility, when taken in combination with the licensing requirements already in place, will negate any significant residual impacts on land or soils.

- **Water:** In conjunction with the permitted operations, the potential arises for negative cumulative impacts associated with the accidental spillage / leakage of contaminants to drainage systems or their infiltration to groundwater via damaged paving; leaks from foul sewers; and (in a 'worst-case' scenario) for contaminated firewater runoff to enter the drainage systems or to infiltrate to ground. The design of the existing facility and its method of operation, including adherence to its licensing requirements, already incorporates sufficient provision to protect water considerations and, therefore, no significant residual impacts are likely to arise in relation to the proposed development.
- **Air Quality and Climate:** The proposed development will generate greenhouse gas emissions from the handling and processing of the additional waste intake along with the related transportation of materials to / from the facility. However, the residual operational impact on climate considerations when compared to the 'Do-Nothing' scenario will be a net reduction in greenhouse gas emissions. Potential negative operational impacts on air quality relate to fugitive dust and odorous emissions, exhaust emissions from processing plant and traffic, and the cumulative effects of the operation in conjunction with the existing permitted activities. Such impacts can be satisfactorily addressed with the implementation of the mitigation and monitoring measures set out in the Environmental Impact Assessment Report.
- **Noise:** Negative noise impacts could arise during the operational phase of the proposed development, however, these will be mitigated through adherence to best practice, the implementation of the mitigation measures set out in the Environmental Impact Assessment Report, and compliance with the applicable licensing requirements. Noise disturbance is not likely to arise given the mitigation proposed and the separation distances from noise sensitive

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receptors. Impacts arising from noise disturbance during the operational stage can therefore be ruled out.

- **Material Assets - Traffic and Transportation:** During the operational phase there will be an increase in traffic associated with the proposed development, however, these impacts are not significant in terms of magnitude and can therefore be ruled out.

Proper Planning and Sustainable Development:

It is considered that the proposed development would accord with European, national, regional and local planning policy 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.

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. (a) The intake of waste material to the site shall not exceed 450,000 tonnes per annum, of which no more than 200,000 tonnes shall consist of food waste and mixed household waste.
(b) No hazardous or liquid waste shall be accepted at the site without prior grant of planning permission.

Reason: In the interest of clarity.

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3. All mitigation and monitoring measures identified in the Environmental Impact Assessment Report shall be implemented in full as part of the proposed development.

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

4. 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.

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 event of internal issues or a backlog of arrivals.

Reason: In the interests of orderly development and traffic safety.

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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 **€64,433**

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

The image shows a blue ink signature of Peter Mullan written over a circular official seal. The seal features a stylized 'S' or 'B' logo in the center and the words 'BORD PLEANÁLA' around the perimeter.

Peter Mullan

Member of An Bord Pleanála

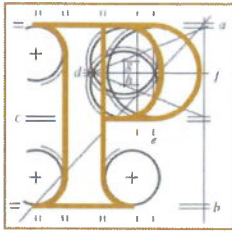
**duly authorised to authenticate
the seal of the Board.**

Dated this 22nd day of August, 2024

**An amendment to this
Board Order has been made**

Dated 11/10/2024

Signed: Secretary 



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Appendix 1

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Strategic Infrastructure Development

Costs of determining the Application

Case Number: ABP-316027-23

Proposed Development: Proposed increase of waste intake from 270,000 to 450,000 tonnes per year and associated works at an existing waste facility at Millenium Business Park, Cappagh Road, Dublin 11.

Board Costs		
(1)	Cost (calculated based on Inspector's time) Inspector 1 (pre-application consultation) €2,629 Inspector 2 (application) €33,938	€36,567
(2)	Costs invoiced to Board	N/A
	Total chargeable costs	€36,567
Board Fees		
(3)	Application Fee - €100,000 Pre-application Consultation Fee- €1,000	€101,000
(4)	Observer fees paid	N/A
	Total	€101,000
	Net amount due to be refunded to applicant	€64,433

Peter Mullan

Member of An Bord Pleanála
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the seal of the Board.

Dated this 22nd day of August, 2024