

An
Coimisiún
Pleanála

**Commission Order
ACP-319282-24**

Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: FW23A/0111

Appeal by William and Pauline Byrne against the decision made on the 20th day of February 2024 by Fingal County Council to grant, subject to conditions, a permission to Rathdrinagh Land Unlimited Company in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of the construction of a Materials Recovery Facility along with a Food Container Cleaning Plant. The development is phase one of the Huntstown Circular Economy Hub and will include for the following works:

1. The development will consist of the erection of two number separate buildings and associated site area for use as a Circular Economy Hub.
2. The processes to be carried out within the Materials Recovery Facility building include for the sorting of range of wastes into recoverable and recyclable streams. Recoverable wastes to processed will include for potential recyclables. This building will include for an external odour control plant with associated flue.

3. The processes to be carried out in the Food Container Cleaning Plant building will provide a centralised washing/sterilisation facility for large food retailers in the area to facilitate re-use of containers.
4. The two number buildings to be constructed will incorporate ancillary office and staff facilities along with solar PV panels and signage.
5. The development of associated access roads, turning/loading areas, footways, parking areas, electric vehicle charge points, landscaping, lighting, fencing, bicycle and bin storage facilities and associated site works.
6. The provision of an ESB substation.
7. The provision of ancillary external storage areas.
8. The reprofiling of existing ground levels within the site and associated works to include for infilling and reprofiling of lands within the overall site area.
9. The provision of a new site entrance with associated works to facilitate vehicular and pedestrian access along with associated upgrade works to the adjacent public road to include for provision of footpaths and cycle paths.
10. The provision of a weighbridge and associated staff building at the entrance.
11. The provision of perimeter fencing and security gates.
12. The provision of all associated hard and soft landscaping works.
13. Provision of attenuation tanks and associated infrastructure as part of the surface water system along with installation of a bypass petrol interceptor.
14. All ancillary site development, landscaping and construction works to facilitate foul water and service networks, all on lands at Huntstown Townland and Coldwinters Townland, County Dublin. The Materials Recovery Facility will require an EPA Industrial Emissions Licence. An Environmental Impact Assessment Report (EIAR) has been prepared and accompanies this application.

Decision

GRANT permission 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.

Reasons and Considerations

In making their decision the Commission had regard to:

- (a) the provisions consistent with the Climate Action Plan (2025);
- (b) the nature, scale, and extent of the proposed development and the pattern of existing development in the area;
- (c) the proposal's consistency with the provisions of the Project Ireland 2040 National Planning Framework, and First Revision (April 2025);
- (d) the provisions of the National Biodiversity Action Plan 2023 – 2030;
- (e) the provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES) 2019 – 2031;
- (f) National Waste Management Plan for the Circular Economy 2024 – 2030;
- (g) the provisions of the Fingal County Development Plan 2023 - 2029 including the 'HI Heavy Industry' zoning for the site;
- (h) the documentation submitted with the planning application, such as the Environmental Impact Assessment Report (EIAR) and the Report in Support of Appropriate Assessment;
- (i) the submissions and observations received on file;

- (j) 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 on European sites;
- (k) the planning history of the site and the in vicinity of the site; and
- (l) the report and recommendation of the Planning Inspector.

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable land use on the subject site having particular regard to the zoning objective for the site and its compatibility with the surrounding land uses. The proposal would also provide appropriate waste treatment infrastructure in accordance with the National Waste Management Plan for the Circular Economy 2024 - 2030, furthermore it is considered that the proposed development would be acceptable in terms of visual and residential amenity in the area, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Commission completed an Appropriate Assessment screening exercise (Stage 1) in relation to the potential effects of the proposed development on designated European sites, taking into account:

- (a) the nature and scale of the proposed development on serviced lands,
- (b) the nature of the receiving environment,
- (c) the distances to the nearest European sites, and the absence of any direct hydrological connections,

- (d) the submissions and observations on file,
- (e) the information and reports submitted as part of the application and appeal, and
- (f) the Inspector's report.

In completing the screening exercise, the Commission adopted the report of the Inspector and concluded that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that an Appropriate Assessment (Stage 2) and the preparation of a Natura Impact Statement would not, therefore, be required.

Environmental Impact Assessment (EIA)

The Commission completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, as set out in the Environmental Impact Assessment Report (EIAR), and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Commission adopted the report and conclusions of the Inspector.

Reasoned Conclusions on the Significant Effects

The Commission considered, and agreed with, the Inspector's reasoned conclusions that the main significant direct and indirect effects of the proposed development on the environment are, and would be, mitigated as follows:

Population and Human Health

Significant direct positive economic benefit through construction phase employment and associated construction phase economic activity, operational phase employment and fulfilment of goals in terms of direct positive effects during operational phase arising from increased waste recycling and recovery capacity.

Land and Soil

Potential direct negative effects arising for land and soil during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including measures set out in a Construction Environment Management Plan (CEMP) and Resource Waste Management Plan (RWMP).

Water

Potential direct negative effects arising for groundwater during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including pollution control measures, resulting in no residual impacts on water.

Air

Potential direct negative effects for air quality during operation due to potential for odorous emissions that could cause adverse impacts that are significant, negative and long term, which would be mitigated by a suite of operation phase mitigation measures, including an onsite odour abatement unit and use of rapid action doors on the MRF building.

Cultural Heritage

Potential direct negative impact on cultural heritage, namely archaeology during the construction phase, which would be mitigated by archaeological monitoring of topsoil stripping and excavation, and archaeological excavation and preservation by record where required.

Material Assets: Traffic & Transportation

Potential negative effects arising for traffic during the construction phase, which would be mitigated by appropriate construction phase mitigation measures, including a construction traffic management plan.

Conclusions on Proper Planning and Sustainable Development

The proposed development would be consistent with the applicable land use zoning for the site and other policies and objectives of the Fingal Development Plan 2023 - 2029, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of visual impact and in terms of the proposed quantum of waste per annum proposed to be accepted, would not cause adverse impacts or serious pollution to biodiversity, water, air, noise or waste, would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience, and would be capable of being adequately served by water supply, wastewater and surface water networks without risk of flooding. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 18th day of December 2023, 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), received by the planning authority as Further Information on 18th day of December 2023, shall be implemented.

Reason: To protect the environment.

3. In advance of commencement of the proposed development the developer shall submit to the planning authority a complete schedule of all mitigation measures. This shall identify who is responsible for the implementation of these measures and a timescale for implementation.

Reason: In the interest of residential amenity, to protect the environment and in the interest of the proper planning and sustainable development of the area.

4. The intake of waste material to the site shall not exceed 95,000 tonnes per annum, which shall consist of
 - (a) Domestic and Commercial Residual Municipal Solid Waste (MSW),
 - (b) Domestic, Commercial and Industrial wastes comprising mixed and single stream dry recyclables,
 - (c) Domestic and Commercial food waste – brown bin, and
 - (d) Source Segregated 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 not be available for use directly by members of the general public. The structures hereby approved shall be for waste recovery purposes only.

Reason: In the interest of clarity.

5. (a) A Materials and Waste Storage Plan which shall be subject to consultation with the EPA, shall be submitted for agreement with the planning authority prior to the commencement of operations and/or waste acceptance whichever is the earliest. Materials/waste shall only be stored in designated areas and shall not be stored on open permeable areas within the site.
- (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.

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

6. The development hereby permitted relates only to those areas described as 'Phase 1' and including access routes within the overall application site. No development shall be carried out on lands identified as 'Outside scope of this application' on drawing titled 'Site Plan – Food Container Plan and Materials Recovery Facility' (Drawing Number HYP-A-001; Rev. 04) received by the planning authority as Further Information on the 18th day of December 2023.

Reason: In the interests of clarity and development management.

7. The landscape plan titled 'Phase One Landscape Proposals 1-500 Sheet 1 of 1' (Drawing Number 7670-L-2101; Rev. P01) received by the planning authority as Further Information on the 18th day of December 2023, shall be implemented in full within the first planting season following substantial completion of the development. 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.

Reason: In the interest of visual amenity.

8. The recommendations pertaining to tree retention, as outlined in the BS5837 Tree Survey Report, contained in Appendix 8.1 of the EIAR submitted to the planning authority as Further Information on the 18th day of December 2023, shall be implemented in the proposed development.

Reason: In the interests of biodiversity and visual amenity.

9. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority, details of, and evidence of liaison with the Dublin Airport Authority (DAA), of a strategy to ensure appropriate wildlife hazard reduction techniques and management.

Reason: In the interest of aircraft safety.

10. (a) The proposed details of the junction design to the development, road upgrade cross section and the upgrade of the existing junction with the R135 shall be agreed in writing with the planning authority prior to construction and the junction designs in particular shall comply with the National Transport Authority Cycle Manual Current edition, and the approved works shall be carried out by the developer at their expense. Drawings to be submitted shall include a site plan which shall show –
- (i) the location of all relevant electricity infrastructure, such as masts and
 - (ii) annotated dimensions of the road carriageway, grass margin, cycle path and footpath widths, and all relevant road markings at the junction of access road with North Road/R135.
- (b) Plans and particulars to be submitted to comply with (a) above shall comprise a full suite of the detailed design drawings and reports of the road infrastructure and services and construction detail drawings and reports, including programme and phasing. The schedule of drawings and reports shall be agreed in writing with the planning authority prior to the submission of the required information.
- (c) Details to be submitted shall include proposals for the management of the access road from the R135, including the opening hours of the gates shown on drawing titled 'Site Plan – Food Container Plant and Materials Recovery Facility' (Drawing Number HYP-A-001; Rev. 04), received as Further Information by the planning authority on the 18th day of December 2023.

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

11. Details of location and design of all bicycle and motorcycle parking shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interests of sustainable transportation and clarity.

12. (a) Prior to commencement of development, a Stage 2 road safety audit shall be submitted to the planning authority for written agreement which shall be in compliance with Transport Infrastructure Ireland's publication 'Road Safety Audit GE-STY-01024' (2017).

- (b) Prior to occupation of the development, a Stage 3/4 road safety audit shall be submitted to the planning authority for written agreement which shall be in compliance with Transport Infrastructure Ireland's publication 'Road Safety Audit GE-STY-01024' (2017).

Reason: In the interests of amenity and of traffic and pedestrian safety.

13. (a) Within 12 months of the proposed development becoming operational, an operational glint and glare assessment shall be carried out and submitted for the written agreement of the planning authority, whereby any glint and glare issues arising for road users/residents shall be identified and mitigation measures proposed, including a time-frame for the implementation of any additional mitigation measures.

- (b) Any additional mitigation measures proposed shall not conflict with those outlined in the Glint and Glare Assessment contained in Appendix 10.3 of the EIAR received as Further Information by the planning authority on the 18th day of December 2023.

Reason: In the interests of residential amenity and traffic safety.

14. A strategy in relation to the use of cranes during construction shall be agreed in writing with the Irish Aviation Authority (IAA) and the Dublin Airport Authority (DAA) prior to the commencement of any development on site.

Reason: In the interest of aviation safety.

15. (a) The developer shall enter into water and wastewater connection agreements with Uisce Éireann prior to commencement of development and all development shall be carried out in compliance with Uisce Éireann standards, codes and practices.
- (b) Prior to commencement of development, the following shall be submitted to, and agreed in writing with, the planning authority:
- (i) a revised Site Compound Plan which shall show that the site compound does not encroach onto the temporary wayleave associated with the Greater Dublin Drainage project.
 - (ii) a revised drainage and watermain layout, which shall show that all drainage and water services infrastructure proposed as part of this scheme shall avoid impacting on the permanent and temporary Uisce Éireann wayleaves which traverse the site. Details to be submitted shall clarify, where relevant, that no washout hydrants, manholes, gullies or other relevant drainage infrastructure shall be located within the wayleaves, or as otherwise agreed with the planning authority.

Reason: In the interests of public health and clarity.

16. 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: In the interests of public health and surface water management.

17. The developer shall comply with the following requirements of the planning authority:

- (a) No surface water/rainwater is to discharge into the foul water system under any circumstances.
- (b) The surface water must be in compliance with the 'Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006.

Reason: In the interest of public health.

18. (a) The developer shall employ a qualified archaeologist to draw up a detailed schedule of archaeological works and to coordinate all archaeological mitigation works in advance of the construction and during construction works.
- (b) The archaeologist will excavate all identified archaeological features and likely archaeological features in advance of commencement of any construction works, as outlined in the archaeological testing report Archaeological Assessment (Test Trenching) (ACSU Limited, Excavation Licence Number 23E0872, submitted as further information on the 18th day of December 2023).

In particular, the two number distinct areas containing archaeological features measuring 316 square metres and 10,118 square metres, annotated on Figure 9 'Detail of site development, showing geophysical survey interpretation, excavated trenches and uncovered archaeology' contained in the Archaeological Assessment (Test Trenching) document shall be stripped of topsoil under archaeological supervision, archaeologically resolved, and preserved by record.

- (c) The archaeologist will monitor under licence all groundworks associated with the development and excavate (preserve by record) under licence all archaeological features and likely features that will be impacted as a result of development works.
- (d) Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The development shall be prepared to be advised by the National Monuments Service of the Department of Housing, Local Government and Heritage with regard to any necessary mitigating action (for example, preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.
- (e) The planning authority and the National Monuments Service of the Department of Housing, Local Government and Heritage shall be furnished with a report describing the results of the monitoring.

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

19. Prior to commencement of development, a site services drawing shall be submitted to, and agreed in writing with, the planning authority, which shall clearly show all relevant utilities infrastructure serving and/or traversing the subject site. The annotated drawing shall be to a suitable scale, and shall show, in particular, all existing underground and above ground electricity infrastructure. The electricity infrastructure shall be shown in the context of –
- (a) the development permitted by planning reference FW21A/0144, and
 - (b) upgrades to the access road including footpath and cycle lanes, as proposed in the subject appeal, including annotated distances to any above ground electricity infrastructure such as masts or pylons, where relevant.

Reason: In the interests of clarity and development management.

20. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall include but not be limited to:
- (a) Collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including dust management plan and noise and vibration control and monitoring of such measures;
 - (b) A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority;

- (c) The location of the compound for storage of plant and machinery and the location for storage of deliveries to the site;
- (d) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains;
- (e) A community liaison officer shall be appointed for the duration of the construction works.
- (f) The agreed CEMP shall be implemented in full in the carrying out of the development.

The CEMP shall incorporate elements of the separate construction traffic management plan, required by condition number 21 of this permission, as appropriate.

Reason: In the interest of environmental protection.

21. A detailed Construction Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of -
- (a) the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site, and measures to obviate queuing of construction traffic on the adjoining road network,
 - (b) measures to prevent the spillage or deposit of clay, rubble or other debris on the road network;
 - (c) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any road or footpath during the course of site development works, and

(d) parking during the construction phase.

Reason: In the interests of traffic safety and convenience.

22. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours 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.

23. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of five years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To secure the protection of trees on the site

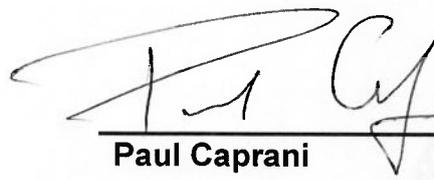
24. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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 Coimisiún 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.

25. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of the upgrade of the junction of the R135/North Road with the northbound slip road of the N2 which benefits the proposed development. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of

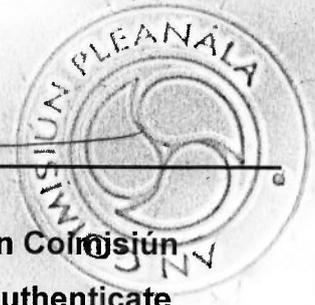
this financial contribution shall be agreed in writing between the planning authority and the developer.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development.



Paul Caprani

Planning Commissioner of An Coimisiún Pleanála duly authorised to authenticate the seal of the Commission.



Dated this 12th day of February 2026.