



An
Bord
Pleanála

Inspector's Report

ABP-310332-21

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| Development | Increase in annual waste intake limit from 250,000 tonnes to 450,000 tonnes and continued extension of operational hours |
| Location | Starrus Eco Holdings Ltd T/A Panda, Cappagh Road, Cappoge Townland, Dublin 11 |
| Planning Authority | Fingal County Council |
| Applicant(s) | Starrus Eco Holding Ltd T/A Panda Greenstar. |
| Type of Application | 37 (E). |
| Date of Site Inspection | 27 th April 2022. |
| Inspector | Sarah Lynch |

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1.0 Introduction

1.1 Pre-application Consultation

- 1.2. The Board received a request on the 20th November 2020 from Starrus Eco Holding Ltd T/A Panda to enter pre-application consultations under Section 37B of the Planning and Development Act 2000, as amended, in relation to the proposed development at Cappagh Road, Cappoge Townland, Dublin 11.
- 1.3. One pre-application meeting was held between the prospective applicant and the Board's representatives on the 25th January 2021. The details of the meeting are set out in the written record contained on the Board's file. The prospective applicant outlined their case in support of their view that the proposed development did not constitute SID and also referred to a previous case decided by the Board (ABP File Ref: 16.GC0001), which they stated supports their case. It was also stated that no new infrastructure was required to facilitate the development and that the facility on site had sufficient headroom to deal with 500,000 tonnes of waste per annum.
- 1.4. At the meeting, the Board's representatives set out their preliminary view that the proposed development would fit within the Seventh Schedule in terms of both exceeding the 100,000 tonnes per annum threshold under Environmental Infrastructure (waste disposal) and having regard to the overall cumulative development, which would result on the subject site and would exceed the threshold of 100,000 tonnes per annum.
- 1.5. The Board determined that the proposed development fell within Class 3 – Environmental Infrastructure, Seventh Schedule and within the terms of Section 37A(2) paragraphs (a), (b), (c) Planning and Development Act, as amended and that the proposed development comprised of Strategic Infrastructure Development.

2.0 Site Location and Description

- 2.1. The subject site, approximately 2.5 hectares in size, is located in an industrial/commercial area to the west of Cappagh Road in Ballycoolin within the Dublin 15 Enterprise zone. There are three waste handling buildings and ancillary infrastructure on the site.

- 2.2. Stadium Business park is located to the south of the site, Huntstown Business Park is located to the north west and there are industrial/logistics yards located to the south east. The Huntstown quarry is located to the north/northeast of the site and there are undeveloped lands that are zoned for commercial uses to the south west. There are ten houses located c.450 to the south east on the southern side of the Cappagh Road.
- 2.3. With respect to the existing facility on the site, the extant planning permission, and Environmental Protection Agency (EPA) Industrial Emissions (IE) Licence provide for the acceptance of 250,000 tonnes per annum of non-hazardous household, commercial, industrial and construction and demolition wastes. The facility operates on a 24/7 basis on foot of a temporary permission and the breakdown of wastes currently accepted comprise mixed dry recyclables, processed mixed solid wastes, food waste, mixed household waste and packaged food waste.

3.0 Proposed Development

- 3.1. The existing development on site is that of a waste processing facility that allows for segregation of recyclable material as part of the chain of waste recovery. The facility provides for the acceptance of 250,000 tonnes per annum of non-hazardous household, commercial, industrial and construction and demolition wastes.
- 3.2. Reverse logistics operations have recently been extended to food waste from major retailers, where food waste is backhauled at the facility for de-packing.
- 3.3. The proposed development is that of increasing the acceptance of waste to 450,000 tonnes per annum. It appears that the existing facility is permitted to operate on a 24/7 basis for a temporary period which expires this year, the current proposal seeks permission to retain these hours on a permanent basis.

3.4. Prescribed Bodies

Transport Infrastructure Ireland

- No observations to make.

Dublin City Council

- A submission was received from Dublin City Council, in which it is stated that conditions relating to the control of air pollution and noise pollution should be included within any grant of permission.

Fingal County Council

- A submission has been received from Fingal County Council in relation to the proposed development and can be summarised as follows:
- Section 2 - Outline of national, regional and local policy is provided.
- Site is located on lands zoned for general employment, whereby high impact waste recovery is not permissible, however objective Z05 of the Fingal Development Plan allows for the intensification of established uses in the event that the use does not conform to the zoning objective of the site. The Council therefore considers the principle of the proposed development to be acceptable.
- It is suggested that the Board may wish to limit the additional food and mixed household waste that can be accepted at the facility.
- Proposed development will result in an 80% increase in traffic to the site. FCC are concerned that the applicant has not considered all permitted development within the vicinity of the site in the cumulative assessment of the development.
- The Cappagh Rd – Mitchelstown Rd roundabout will experience impacts as capacity currently runs at 96% at AM peak period levels.
- Revised modelling of roundabout junction 5 as a signalised junction should be carried out and the applicant should pay a special contribution in order to improve traffic flows at this location.
- Due to increase in traffic movements the applicant should supply details of mitigation measures to prevent queuing at the site. FCC note there is only room for one vehicle to queue at the weighbridge.
- Traffic calming measures are required at the Cappagh Road and should be designed by the applicant in agreement with the Local Authority.
- No objections in relation to surface water.

- Out of date food is accepted and stored for onward movement to a de-packaging facility. Panda is proposing to apply for permission for such a facility on site which would be fitted with appropriate odour control measures. FCC request the Board to consider making this a stipulation of consent.
- No section 48/49 contributions are due; however a special contribution is requested for junction upgrade and traffic calming measures.
- Site is within Dublin Airport noise zone D.
- Elected members submit that a temporary extension of the extended hours for a period of 3 years is granted rather than a permanent grant for extended hours, a permanent cap of 450,000 tonnes for waste to be applied in order to prevent any further expansion and restriction of traffic movements between 12am and 6am should be applied.
- A list of recommended conditions is included within the FCC submission.

EPA

- An application for a licence review has been submitted to the agency. The same EIAR that has been submitted to An Bord Pleanála has been submitted to the EPA for consideration.

3.5. Third Party Observations

No third-party submissions have been received.

3.6. As the Board directed that no Oral Hearing was required, the applicant was given an opportunity to respond to the submissions received as outlined below.

3.7. Applicant's response to submissions received

- Maintenance of 24hr operating hours is required to facilitate the replacement of coal in the cement industry, the production of cement requires high temperatures on a 24hr basis. The transportation of SRF from the Cappagh facility assists the cement industry in reducing their carbon emissions and also prevents the build up of SRF at the facility.
- The facility receives rubbish from collections that are required to be collected outside of peak times in the city. In practice waste is collected from commercial and retail facilities on a 24hr basis.

- The 24hr operating hours avoids surges and prevents exacerbation of peak traffic conditions.
- The extension in operating hours has already been extended on a temporary basis for 12 months and then 3 years, no objections have been received in relation to the proposal to retain these hours, therefore it has been demonstrated that the extension of operating hours is carried out without annoyance to neighbours. Noise emissions are controlled and conditioned under the EPA licence for the site and ensure that noise emissions are within specified levels.
- The nearest dwelling to the site was acquired in 2018 and the remaining dwellings are 500m from the site and 200m from the M50. Noise emissions from the M50 are the dominant noise source at these dwellings.
- The concerns in relation to queuing outside of the facility are noted and it is stated that the facility has operated to date without queuing occurring outside of the site.
- The applicant is agreeable to implementing an operational management plan to prevent queuing and moving the existing weigh bridge within the site to allow for additional vehicle space at the entrance to the site.

4.0 Planning History

- 4.1. Permission for the existing facility on site was granted by Fingal County Council under File Ref: F05A/1156, which allowed a materials recycling facility. Subsequent applications granted permission by Fingal County Council, in 2007 and 2013, permitted the facility's expansion and allowed an increase in waste accepted from 200,000 to 250,000 tonnes per annum. Further applications granted permission in 2018 and 2019 by Fingal County Council permitted extensions to the hours of operation on a temporary basis. Specifically, the 2019 grant of permission allowed the facility to operate on a 24/7 basis for a period of three years.

5.0 Policy Context

5.1. European Policy

New Circular Economy Action Plan for a Cleaner and more competitive Europe 2020

- 5.2. In March 2020, the European Commission adopted a new circular economy action plan for a cleaner and more competitive Europe. In October 2020, the European Parliament Committee on the Environment, Public Health and Food Safety (ENVI) held a debate, and the definitive report was adopted on 27 January 2021.
- 5.3. The circular economy action plan, an integral part of the European Green Deal, sets out the concept of circularity as the basis to meet the EU objective of climate neutrality by 2050, specifying a series of measures related to the whole life cycle of products useful to meet this objective. The plan includes rules to design products with a greater use of recycled raw materials, and longer-lasting products that are easier to re-use, repair and recycle.
- 5.4. **National Policy**

Waste Action Plan for a Circular Economy | Ireland's National Waste Policy 2020-2025

- 5.5. The Waste Action Plan for a Circular Economy sets out a range of aims and targets for the State and the measures by which these will be achieved, including increased regulation and measures across various waste areas such as Circular Economy, Municipal Waste, Consumer Protection and Citizen Engagement, Plastics and Packaging, Construction and Demolition, Textiles, Green Public Procurement and Waste Enforcement.
- 5.6. Ireland generates approximately 1 million tonnes of food waste per year (not including wasted food from agriculture), which represents a carbon footprint as high as 3.6 Mt CO₂eq. Around 40% of this comes from food processing operations, while 60% of it comes from the household and commercial sector.
- 5.7. At a national level, food waste is identified as a priority waste stream within the National Waste Prevention Programme managed by the EPA and in recent years increased resources have been assigned to the area in recognition of its strategic importance.

Regional Spatial Economic Strategy for the Eastern Midland Regional Assembly.

5.8. Section 10.4 Waste Management

5.9. RPO 10.25: Development plans shall identify how waste will be reduced, in line with the principles of the circular economy, facilitating the use of materials at their highest value for as long as possible and how remaining quantum's of waste will be managed and shall promote the inclusion in developments of adequate and easily accessible storage space that supports the separate collection of dry recyclables and food and shall take account of the requirements of the Eastern and Midlands Region Waste Management Plan.

5.10. **Development Plan**

Fingal County Development Plan 2017-2023

- Section 7.5 Waste Management
- Objective WM04 - Facilitate the transition from a waste management economy to a green circular economy to enhance employment and increase the value recovery and recirculation of resources.
- Objective WM08 - Promote and encourage the establishment of re-use, preparing for re-use and repair activities in accordance with the Eastern Midlands Region Waste Management Plan 2015 -2021 (or any subsequent plan).
- Objective WM09 - Promote increased recycling of waste in accordance with the Eastern Midlands Region Waste Management Plan 2015 -2021 (or any subsequent plan).
- Objective WM14 - Promote the recovery (including recovery of energy) from waste in accordance with the Eastern Midlands Region Waste Management Plan 2015 -2021 (or any subsequent plan).
- Ireland has made considerable progress in recent times in its recycling performance which ultimately is a reflection of growing awareness among the public. One area identified as requiring immediate attention is that of organic

waste. The Environmental Protection Agency estimates that significant quantities of organic waste are available for diversion from household bins. This material could be recycled into products such as composts and recovered using energy technologies such as anaerobic digestion.

5.11. **Natural Heritage Designations**

The nearest Natura 2000 sites to the proposed development include:

- South Dublin Bay and River Tolka Estuary SPA is located c. 8.4km east of the proposed development site.
- North Dublin Bay SAC & North Bull Island SPA are located c. 11km east of the proposed development site.

5.12. **EIA Screening**

5.13. Schedule 5 of the Planning and Development Regulations, 2001 (as amended) transposes Annex I and II of the EIA Directive and sets out prescribed classes of development, for which an environmental impact assessment is required. The following classes are noted:

Class 11 other projects - Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule

6.0 **Assessment**

6.1. The proposed development as outlined above will comprise of an increase of the waste to be received at the existing facility rising from 250,000 tonnes to 450,000 tonnes and an extension of operating hours which have been permitted on a temporary basis and operate on a 24/7 basis. I have considered the application and the plans and particulars submitted and the submissions received and consider that the issues for consideration before the Board pertain the following:

- Principle of Development
- Residential Amenity
- Traffic

- Extended hours of operation
- Environmental Impact Assessment
- Appropriate Assessment

Principle of Development

- 6.2. The proposed development, as mentioned above, seeks to increase the quantum of waste to be accepted at the existing Panda waste facility in Cappoge. The increase in waste can be facilitated within the existing premises on site and does not require any additional infrastructure in order to process the additional waste. I note in the first instance that the proposed development is located within a site zoned general employment, whereby high impact waste recovery is not permissible, however, as outlined within FCC submission to the Board, objective Z05 of the Fingal Development Plan allows for the intensification of established uses in the event that the use does not conform to the zoning objective of the site. The principle of the proposed development is therefore permissible in this instance.
- 6.3. At a national level, I note that the Waste Action Plan for a Circular Economy sets out a range of aims and targets for the State and the measures by which these will be achieved, including increased regulation and measures across various waste areas such as Circular Economy and Municipal Waste. 60% of waste comes from household and commercial sources and at a national level, food waste is identified as a priority waste stream within the National Waste Prevention Programme managed by the EPA. Additional capacity for facilities which segregate wastes and feed into the circular economy, such as that proposed, are supported at a national level and in recent years increased resources have been assigned to the area in recognition of its strategic importance.
- 6.4. Such sentiments are also reflected within the regional guidance for the area whereby objective RPO 10.25 of the Regional Spatial and Economic Strategy for the Eastern Midland Regional Assembly requires Local Authorities to identify measures to reduce waste in line with the circular economy.
- 6.5. Overall, the policy position at national, regional and local level supports the provision of facilities which segregate waste streams and work to support the circular economy.

The proposed development is therefore in accordance with the relevant policy position in this regard.

Residential Amenity

- 6.6. The surrounding area is an established industrial and business area comprising predominantly commercial and industrial uses. I consider noise and odours to be the most prominent potential sources of disturbance and nuisance to surrounding residential dwellings in the vicinity of the site.
- 6.7. It is important to outline at the outset that the existing dwelling at the entrance to the site was acquired by the applicant in 2018. The nearest dwellings to the development site are located c. 500 metres from the site and c. 200 metres from the M50.
- 6.8. Technical detail in relation to noise and odours are examined within the EIAR hereunder and will not be repeated here, however it is important to note at this juncture that the existing operations at the development site are subject to EPA licencing whereby emission threshold limits are set and monitored. The proposed increase in capacity will be subject to a licence amendment whereby such threshold limits will be potentially reviewed, controlled and monitored so as to ensure that the development does not give rise to unacceptable levels of emissions in this regard.
- 6.9. I note that no submissions have been received from local residents in relation to the proposed development and I note that the EPA have not indicated any breach of noise limit levels currently imposed by licence at the site. It is of further note that the proposed development proposes to continue to operate within the noise and odour limit levels set by EPA licence and as such it is not considered that the proposed development would exacerbate or create noise emissions beyond that permitted and as such would not be likely to affect residential amenity in the area by way of noise or odour disturbance.
- 6.10. Traffic can be also be a source of noise disturbance, however given that the proposed development is proposing to continue to operate on a 24hr basis and based on the information provided in relation to the operations and collection of waste during night time hours it is reasonable to expect that traffic to and from the site will continue to be spread throughout the day and night and as stated by the applicant, this arrangement does not give rise to surges or queuing at the site and does not give rise to peak hour impacts on the surrounding road network.

- 6.11. I note the applicant's proposal to move the existing weigh bridge within the site to allow for more vehicles to enter the facility directly and prevent any potential for queuing on the public road. This change is welcomed and will provide additional waiting area for vehicles within the facility. It is reasonable, given the increase in capacity proposed, that there will be a notable increase in the number of vehicles to the site and as such the provision of additional waiting space can only be a positive alteration to the existing site layout.
- 6.12. Other impacts to residential amenity, such as light disturbance, visual impact and traffic queuing do not arise in relation to the existing residential properties in the vicinity of the site due to the separation distance from the existing waste facility and due to the nature of the development whereby no new infrastructure or buildings are proposed.
- 6.13. With regard to odour emissions, I note that all processing of waste occurs within buildings which are fitted with odour control measures. Such measures are also subject to licence and monitored to ensure that the operations at the site do not give rise to nuisance odours.
- 6.14. I am therefore satisfied, based on the foregoing, that the proposed development will not give rise to significant noise or odour emissions and as such will not negatively impact current levels of residential amenity at dwellings within the vicinity of the development site.

Traffic

- 6.15. Traffic impacts in terms of the environmental impact will be examined within the EIAR section of this report hereunder, however it is prudent to consider the traffic implications of the development at the outset in the context of the Fingal County Council submission and the relevant local planning policy for the area. It is stated by the applicant that a traffic assessment has been carried out to inform the EIAR and this assessment took into account the proposed increase in waste to be accepted at the SEHL waste management facility in Millennium Business Park where it is proposed to increase waste from 270,000 to 450,000 tonnes.
- 6.16. An assessment of the current traffic generation at the site was carried out over a 24hr period on the 11th March 2020 at 6 pre agreed junctions. Peak am traffic was recorded between 8am and 9am at all junctions with the exception of the Greenstar Facility

access road junction whereby peak am hours were recorded between 9 and 10am. Peak PM hours at all junctions were recorded between 5 and 6pm. It is of note that Peak hourly traffic at the Panda facility occurred between 12am and 1pm and it was noted within the assessment that traffic at the site between 8 and 9am and 5 and 6pm is lower than at other times.

- 6.17. Whilst I acknowledge that the proposed development will give rise to increases in traffic movements, I note waste collections are required under bylaws to be collected before morning peak traffic which would ensure that lorries are on route to the development site and unloaded prior to the 8am peak traffic flow. The proposed development would therefore not give rise to traffic surges at normal morning peak times.
- 6.18. I further note from the information submitted that whilst the proposed development will increase traffic movements to and from the development site by 80%, the actual percentage increase to road traffic associated with both the proposed development and the Greenstar expansion will amount to a total of 80 vehicles per day which is a 5.2% increase in overall traffic volumes in the area.
- 6.19. The applicant states that the majority of access roads in the surrounding area currently operate below capacity and will continue to operate below capacity if the development proceeds.
- 6.20. Notwithstanding the foregoing, the applicant acknowledges that there are capacity issues at the Cappagh Rd – Mitchelstown Rd roundabout which currently runs at 96% at AM peak period levels. However, it is stated that this junction will operate above capacity in the future regardless of the development proceeding. I note in this regard, that there are significant undeveloped lands currently zoned for future commercial/industrial uses in the vicinity of the development site. Whilst I acknowledge the concerns of the Local Authority as outlined within their submission and consider it appropriate to seek a contribution from the applicant towards the upgrade of this junction, I do not consider it appropriate nor reasonable for the applicant to absorb the full burden of these works nor to assume responsibility for the modelling of this junction.
- 6.21. Given the quantum of undeveloped zoned lands in the vicinity I consider that the Local Authority is best placed to determine both the physical improvements and the

modelling of junctions to cater for the current and future development of the area. I also consider it reasonable that the applicant contributes to such measures by way of a special contribution to be agreed with the Local Authority. Thus, should the Board be minded to grant permission I recommend that a condition is imposed seeking the agreement of a special contribution in this regard.

- 6.22. I note that the applicants have acknowledged the capacity issues at the Cappagh Rd – Mitchelstown Rd roundabout and am satisfied that they have adequately considered these issues within the traffic assessment submitted with the EIAR.
- 6.23. In addition to the foregoing, I note that the applicant is proposing to rearrange the internal layout of the existing development to provide a larger waiting area for trucks at the site's entrance. It is submitted that queuing does not currently occur at the site given the 24hr nature of the operation and the provision of additional waiting space within the site would ensure that the increase in capacity at the site would not give rise to queuing and could be catered for within the site with the proposed adjustment to the layout.
- 6.24. Thus, having regard to the information submitted and given the limited increase in traffic generated by the proposed development in the context of existing traffic flows in the area, I consider that the proposed development would not solely give rise to a traffic hazard or impact traffic flows to such a degree as to warrant a refusal. The provision of a special contribution towards the improvement of road infrastructure in the area is considered to be an appropriate measure which can be applied equitably to all future development in the area. The proposed development is therefore considered to be acceptable in terms of traffic.

Extended hours of operation

- 6.25. In relation to the hours of operation the applicant states that waste collections must occur, as a consequence of by laws, outside of peak traffic hours and as such are collected early in the morning or late at night. This restriction in collection hours therefore drives the requirement for 24hr operation at the development site in order to maintain a flow of deliveries and prevent queues building up the adjacent public road. In addition to this requirement the applicant further states that waste for disposal collected at the site is used as fuel at cement facilities and displaces the burning of

fossil fuels. A steady supply stream is required on a 24hr basis to keep furnaces burning at these facilities and to ensure the free flow of traffic at these facilities also.

- 6.26. I consider given the restrictions imposed on collection times in the city and the nature of the cement works that the continuation of the operational hours on a 24hr period is reasonable. I further note that no objections have been received from local residents in this regard and note that the nearest dwellings are 500m from the development site but are 200m from the M50 motorway whereby noise emissions would be dominated by the M50 rather than the development site.
- 6.27. Based on the information submitted, the location of the development site in an established industrial area and having regard to the absence of any submissions from local residents, I consider the retention of operations on a 24hr basis to be acceptable and am satisfied that 24hr operation will not give rise to significant impacts to residential amenity in the area.

7.0 Environmental Impact Assessment

- 7.1. The application is accompanied by an Environmental Impact Assessment Report (EIAR) which was prepared by O'Callaghan Moran & Associates on behalf of the applicant. I note Schedule 5 Part 2 Class 11(b) of the Planning and Development Regulations 2001 as amended, which refers to 'Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule'. Given that the proposed development exceeds the threshold of 25,000 tonnes per annum the applicant has submitted an EIAR.
- 7.2. This EIA section of the report should, where appropriate, be read in conjunction with the relevant parts of the Planning Assessment above.
- 7.3. The application falls within the scope of the amending 2014 EIA Directive (Directive 2014/52/EU) on the basis that the application was lodged after the last date for transposition in May 2017. The application also falls within the scope of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018, as the application was lodged after these regulations come into effect on 1st September 2018.

- 7.4. The impact of the proposed development is addressed under all relevant headings with respect to the environmental factors listed in Article 3(1) of the 2014 EIA Directive. The EIAR sets out a case regarding the background to the project (Section 1.4). The EIAR provides detail with regard to the consideration of alternatives in Section 3. An overview of the main interactions is provided at Section 16. Pages 1-3 to 1-4 of the EIAR lists the main contributors / authors and the qualifications of the EIAR manager, which meet the requirements of the EIA Directive in my view.
- 7.5. Article 3 (2) of the Directive requires the consideration of the effects deriving from the vulnerability of the project to risks of major accidents and / or disasters that are relevant to the project concerned. The potential for 'unplanned events' is addressed in Chapter 13.
- 7.6. The potential for 'flooding' is considered in Section 8 Water. I consider that the requirement to consider these factors under Article 3(2) is met.
- 7.7. In terms of the content and scope of the EIAR, the information contained in the EIAR generally complies with article 94 of the Planning and Development Regulations 2001, as amended, all studies informing the EIAR are up to date and recently acquired.

Alternatives

- 7.8. Section 3 of the EIAR submitted outlines the alternatives considered in relation to the proposed development. It is stated by the applicant that the only alternative to the proposed development would be to acquire an alternative site, obtain planning permission, an EPA licence and provide the required infrastructure. The option would not offer environmental or economic benefits compared to the continued operation of the existing facility. The applicant also considered the option of the 'do nothing scenario'. No change in terms of emissions and environmental impacts will arise in this regard,
- 7.9. It is stated that the use of the existing site is compatible with the proposed development in terms of zoning, no increase in infrastructure is required and the existing ground conditions and distance from environmental receptors minimise the risk of unexpected emissions giving rise to pollution. As mentioned above, any other alternative would not give rise to environmental or economic benefits.

7.10. In my opinion reasonable alternatives have been considered and the information contained in the EIAR with regard to alternatives provides an adequate justification for the alternative chosen, given the particulars of the proposed development. The proposal is therefore considered to be in accordance with the requirements of the 2014 Amending EIA Directive.

Climate

7.11. Chapter 5 of the EIAR considers the potential for impacts to arise in relation to Climate. Direct emissions from waste management facilities are associated with onsite processing and off-site electricity power generation whilst indirect emissions relate to transferring of waste to and from the site and staff transport. It is stated within the EIAR that the waste sector accounts for 1.5% of Ireland's Greenhouse gas emissions and as such is not a significant contributor to the overall emissions of the country. Nonetheless, such emissions are expected to fall by 33.6% by 2030 due to the required reduction in waste disposed of in landfill.

7.12. Section 5.6 refers to the applicant's requirement under the EPA licence relating to the development site to carry out an energy audit to identify all practicable ways for energy use to be reduced. In this regard it is outlined that the applicant has been granted permission at the development site to install solar panels to increase the use of renewable energy at the site. Furthermore, it is stated that diesel fuel plant engines are only turned on during processing and are not permitted to idle, the same principle applies to waste vehicles at the site.

7.13. It is of note that no new buildings or infrastructure is proposed as part of the development and the waste received at the facility will be sorted thus reducing the quantum of wastes disposed of at landfill and the diversion of food waste to landfills will reduce the overall emissions from this source of pollution.

7.14. The overall principle of the development is to reduce wastes and recycle where possible. The increase in traffic movements and the associated emissions are not considered to be of such a significance that would impact climate change to any perceptible level. Following the implementation of mitigation measures such as preventing the running of engines and plant when not in use and the installation of solar panels, it is outlined within the EIAR that residual impacts will be imperceptible and negative on climate.

7.15. I have considered the relevant contents of the file including the EIAR. I am satisfied that the potential for direct or indirect impacts on climate can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the potential for direct or indirect impacts on climate can be ruled out I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

Traffic and Transportation

7.16. Chapter 6 of the EIAR examines the potential for impacts to arise in relation to traffic and transportation, an assessment of the potential impacts has been carried out above within the planning assessment and will not be repeated hereunder.

7.17. As mentioned above a traffic and transport assessment was carried out by ORS on behalf of the applicant and accompanies the EIAR in Appendix 3. In summary the findings of this assessment revealed that all of the junctions apart from one operate below capacity and modelling, as outlined in Section 6.7 of the EIAR suggests that the junction identified as site 5 (Cappagh Rd – Mitchelstown Rd roundabout) will exceed capacity even in the absence of the proposed development.

7.18. Traffic increases associated with the development and the Greenstar expansion amount to 80 vehicle per day which is a 5.2% increase in total traffic volumes in the study area. The magnitude of effects from such an increase is not considered to be significant. It is acknowledged, as outlined above that the proposed development will contribute, albeit not significantly, to the increase in traffic flows at site 5 and there is a recognition by the Local Authority that road improvements are necessary at both the junction at site 5 and within the surrounding road network. I therefore recommend, should the Board grant permission, that a special contribution is sought from the developer to assist with the necessary upgrade of the surrounding road network.

7.19. It is important to reiterate at this juncture that there are no additional buildings required to accommodate the proposed increase in capacity and as the development currently operates on a 24hr basis it is stated that traffic patterns will remain unchanged albeit in higher volumes as outlined above. The magnitude of effects arising from traffic are therefore not expected to be significant.

- 7.20. Mitigation measures as outlined within the planning assessment section of this report, include the prevention of engines idling when not in use and the prevention of queuing at the site.
- 7.21. I have considered the relevant contents of the file including the EIAR. I am satisfied that the potential for direct or indirect impacts on traffic and transportation can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the potential for direct or indirect impacts on traffic and transportation can be ruled out I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

Lands and Geology

- 7.22. Chapter 7 of the EIAR examines the potential for impacts to arise in relation to Lands and Geology. Baseline data was obtained from GSI, EPA, Teagasc and findings of a site investigation completed in 2005. It is stated within the EIAR that given the available information on ground conditions and as the site has already been extensively developed and the proposed development does not involve either any land take outside of the existing site boundary or construction works/ground disturbance, site investigation was not required.
- 7.23. The site is largely covered with buildings and paved surfaces with the exception of a narrow landscaped area at the road frontage. It is stated within Section 7.3.1 of the EIAR submitted that subsoils beneath the surface are between 1.3 and 8.45m thick and comprise sandy gravelly boulder clays.
- 7.24. Potential impacts arise in relation to accidental spills and oil leaks from vehicles and mobile plant. Contaminated fire water could also potentially infiltrate to ground.
- 7.25. Section 7.6 of the EIAR submitted outlines mitigation measures and refers to the continual repair and maintenance of paved areas within the site and the adoption of an emergency response procedure and the training of staff on the appropriate spill response in order to prevent significant impacts to land and geology arising at the development site. Such mitigation measures are standard practice and known to be effective. Given the nature of the development, no residual impacts to lands and geology are expected.

7.26. I have considered all of the written submissions, and the relevant contents of the file including the EIAR. I am satisfied that the potential for impacts on Land and geology can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the potential for direct or indirect impacts on lands and geology can be ruled out. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

Water

7.27. Chapter 8 of the EIAR examines the potential for impacts to arise in relation to water. A desktop study was carried out in order to identify hydrological features within the development site and the surrounding area. The development site lies within the catchment of the Tolka River which is approximately 2.1 km to the southwest and south of the site. I note that there are no significant streams or watercourses within or surrounding the proposed development site.

7.28. I note from section 8.3.1.1 of the EIAR that there is one surface water discharge which is monitored weekly. Trigger levels have been set for this discharge, results for 2019 and 2020 have been good and trigger levels were not exceeded. It is important to note that such levels are included within the EPA licence monitoring and as such are not a matter that the Board can finally determine.

7.29. Flood risk is examined within Section 8.3.1.2 of the EIAR. Flood extent maps were reviewed by the applicant, and it is stated that the proposed development site is not within or located near to any flood risk zone. It is further stated that the site's storm water drainage system is designed to accommodate the runoff from a 1:100-year return storm within the site and control the flow from the site to the Stadium Business Park storm sewer at 6 litre/second.

7.30. I am satisfied, having regard to the location and nature of the proposed development that the increase in waste accepted at the facility and the change to operational hours will not have any impact on flooding either at the site or within the surrounding area.

7.31. Baseline hydrogeology is outlined within section 8.3.2 of the EIAR, I note that the site is underlain by an aquifer of extreme vulnerability and that ground water flow direction

is likely to be heavily influenced by the large scale quarry to the south of the site. Groundwater is described as being of 'Good' status but is at risk.

- 7.32. I note that there is one on-site ground water well which is monitored annually in accordance with the EPA licence requirements.
- 7.33. It is of note that there is no discharge arising from waste waters at the proposed development site. Current arrangements whereby sanitary wastewater is collected in an underground storage tank which is emptied regularly will remain in situ. No change in staffing numbers is proposed and as such the quantum of wastewater will remain unchanged. Overall, the proposed development will not result in any emissions to groundwater and as mentioned above will not give rise to any changes in surface water quantum or quality.
- 7.34. With regard to mitigation measures it is of note that the EPA licence requires the provision of an oil interceptor on storm water drains, impermeable paving across all operational areas, the inspection and repair of paved areas the routine inspection and survey of drains, the adoption of an emergency response and staff training on appropriate spill response actions. The existing development also has a shut off valve within the attenuation tank and in the event of a fire or accidental release of contaminated surface water this valve can be shut to contain the contaminated water within the site.
- 7.35. Having regard to the nature of the proposed development and the existing operations and measures in place to protect both surface and groundwater, I am satisfied that residual impacts do not arise in relation to this development.
- 7.36. I have considered all of the written submissions, and the relevant contents of the file including the EIAR. I am satisfied that the potential for impacts on water can be managed and/or mitigated by measures that form part of the proposed scheme. I am therefore satisfied that the potential for direct or indirect impacts on water can be ruled out. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

Biodiversity

- 7.37. Chapter 9 examines the potential for impacts to arise in relation to biodiversity. Baseline conditions in relation to habitats within the site are outlined in figure 9.1 of the EIAR. It is apparent that with the exception of a narrow landscaped strip inside the boundary fence along the road frontage, the site is entirely covered by paving and buildings. I note that the current site condition and the nature of the proposed development, which involves no disturbance of onsite habits and no disturbance of any off site ecosystems means that an ecological survey was not required in this instance.
- 7.38. The applicant contends that given the layout of the existing facility and the surrounding land use the likelihood of the presence of protected species within the site is very low. I note that it is stated within the EIAR that there are no invasive plant species within the site boundaries.
- 7.39. I note that the site is not within or adjacent to any designated European sites, however there is a hydrological connection between the site and the Dublin Bay Tolka Estuary SPA. This interaction will be examined within the Appropriate Assessment Screening hereunder.
- 7.40. Having regard to the details of the proposed development it is clear that the development will not result in any loss of habitats within or outside of the development boundary. No change to emissions will arise at the facility with the exemption of additional traffic movements and there is no potential for disturbance to bird species within the area.
- 7.41. No mitigation measures area proposed as the development will not adversely impact biodiversity inside or outside the site boundaries. With regard to designated sites, I note that the proposed development will not result in any changes to the volume or quality of storm water runoff, and this in conjunction with the separation distance from the nearest designated site, the Dublin Bay Tolka Estuary SPA, means that the development will not have any significant impact on the SPA. No residual impacts are expected.
- 7.42. I have considered all of the written submissions, and the relevant contents of the file including the EIAR. I am satisfied that the potential for impacts on biodiversity can be avoided. I am therefore satisfied that the potential for direct or indirect impacts on

biodiversity can be ruled out. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

Air

- 7.43. Chapter 10 examines the potential for impacts to arise in relation to Air. The assessment was based on information derived from ambient air quality databases maintained by the EPA and the dust deposition and OCU stack emission monitoring carried out by Panda in compliance with their EPA licence conditions, all monitoring reports are appended to the EIAR for ease of reference.
- 7.44. It is important to note at the outset that the proposed development site is located within an extensively developed area for the purpose of industrial and commercial uses and also contains mineral extraction operations nearby.
- 7.45. I note from section 10.3 of the EIAR submitted that the proposed development is located in air quality Zone A which is the Dublin Conurbation. Air quality in this zone close to the development site was deemed to be of good status as of March 2021.
- 7.46. Potential impacts to air quality as a result of the proposed development arise from dust, vehicle exhausts and odours. The primary source of dust emissions arises from the processing of wastes. Secondary sources arise from vehicle movements on the paved yards during dry periods. Odours arise from the types of wastes accepted at the facility. Mixed solid waste and brown bin waste may give rise to odours as would the de-packaging of waste should it occur on the site.
- 7.47. In terms of mitigation measures to prevent nuisance from odours, I note that the operator implements control measures specified within the EPA licence that are designed to ensure waste activities do not give rise to negative impacts on air quality. It is stated that an Odour Management Plan has been prepared by the operator which identifies the operational and control measures to effectively manage and control odours and defines odour management operational and control measures for both normal and abnormal conditions.
- 7.48. I note that all odorous wastes are removed from the site on a daily basis or within 48 hours in order to further control odours at this facility.

- 7.49. With regard to vehicle emissions, I note that all vehicles are fitted with a selective catalytic reduction system to reduce nitrous oxide levels in the exhaust and as mentioned previously engines are not permitted to idle at the site. Dust monitoring is carried out on two occasions biannually. Recent monitoring of dust is outlined in table 10.1 of the EIAR and demonstrates that dust deposition is recorded as being significantly below upper daily limits for this site.
- 7.50. Based on the information submitted it is clear that the proposed development will not give rise to fugitive emissions to air. The increase in traffic movements is not of such significance to give rise to significant impacts to air quality and no residual impacts are expected.
- 7.51. I have considered all of the written submissions, and the relevant contents of the file including the EIAR. I am satisfied that the potential for impacts on air can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. I am therefore satisfied that the potential for direct or indirect impacts on air can be ruled out. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

Noise

- 7.52. Chapter 11 of the EIAR examines the potential for impacts to arise in relation to noise. The assessment is based on the annual noise monitoring surveys carried out on behalf of the applicant. As mentioned above the site is located in an area that is extensively developed for industrial and commercial use. I note that the closest dwelling to the development is c. 30 metres from the site. The applicant has stated that this dwelling has been acquired and it is intended to redevelop this area as a civic amenity. An additional 10 dwellings are located within 500 metres of the development to the south east and on the southern side of the Cappagh Road.
- 7.53. I note that the development is currently operating on a 24/7 basis and seeks to retain these working hours on a permanent basis. It is of note that no objections have been received from residents in the area. In addition to the foregoing, I note that the proposed development will not be increasing plant or associated infrastructure within the site and it is stated that noise emissions associated with the increase in waste

received at the facility relate to the increase in traffic entering and leaving the site. Current emissions relate to odour extraction fans and fixed and mobile plant.

- 7.54. It is of note that noise mitigation measures are a condition of the applicant's EPA licence and are controlled by same. All processing of waste occurs inside buildings and noise emissions from this activity are appropriately controlled. The current permission and licence pertaining to the site require noise monitoring to be carried out on a regular basis. The most recent monitoring results available to the applicant at the time of submitting this application are from November 2020. Details of this assessment are provided within Table 11.1 of the EIAR submitted and demonstrate that the noise emissions are below the upper thresholds permitted and as such the proposed development is considered to be compliant. I note that it is stated that processing activities were not audible from the four noise monitoring locations and are therefore significantly below permitted noise limits for this activity.
- 7.55. As mentioned above, vehicles will not be permitted to run engines when idle and queuing into the site can be adequately controlled by way of condition, should the Board be minded to grant permission.
- 7.56. Given the insignificance of current noise emissions arising at the site, and within the surrounding area, and that such emissions with regard to the proposed development relate largely to an increase in traffic movements, I consider that the proposed development will not give rise to noise emissions to such a level as to warrant a refusal. Furthermore, it is important to note the context of the site and the surrounding area which is largely industrial and commercial in nature, whereby the noise environment is significantly established. Given the current and expected noise emissions from the proposed development, I am satisfied that the proposed development will not give rise to or exacerbate any cumulative noise impacts within the area.
- 7.57. I have considered the relevant contents of the file including the EIAR. I am satisfied that the potential for impacts on noise can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. I am therefore satisfied that the potential for direct or indirect impacts on noise can be ruled out. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

Landscape and Visual Impact

- 7.58. Chapter 12 of the EIAR examines the potential landscape and visual impacts of the development.
- 7.59. It is important to note at the outset that the proposed development does not propose any additional infrastructure or buildings within the development site. In terms of baseline conditions, the development site is located within a low lying area which is characterised by a mix of pasture and arable farming on low lying land with few protected views or prospects. At a site-specific level, as mentioned above the site is located within an area where land cover is industrial/commercial in an established and well developed industrial zone. It is not in an area designated as highly sensitive and is not overlooked by any designated views or prospects.
- 7.60. The development site covers an area of 2.5 ha and comprises three main processing buildings, substation, two weighbridges, office and associated control rooms and staff amenity buildings.
- 7.61. Given the nature of the proposed development which relates solely to an increase in waste received at the existing facility and a change to operational hours which are currently temporarily in place it is at the facility, there is no potential for the development to give rise to landscape or visual impacts at the site or within the surrounding area. The magnitude of impacts in this regard is therefore imperceptible.
- 7.62. I have considered the relevant contents of the file including the EIAR. I am satisfied that the potential for impacts on landscape and visual amenity can be avoided. I am therefore satisfied that the potential for direct or indirect impacts on landscape and visual amenity can be ruled out. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

Population and Human Health

- 7.63. Chapter 13 of the EIAR examines the potential impacts of the development on population and human health. In terms of baseline conditions it is of note as mentioned above that the proposed development site is located within an established industrial/commercial zone. Undeveloped lands to the west of the site are currently

zoned for general employment, which demonstrates the Local Authorities objectives in relation to the future development of the area.

- 7.64. As previously mentioned, there are ten dwellings located c. 500 metres to the south of the development site, these are the nearest private dwellings to the development. There are no schools, nursing homes or medical centres within 500m of the site.
- 7.65. Potential impacts may arise from vehicles travelling to and from the site. Exhaust gases can be detrimental to health and odours, dust and noise arising from activities on the site have the potential to cause significant nuisance.
- 7.66. Whilst I note that the use on site does not come under the EC Control of Major Accident Hazards involving Dangerous Substances Regulations 2006, it is nonetheless acknowledged by the applicant that accidents with the potential to impact on the health of staff, and neighbours can occur at waste management facilities. I note within Section 13.4 of the EIAR that reference is made to the completion of an Accident Impact Assessment that identifies the plausible accidents that may occur. Such accidents relate to the storage of oils and spontaneous fire.
- 7.67. With regard to impacts arising from noise, vehicle gases and odours, it is important to note that these matters have been considered within the relevant headings above and it is noted that significant impacts are not expected in this regard. In the interest of conciseness, the examination of these impacts will not be repeated hereunder.
- 7.68. Remaining potential impacts relate to impacts arising from vermin and insects at and adjacent to the site. I note from Section 13.6 of the EIAR that the applicant has engaged a specialist pest and vermin control contractor who visits the site regularly to ensure pests and vermin are properly controlled.
- 7.69. It is of note that an Environmental Liability Risk Assessment has been prepared and was a requirement of the EPA licence for the facility. A decommissioning plan has also been prepared which sets out the actions that will be taken in the event that the facility is closed to ensure that there will be no long-term environmental liabilities. Such plans are also required by the EPA in relation to the existing licence for the facility.
- 7.70. Section 13.7 of the EIAR submitted states that the regular air quality monitoring required by the EPA at the facility demonstrates that emissions to air from the waste

activities are not a cause of dust and odour nuisance, impacts from these sources therefore do not arise at the facility.

- 7.71. It is further stated that the exhaust fumes emitted from traffic movements into and out of the site will contribute to a slight negative impact on air quality in the locality.
- 7.72. Overall impacts to human beings are expected to be imperceptible and negative in terms of magnitude for the duration of the operational stage of the development.
- 7.73. I have considered the relevant contents of the file including the EIAR. I am satisfied that the potential for impacts on population and human health can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. I am therefore satisfied that the potential for direct or indirect impacts on population and human health can be ruled out. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

Archaeology, Architecture and Cultural Heritage

Chapter 14 of the EIAR submitted examines the potential for impacts to arise in relation to Archaeology, Architecture and Cultural Heritage. As the proposed development does not propose any ground disturbance baseline conditions were obtained from a desk top study which reviewed an EIS that was carried out for the site in 2013, a review of the Records and Monuments and Places published by the Department of Arts, Heritage and the Gaeltacht and information within the Fingal County Development Plan.

- 7.74. No recorded archaeological monuments are present within the development site, two sites are present within 500 metres of the site and comprise Cappogue Tower House to the southeast and a Fulacht Fiath to the northwest. No Protected Structures are present within or adjacent to the development site and there is no record of any ritual and religious associations, riverine and estuarine sites or landscapes of significance of any cultural significance.
- 7.75. As mentioned above the proposed development will not involve any ground disturbance and will not involve the development of any new structures within the site. No impacts are therefore expected in relation to archaeology, architecture or cultural heritage.

7.76. I have considered the relevant contents of the file including the EIAR. I am satisfied that the potential for impacts on archaeology, architecture and cultural heritage can be avoided. I am therefore satisfied that the potential for direct or indirect impacts on architecture and cultural heritage can be ruled out. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

Material Assets

7.77. Chapter 15 of the EIAR submitted examines the potential for the development to impact upon material assets. The examination of natural assets is based on information derived from the Fingal Development Plan, Fingal LECP, CSO databases and Panda's records of natural resource consumption. Road's infrastructure has been discussed above and will not be repeated hereunder.

7.78. The existing facility is stated to benefit the local economy, it is a significant local employer and accepts household, commercial, and construction and demolition waste material from Dublin City and environs. It is stated that this benefits the local economy as it minimises waste management costs and benefits the community socially and environmentally by promoting sustainable development, reducing the need for landfills and preventing pollution.

7.79. Section 15.3.4 of the EIAR outlines the natural resources utilised by the development and states that current operations at the development site involve the use of diesel fuelled waste transport vehicles and mobile plant and electricity for lighting and heating of the buildings and yard lighting. It is stated within this section of the EIAR that Panda Power is a renewable energy provider which supplies electricity to the facility. Water is obtained on site from a private well.

7.80. In terms of impacts it is stated within section 15.7 that the current operations are not a source of adverse environmental nuisance or impairment outside of the site boundaries. It is stated that the proposed development will have a slight socio-economic benefit but will result in a slight negative impact in relation to natural resource consumption.

7.81. I have considered the relevant contents of the file including the EIAR. I am satisfied that the potential for significant impacts on material assets can be avoided. I am

therefore satisfied that the potential for significant direct or indirect impacts on material assets can be ruled out. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

Interactions

- 7.82. I have considered the interrelationships between factors and whether these may as a whole affect the environment, even though the effects may be acceptable when considered on an individual basis. Section 16 of the EIAR examines the potential impact of interactions.
- 7.83. I consider that there is potential for population and human health to interact with a number of other factors (climate, noise, air and material assets – traffic). The details of all other interrelationships are set out in Section 16 of the EIAR which I have considered.
- 7.84. I am satisfied that effects as a result of interactions, indirect and cumulative effects can be avoided, managed and / or mitigated for the most part by the measures which form part of the proposed development, the proposed mitigation measures detailed in the EIAR and with suitable conditions.

Reasoned Conclusion

- 7.85. Having regard to the examination of environmental information contained above, to the EIAR and supplementary information provided by the applicant and the submissions received, the contents of which I have noted, it is considered that the development will not give rise to any significant direct or indirect effects as follows:
- Negative impacts on **human health and population** arising from the operation of the development include noise, traffic and dust disturbance to residents of neighbouring dwellings. All of these impacts are slight to imperceptible. Adequate mitigation measures are proposed to ensure that these impacts are not significant and include adequate mitigation for operational noise.
 - Potential negative impacts on air and climate relate to the release of dust into the locality and emissions arising from traffic. Such impacts are adequately mitigated for within the EIAR submitted and can therefore be ruled out.

- Negative impacts on **Water** could arise as a result of accidental spillages of chemicals, hydrocarbons or other contaminants entering the drainage system and discharging to the Tolka River. These impacts will be mitigated by measures outlined within the application and EIAR and can therefore be ruled out.
- Negative **Noise** impacts could arise during the operational phase of the development. These impacts will be mitigated through adherence to best practice, prevention of vehicle and plant engines running whilst idle and the processing of waste inside of buildings within existing buildings. Noise disturbance is not likely to arise given mitigation and the separation distances between the development site and residential properties. Impacts arising from noise disturbance during the operational stage can therefore be ruled out.
- Slight negative **traffic** impacts arise during the operational phase of the development, these impacts are not significant in terms of magnitude and can therefore be ruled out.

7.86. The EIAR has considered that the main direct and indirect effects of any significance arising from the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. I am satisfied on the basis of the submitted information that impacts can be adequately mitigated and that no residual significant negative impacts on the environment would remain as a result of the proposed scheme. I am, therefore, of the view that the potential for unacceptable direct or indirect effects on the environment can be excluded on the basis of the submitted information.

8.0 **Appropriate Assessment Screening**

8.1. An Appropriate Assessment Screening document has been prepared by O'Callaghan Moran & Associates on behalf of the applicant. The Screening document describes the proposed development, its receiving environment and relevant European Sites in the zone of influence of the development. It was informed by desktop study of maps and ecological and water quality data from a range of sources and a site survey.

8.2. The report concluded that all sites were outside of the zone of influence of the development. South Dublin Bay & Tolka River Estuary SPA (site code 004024) was

identified as the closest designated site to the development. However, given the distance (8.7km) between the development site and the Tolka River and the nature of the works, it is not considered that the proposed development would impact water quality in the downstream receiving waters of the Tolka River or South Dublin Bay.

- 8.3. It is noted that whilst mitigation measures are proposed within the EIAR, such measures are not for the purposes of avoiding or reducing any potential harmful effects to any European sites and relate to the overall maintenance of the site which is controlled by an EPA licence.
- 8.4. The South Dublin Bay & Tolka River Estuary SPA along with the others outlined in Table 3.1 of the Appropriate Assessment Screening document were deemed to be outside of the zone of impact of the proposed development.
- 8.5. As there is no meaningful connectivity to any other European Sites, the applicant considered that likely significant effects on European sites could be ruled out at preliminary screening stage.
- 8.6. I have reviewed all sites considered by the applicant which are outlined in Table 1.0 of the Appropriate Assessment Screening and I have reviewed the designated sites within an area in excess of 15km radius of the development site and consider the following to have a connection/pathway to the development site and I therefore considered these sites in detail for the purpose of screening for Appropriate Assessment.

8.7. **Table 1.0**

| European Site Name & Code | Distance | Qualifying Interest | Source-pathway-receptor |
|---|----------|---|---|
| Rye Water Valley / Carton SAC 001398 | c.10km | Petrifying springs with tufa formation (Cratoneurion) [7220] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] | Site is located upstream of the development, no meaningful pathway to the site. |

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|---|------------------------|--|---|
| <p>North Dublin Bay SAC 000206</p> | <p>c.11.4km</p> | <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p>Petalophyllum ralfsii (Petaltwort) [1395]</p> | <p>No meaningful pathway from the development site due to the distance and the dilution and dispersion action of the Irish Sea.</p> |
| <p>South Dublin Bay SAC 000210</p> | <p>c.11.2km</p> | <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p> | <p>No meaningful pathway from the development site due to the distance and the dilution and dispersion action of the Irish Sea.</p> |
| <p>North Bull Island SPA 004006</p> | <p>c.11.5km</p> | <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> | <p>No meaningful pathway due to the dispersion and dilution of the Irish Sea.</p> |

| | | | |
|---|---------------------|--|---|
| | | <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p> | |
| <p>South Dublin Bay and River Tolka Estuary SPA</p> <p>004024</p> | <p>8.7km</p> | <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> | <p>No meaningful pathway from the development site due to the distance and the dilution and dispersion action of the Irish Sea.</p> |

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| | | <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p> | |
| <p>Malahide Estuary SPA 004025</p> | <p>11.3km</p> | <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> | <p>No meaningful pathway from the development site due to the distance and the dilution and dispersion action of the Irish Sea.</p> |

| | | | |
|--|---------------|--|--|
| | | Wetland and Waterbirds [A999] | |
| Malahide Estuary SAC 000205 | 11.3km | <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [213]</p> | No meaningful pathway from the development site due to the distance and the dilution and dispersion action of the Irish Sea. |
| Baldoye Bay SPA 004016 | 13.2km | <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Wetland and Waterbirds [A999]</p> | No meaningful pathway from the development site due to the distance and the dilution and dispersion action of the Irish Sea. |
| Baldoye Bay SAC 000199 | 13km | <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> | No meaningful pathway from the development site due to the distance and the dilution and dispersion |

| | | | |
|--|---------------|---|--|
| | | Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] | action of the Irish Sea |
| Rogerstown Estuary SAC 000208 | 14.9km | <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> | No meaningful pathway from the development site due to the distance and the dilution and dispersion action of the Irish Sea. |
| Rogerstown Estuary SPA 004015 | 14.9km | <p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> | No meaningful pathway from the development site due to the distance and the dilution and dispersion action of the Irish Sea. |

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|--|--|----------------------------------|--|
| | | Wetland and Waterbirds [A999] | |
|--|--|----------------------------------|--|

8.8. The proposed development comprises of an increase in waste capacity accepted at the site and a continuation of operating hours on a 24hr basis. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Operation related - uncontrolled surface water/ pollution/spillage of fuels.

8.9. It is important to note at this juncture that all of the above sites are significantly removed from the proposed development site. There is a hydrological pathway via the surface water discharge which ultimately discharges to Dublin Bay via the Tolka River.

8.10. As outlined within the applicants Appropriate Assessment Screening document the closest site to the development is the South Dublin Bay and River Tolka Estuary SPA which has no meaningful connection to the site being located c. 8.7km downstream of the development and is connected via drainage channels and streams that discharge to the Tolka along its route. I concur with the applicants screening assessment in this regard and agree that given the significant distance separating the proposed works and the SACs listed in table 1.0 above that in the event of pollution or sediment entering an adjacent watercourse, such pollution would be diluted and dispersed to an imperceptible level at the point of contact with any of the designated sites within table 1.0 above and as such significant effects to these designated sites are not likely to arise and can be ruled out.

Screening Determination

8.11. Overall, the proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No's, 001398, 000206, 000210, 004006, 004024, 004025, 000205, 004016, 000199, 000208, 004015, or any

other European site, in view of the sites Conservation Objectives, and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

8.12. This determination has been based on the significant distance of the proposed development from any designated sites and the lack of any meaningful pathway between the development site and such designated sites.

8.13. In reaching this conclusion, I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects on the projects on any European Sites.

9.0 Conclusion

9.1. Having regard to the foregoing assessment it is clear that the proposed increase in waste is supported in terms of policy at all levels from local to national. Additionally given the location of the development site within an established industrial / commercially developed area and given the limited magnitude of environmental effects expected I am satisfied that the proposed development is acceptable and in accordance with the sustainable development of the area.

10.0 Recommendation

10.1. I recommend that permission is granted subject to the following conditions

11.0 Reasons and Considerations

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

European legislation, including of particular relevance:

- 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:

- National Planning Framework,
- Waste Action Plan for a Circular Economy | Ireland's National Waste Policy 2020-2025

Regional and local level policy, including the:

- Regional Spatial Economic Strategy for the Eastern and Midland Region

The local planning policy including:

- **Fingal County Development Plan 2017-2023**
- 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.

Proper Planning and Sustainable Development

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

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 a site,

- (b) the Environmental Impact Assessment Report (EIAR) 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:

- Negative impacts on **human health and population** arising from the operation of the development include noise, traffic and dust disturbance to residents of neighbouring dwellings. All of these impacts are slight to imperceptible. Adequate mitigation measures are proposed to ensure that these impacts are not significant and include adequate mitigation for operational noise.
- Potential negative impacts on air and climate relate to the release of dust into the locality and emissions arising from traffic. Such impacts are adequately mitigated for within the EIAR submitted and can therefore be ruled out.
- Negative impacts on **Water** could arise as a result of accidental spillages of chemicals, hydrocarbons or other contaminants entering the drainage system and discharging to the Tolka River. These impacts will be mitigated by measures outlined within the application and EIAR and can therefore be ruled out.
- Negative **Noise** impacts could arise during the operational phase of the development. These impacts will be mitigated through adherence to best practice, prevention of vehicle and plant engines running whilst idle and the processing of waste inside of buildings within existing buildings. Noise

disturbance is not likely to arise given mitigation and the separation distances between the development site and residential properties. Impacts arising from noise disturbance during the operational stage can therefore be ruled out.

- Slight negative **traffic** impacts arise during the operational phase of the development, these impacts are not significant in terms of magnitude and can therefore be ruled out.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, 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 Board adopted the report and conclusions of the Inspector.

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 site's 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 effect on any European sites, in view of the site's Conservation Objectives.

12.0 Conditions

1. The 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. All mitigation and monitoring measures identified in the EIAR shall be implemented in full as part of the proposed development.

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

3. 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.

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 Site Layout Plan (Drawing no. 18139-200) 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. 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 interest of orderly development and traffic safety.

6. 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.

7. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of road and junction improvement works. 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 Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Sarah Lynch
Senior Planning Inspector

31st May 2022