



An
Bord
Pleanála

Inspector's Report ABP-314052-22

Development	Increase in waste intake from 270,000 to 450,000 tonnes per year.
Location	Millenium Business Park, Cappagh Road. Dublin 11.
Planning Authority	Fingal Co. Council.
Applicant(s)	Starrus Eco Holdings Ltd
Type of Application	SID Pre-application.
Date of Site Inspection	6 th September 2022
Inspector	Breda Gannon.

1.0 Introduction

- 1.1. On July 8th 2022, a request was received by An Bord Pleanála to enter into pre-applications discussions with respect to the proposed development under Section 37B of the Planning and Development Act, 2000, as amended.
- 1.2. The Board's representatives met with the prospective applicant virtually on October 6th 2022.
- 1.3. The prospective applicant formally requested closure of the pre-application consultation process in a letter dated October 20th, 2022.

2.0 Site Location and Description

- 2.1. The site is located at Millenium Business Park on the east side of Cappagh Road. Dublin 11. Cappagh Road extends from Kilshane Road and forms an underpass beneath the M50 to the south between Junction 5 and 6. The N2 lies further to the east. Millenium Business Park accommodates a range of commercial and industrial enterprises and is one of a number of similar parks in the area.
- 2.2. The site which has a stated area of c 4.5 accommodates two waste buildings, weighbridge, wheel wash and ancillary facilities including an administrative building with surface carparking. The site is adjoined to the north and east by Huntstown Quarry, by Kilsaran Concrete to the south and by other enterprise buildings within the Millenium Park to the west.

3.0 Proposed Development

- 3.1. The proposal is to increase the annual waste intake limit at the facility from 270,000 to 450,000 tonnes per annum. The proposed increase in waste intake can be accommodated within the existing infrastructure on the site. It does not involve the construction of any buildings or extensions to existing buildings and no amendments to the site layout are required.

4.0 Planning History

F02A/1474 – A decision to grant permission was upheld on appeal for the development of 2 no. buildings for use as a waste recovery and transfer building and biowaste treatment facility.

The waste recovery and transfer building was constructed, the biowaste treatment building was not.

FW18A/0079 – Permission granted for a second waste recovery and transfer building on the site. The proposed development related to an activity covered by an existing EPA Industrial Emissions Licence No W0183-01. Condition 5 states:

‘This permission permits the actual amounts of waste to be accepted to the overall premises at an overall limit of 270,000 tonnes per annum which shall not be exceeded. No hazardous waste or liquid wastes shall be permitted’.

FW22A/0016 – Permission granted for the retention of a waste recovery and transfer building on the site which was different in size and orientation to that permitted under Reg Ref No FW18A/0079.

Condition No 2 stated:

‘The terms and conditions of the grant of permission made by Fingal County Council under Reg. Ref FW18/0079 shall be complied with in full in the course of the development hereby permitted, save for the changes to plans submitted for this application.’

5.0 Waste Licence

- 5.1. The Industrial Emissions licence (W0183-01) relating to the facility is for a non-hazardous waste materials facility and involves the acceptance, recovery and disposal of waste (commercial, industrial, household and construction and demolition) with a maximum total tonnage of 270,000 tonnes per annum.

6.0 Strategic Infrastructure - Legislative Provisions

- 6.1. The Board is requested to decide if the proposal as outlined is or is not Strategic Infrastructure development as defined by Section 37A of the Planning and Development Act, 2000 as amended.
- 6.2. Various classes of infrastructure development are set out in the Seventh Schedule of the Act including Class 3 (Environmental Infrastructure) which provides for the following category of development:

'Development comprising or for the purposes of the following:

-An installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes.

Section 37A of the Act states that

- (1) An application for permission for any development specified in the Seventh Schedule shall, if the following condition is satisfied, be made to the Board under section 37E and not to the planning authority.
- (2) That condition is that, following consultations under section 37B, the Board serves on the prospective applicant a notice in writing under that section stating that, in the opinion of the Board, the proposed development would, if carried out, fall within one or more of the following paragraphs:
 - (a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,
 - (b) the development would contribute substantially to the fulfilment of any of the objectives in the National Planning Framework or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate.
 - (c) the development would have a significant effect on the area of more than one planning authority.

7.0 Prospective Applicants Submission

- The prospective applicant refers to a similar case which has been determined by the Board (ABP 308740-20). The proposal was to increase the total annual

intake from 250,000 to 450,000 tonnes per annum for a nearby waste facility at Cappagh Road. In this case the Board decided that the proposal fell within Class 3 and satisfied the three criteria set out in section 37A(2)(a)(b) and (c) and concluded that the proposed development was strategic infrastructure development and that an application should be made directly to the Board.

- The current proposal is for a similar increase of 180,000 and is therefore considered to be SID.
- The need to provide adequate resource recovery and processing facilities is accelerated by the recent publication of a '*Waste Action Plan for a Circular Economy – Ireland's National Waste Policy 2020-2025*'. It seeks to shift the focus from waste disposal and a linear economy to a circular economy where materials and products remain in productive use for longer.
- The needs of the circular economy will require additional waste processing capacity, not less.
- The Waste Management Planning Regional Co-ordinators in their Q1 2021 report predicted a waste management capacity deficit of up to 30,000 tonnes in 2022. Due to sustained economic activity and increased inward migration from Ukraine, this deficit is likely to grow above 50,000 tonnes in 2022.
- Ireland has a growing population which coupled with a growth in economic activity, will require additional waste capacity for processing, recovery, recycling and disposal.
- There is significant concern that existing waste infrastructure is gradually being eroded through the rezoning of land in local authority development plans. This is more clearly evident in the Dublin region including the following:
 - The Ballymount Industrial Park in South Dublin is currently home to approximately 1,000,000 tonnes of waste processing capacity. The City Edge project seeks to replace existing industrial development, including waste processing units with large numbers of housing units.

- A Starrus Eco Holdings Ltd facility at Cookstown has been rezoned as REGEN which has resulted in the sterilisation of a 150,000 tonne licenced waste facility.
- The Ballyogan bailing station is currently being used for emergency accommodation, despite being an EPA licenced waste site.
- It is therefore necessary to increase capacity at existing facilities to combat the existing waste infrastructure deficits.

8.0 Assessment

8.1. Compliance with the Seventh Schedule

The proposed development seeks to increase the annual intake at the existing waste facility by 180,000 tonnes to a total annual intake of 450,000 tonnes. This alone or in combination with the existing development which permits 270,000 tonnes per annum, would exceed the threshold set out under Class 3 (Environmental Infrastructure) of the Seventh Schedule, specifically under the following category of development:

Development comprising of or for the purposes of any of the following:

- *An installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes.*

I recommend that the Board determine that the development falls within Class 3 (Environmental Infrastructure) of the Seventh Schedule of the Act in the first instance as it exceeds the applicable threshold of 100,000 tonnes per annum.

8.2. Section 37A (2) Act criteria

Section 37 of the Act, as amended, requires that development falling under the Seventh Schedule of the Act, in order to constitute Strategic Infrastructure Development must fall within one or more of the three criteria set out in Section 37A(2)(a)(b) (c). These are considered below:

8.3. **Section 37A(2)(a) - Development would be of strategic economic or social importance to the State or the region in which it would be situate.**

The prospective applicant's submission refers to the waste regions predicted waste management capacity deficits in the Dublin area in 2022. This will be exacerbated by the loss of existing capacity arising from regeneration proposals in Ballymount (City Edge Project) and Cookstown. It is estimated that following the closure of the existing facilities in these areas, the deficit would be in the region of c.800,000 tonnes.

The proposal is to increase the volume of intake and maximise the use of the existing facility. No new buildings or infrastructure is required. The proposal which would increase the volume of waste accepted at the facility by 180,000 tonnes of waste per annum would address some of the capacity issues arising and would therefore be of strategic economic importance to both the State and the Dublin region. I accept that the proposed development constitutes strategic infrastructure by reference to section 37A(2)(a) of the Act, as amended.

Section 37A(2)(b) – The development would contribute substantially to the fulfilment of any of the objectives in the National Planning Framework or in any Regional Spatial and Economic Strategy in force in respect to the area or areas in which it would be situate.

The proposed development is supported by various objectives of the National Planning Framework. **National Strategic Outcome 9** supports the sustainable management of waste and the provision of adequate capacity to manage waste in a sustainable way. It supports circular economy principles and investment in different types of waste treatment, prioritising prevention, re-use, recycling and recovery to support a healthy environment, economy and society. (**National Strategic Objective 56**).

The objectives of the **Regional Spatial and Economic Strategy for the Eastern and Midlands Region (2019-2031)** also support sustainable waste management and the circular economy. The RSES includes 16 Regional Strategic which includes '*Sustainable Management of Water, Waste and other Environmental Resources*' in support of the NSO's of the National Planning Framework.

The proposed development would lead to increased capacity at the existing facility, which in turn would be of strategic importance in meeting the target to reduce the disposal of waste to landfill driving higher levels of waste segregation. The expansion of processing capacity would contribute to national recycling targets by processing more waste and extracting more recyclate and resources for the circular economy. I consider therefore that the proposed development accords with national and regional objectives to manage waste sustainably and support the principles of the circular economy.

I accept that the proposed development constitutes strategic infrastructure by reference to section 37A(2)(b) of the Act, as amended.

Section 37A(2)(c) – The development would have a significant effect on the area of more than one planning authority

The site is strategically located close to the M50 Motorway and the N2 and while the facility is located entirely within the administrative area of Fingal County Council, it lies proximate to other planning authority areas including Dublin City, South Dublin and Dun Laoghaire-Rathdown.

Due to the nature of the development, being a waste facility for the reception and processing of various waste streams and the onward movement of these streams for further processing, I consider that the proposed development would have a significant effect on the area of more than one planning authority.

I accept that the proposed development constitutes strategic infrastructure by reference to section 37A(2)(b) of the Act, as amended.

9.0 Recommendation

- 9.1. Having regard to the foregoing, I recommend that the Board serve a notice on the prospective applicant, pursuant to section 37(B)(4) of Planning and Development Act, as amended, stating that it is the opinion of the Board that the proposed development constitutes a strategic infrastructure development within the meaning of section 37A(1) of the Act and that an application should be made directly to An Bord Pleanála, for the following reasons and considerations.

10.0 Reasons and Consideration

- 10.1. Having regard to the nature and scale of the proposed waste development which is for an increase in annual intake of waste by 180,000 tonnes to a total annual waste intake of 450,000 tonnes, it is considered to fall within Class 3 (Environmental Infrastructure) of the Seventh Schedule and exceeds the threshold for waste installations as set out in section 7.1 above and therefore satisfies section 37A(1) of the Act. It also falls within the terms of section 37A paragraphs (2)(a) (b) and (c) of the Planning and Development Act, 2000 as amended.
- 10.2. It is considered that the proposed would be of strategic importance to the State and the Eastern and Midlands region, within which it would be situate, would contribute substantially to the fulfilment of the objectives of the National Planning Framework and the Regional Spatial & Economic Strategy 2019-2031 for the Eastern and Midland Region in force in respect of the area in which it would be situate, and would have a significant effect on the area of more than one planning authority.
- 10.3. Accordingly, an application should be made directly to An Bord Pleanala.

Note : A list of the prescribed bodies considered relevant is set out in Appendix 1

Breda Gannon
Senior Planning Inspector

25th October 2022

Appendix 1 - List of Prescribed Bodies

- Minister for Housing Local Government and Heritage
- Minister for the Environment, Climate Action and Communications.
- Fingal Co. Council
- South Dublin Co. Council
- Dublin City Council
- Dun Laoghaire Rathdown Co. Council
- Eastern Midlands Waste Regional Office
- Irish Water
- Transport Infrastructure Ireland
- Environmental Protection Agency
- The Heritage Council
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Irish Aviation Authority
- Health Service Executive

Further notifications should also be made where deemed appropriate.

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