Inspector's Report

ABP-315257-22

Development	Proposed expansion of Materials Recovery Facility to process up to 300,000 tonnes per annum
Location	at Unit 1, Cappogue Industrial Park, Ballycoolin Road, Cappogue, Dublin 11, and lands to the south of this address that fall across both the townlands of Cappogue and Dunsink, south of the Ballycoolin Road, Dublin 11.
Planning Authority	Fingal County Council
Applicant(s)	Padraig Thornton Waste Disposal Ltd
Type of Application	37E
Observer(s)	Laurence and Rosaleen Boyle Christopher and Marie O'Connor Transport Infrastructure Ireland Environmental Protection Agency Dept. Housing, Local Government and Heritage
Date of Site Inspection	29th May 2023
Inspector	Alaine Clarke

Contents

1.0 Introduction

1.1. Pre-application Consultation

1.1.1. An application under the provisions of Section 37B of the Planning and Development Act, 2000, as amended, was received by An Bord Pleanála from Padraig Thornton Waste Disposal Ltd for the construction of a waste processing building, redevelopment of existing building with up to 250,000 tonnes per annum and associated infrastructure.

1.1.2. One pre-application meeting was held between the prospective applicant and the Board's representatives on 7th February 2022 (ABP ref. 311902-21). The prospective applicant outlined their case in support of their view that the proposed development constituted SID. The details of the meeting are set out in the written record contained on the Board's file. The Board determined that the proposed development would be strategic infrastructure development within the meaning of section 37A of the Planning and Development Act, as amended, and that any application for permission for the proposed development must therefore be made directly to An Bord Pleanála under section 37E of the Act.

2.0 Site Location and Description

2.1. The existing facility (on a site of 0.75ha) is located at Unit 1, Cappogue Industrial Park, Ballycoolin Road, Cappogue, Dublin 11. It is proposed to extend the site to 3.38 ha in size (as applied for) which falls across the townlands of Cappogue and Dunsink, south of the Ballycoolin Road, Dublin 11. The M50 adjoins the site to the south. Dunsink landfill and agricultural lands are situated further south of the site on the opposite side of the M50. This site is the first/only site to be developed thus far in this part of the industrial park.

2.2. The main entrance to the site is from the eastern boundary off an internal road, a cul-de-sac, within the industrial estate. The internal road connects to the L3090 north of the site which connects to the Cappagh Road and the N3 via the R843 Snugborough Road. The internal road also serves Premier Business Park, c. 270m to the north-east of the site. Car parking is located to the south of the existing building. The site boundary to the west and southwest is shared with residential units which are known

as Coolbrook Cottages and Traveller housing which are served via Barnlodge Grove, also a cul-de-sac.

2.3. The existing waste recovery facility (located on the north-eastern side of the site) comprises a waste processing building which is c. 2,100 m2 in size, with associated offices, a vehicle maintenance building; a concrete hardstand area to accommodate vehicle movement and parking on-site; a drainage system; and boundary fencing, landscaping and gating. The remainder of the site comprises of undeveloped lands located to the south of the existing facility. The existing facility which operates under a waste facility permit issued by Fingal County Council, WFP-FG-17-0001-04. The facility has permission to accept, process, bulk and transfer up to 49,500 tonnes of primarily C&D waste per annum.

2.4. Two no. wayleaves traverse the site along the eastern and southern boundary for ESB and gas. A 38kV electricity wire traverses part of the site and an electrical pylon is located close to the boundary to the south-west. Underground electrical wires run along the south-western and south-eastern boundary The gas line runs near to the south-western boundary. There is an existing foul sewer pumping station to the south-east of the development site.

2.5. The extended site is being purchased from Fingal County Council, appropriate written consent accompanies the application.

2.6. At the time of the site investigation the site was mostly greenfield however the western portion of the site had previously been occupied by a vehicle breakers yard, based on historic aerial images.

3.0 Proposed Development

3.1. The proposed development will involve the construction and operation of an expanded Materials Recovery Facility comprising 1 large processing and storage building of c. 8,714 m2. The existing facility has permission to process up to 49,500 tonnes per annum (tpa) of construction and demolition waste. The proposed expanded facility will accept and process up to 300,000 tpa of waste material, to include:

- 100,000 tpa of residual municipal solid waste;

- 50,000 tpa food waste;
- 100,000 tpa construction and demolition waste;
- 50,000 tpa mixed dry recyclable waste.

3.1.1. A description of the proposed development is set out in Chapter 4 of the EIAR. The proposed development will consist of the following:

- Demolition of one annex of the existing building on-site (226 m2, 9.46 m in height) and the removal of an existing weighbridge.
- Clearance of lands to the south of the existing waste facility, including undergrounding of electrical power lines.
- Culverting of an existing surface water drain traversing the site.
- Development of a new second entrance c. 35m south of the existing site entrance to accommodate vehicles accessing and egressing the proposed facility.
- Retention of an entrance along the western boundary of the site along Barnlodge Grove (presently access to a field) for emergency access/access to services.
- Upgrade and expansion of the existing building on-site, to be referred to as (Material Recovery Facility) **MRF 1** (2,659 m2, to a maximum height of 12.48 m). MRF 1 is the only proposed building which will accept food waste on-site. MRF 1 will be a fully enclosed waste processing building. This building will co-join the MRF 2 and MRF 3 buildings to form one large overall L-shaped building on-site.
- Development of a new building on-site, to be referred to as **MRF 2** (1,735 m2, to a maximum height of 13.65 m). This building will be used to facilitate the waste storage on-site, and the access, egress and loading of HGV vehicles for export of stored waste materials off-site. The footprint of this building will be 1,735 m2.
- Development of a new building on-site, to be referred to as **MRF 3** (4,320 m2, to a maximum height of 13.85 m). This building will be used to facilitate the acceptance, processing and storage of waste.

- Development of ancillary infrastructure including:
    a. Advertising signage (8 m x 2 m) on the southern and western façades of the MRF 3 building and on the southern façade of the MRF 1 building.
    b. Internal site roads, parking and skip storage,
    c. An administration building (272 m2, to a maximum height of 6.96 m),
    d. 2 no. At-grade weighbridges and a weighbridge office (18.5 m2, 3.3 m in height),
    e. An electrical sub-station (23 m2, 2.98 m in height),
    f. A vehicle workshop (519 m2, to a maximum height of 8.44 m),
    g. A vehicle refuelling facility adjoining the vehicle workshop, with an internal 45 m3 bunded diesel storage tank,
    h. A vehicle wash (176 m2, 5.24 m in height),
    i. Perimeter fencing (2.4 m in height), gate access and perimeter landscaping (ca. 6 - 8 m in height),
    j. Site services,
    k. Surface water management infrastructure, including underground attenuation system and an overground rainwater harvesting tank (with a floor area of 86.6 m2 and a capacity of 470 m3),
    l. Fire pumps and a fire-fighting and control system,
    m. A traffic management system,
    n. An odour abatement system, with a 20 m high stack.
- The proposed development will also consist of rooftop photovoltaic solar panels (with a cumulative area of 2,476 m2).
- It is proposed to have three attenuation tanks: greywater attenuation (roof water), paved runoff attenuation (concrete paved areas) and an attenuation for stone surfacing area in the southern end of the site.
- 36 no. car parking spaces

3.1.2. It is intended (EIAR, chapter 5) that the proposed development will serve both the Eastern-Midlands region and surrounding regions. It is proposed to operate on a 24/7 basis. It is stated that waste processing at the fixed processing plant will not take place during the night.

3.1.3. The proposed facility falls within the remit of the Industrial Emissions (IE) Directive (2010/75/EU), as implemented by the European Union (Industrial Emissions) Regulations (S.I. 138 of 2013), which amends the First Schedule of the 1992 EPA Act. As such, an Industrial Emissions (IE) licence application will be submitted to the EPA for the proposed facility and the facility will operate under an IE licence.

3.1.4. In the event that the facility is no longer to be used for waste processing, it will be decommissioned in accordance with a Decommissioning Plan for the facility (which will be prepared as a condition of the IE Licence). The following broad steps, set out in section 4.7 of the EIAR, will occur:

- Reduced intake of materials and waste prior to closure and removed for authorised disposal elsewhere;
- Water on site will be collected for authorised disposal elsewhere;
- Hardstanding areas and drainage systems will be washed down and all equipment, plant, machinery and offices cleaned;
- Environmental monitoring and assessment;
- Equipment, plant and machinery removed from site, resold or scrapped;
- Buildings, hardstanding, drainage systems and fencing will remain.

4.0 Planning History

<u>On site</u>

- ABP 311902-21 The Board decided that the construction of a waste processing building, redevelopment of existing building with up to 300,000 tonnes per annum and associated infrastructure constitutes strategic infrastructure development.

- Fingal Co. Co. FW20A/0122 Permission was GRANTED for an increase in the rate of waste acceptance and processing at the facility up to 49,500. The application included an EIAR.
- Fingal Co. Co. FW19A/0128 Permission and retention permission was GRANTED for retention permission for an extension to the existing building and a boundary wall with palisade fencing along the western boundary of the site.
- Fingal Co. Co. FW13A/0053 Retention permission and permission was GRANTED for boundary alterations and extensions to existing facility.
- Fingal Co. Co. FW11A/0033 Permission was GRANTED for the construction of a waste recovery facility (total area 1393 sqm) for waste tonnage not exceeding 24,500 tpa. The facility also has an internal ELV (End-of-Life Vehicle) garage for de-polluting the ELV's, this garage houses hazardous material storage.

Adjacent:

- ABP 312131 (Route passes directly to the north of the site) Greater Dublin Drainage Project consisting of a new wastewater treatment plant, sludge hub centre, orbital sewer, outfall pipeline and regional biosolids storage facility – undecided.

5.0 Policy Context

5.1. A Waste Action Plan for a Circular Economy – Ireland's National Waste Policy 2020 – 2025

5.1.1. The Waste Action Plan for a Circular Economy is Ireland's roadmap for waste planning and management. This Plan shifts focus away from waste disposal and looks to how we can preserve resources by creating a circular economy. The Plan outlines the contribution of the sector to the achievement of a number of other national plans and policies including the Climate Action Plan.

5.1.2. 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.

5.1.3. Acknowledging the challenge of recent revisions to the Waste Framework Directive introduced the following recycling targets for Municipal Solid Waste (MSW):

- 55% by 2025
- 60% by 2030
- 65% by 2035

5.1.4. In addition, the Landfill Directive has been amended to require that by 2035 no more than 10% of MSW goes to landfill.

5.1.5. With respect to food waste, working towards reducing food waste by 50% by 2030. It is a measure to realise the Anaerobic Digestion (AD) and composting potential of the food waste resource.

5.1.6. With respect to the waste management infrastructure at a national level a primary objective is stated to be to support the development of adequate and appropriate treatment capacity at indigenous facilities.

5.2. Climate Action Plan 2024

5.2.1. This plan seeks to tackle climate breakdown and achieve net zero greenhouse gas emissions by 2050 and a reduction of 55% in GHG emissions by 2030, compared to 1990 levels. It identifies that the transition to climate neutrality will require changes across our society and economy including in the waste sector.

5.2.2. A key message of the Climate Action Plan in relation to waste is moving to a circular economy offers a sustainable alternative to the current model and Ireland is fully committed to making this transition. The transition to a circular economy will reduce our greenhouse gas (GHG) emissions and make a significant contribution to achieving our climate objectives. Current and future actions include continue to implement the Waste Action Plan for a Circular Economy 2020 and publish a second Whole of Government Circular Economy Strategy.

5.2.3. The GHG emissions from waste come from waste treatment and are reported under the waste sector. These are predominantly methane emissions as a result of disposal to landfill. The gains in reducing material use, and substituting virgin material with recycled material, will be credited back up the supply chain. Minimising waste generation, and improving segregation, reuse and recycling will lead to less emissions associated with waste transport and treatment. Increasing recycling and reducing landfill reliance are seen as critical measures of success in delivering sectoral emissions ceilings.

5.3. National Waste Management Plan for a Circular Economy 2024-2030

5.3.1. This Plan sets out a framework for the prevention and management of waste in Ireland for the period 2024 to 2030 and replaces the former regional waste management plans. The Plan contains 8 national targets, 13 core policies and targeted policies amongst other actions and deliverables.

- National Target 1A –6% aggregate reduction in all residual municipal waste per person by 2030
- National Target 1B - 12% reduction in C&D waste by 2030
- Core policy 12: The Plan recognises and supports the need for nationally and regionally important waste infrastructure, including infrastructure of the type, scale and proximity essential to maintain waste services and infrastructure that contributes to the ambition and policies of the Plan.

16 ‘focus areas’ are identified, a number of which relate to infrastructure and each of which set out ‘target policies’ are relevant. Relevant policies include:

- TP11.1: The development or enhancement of existing or new infrastructure or initiatives will be subject to the application of the waste hierarchy and the waste facility siting guidance for all new infrastructure (with this guidance to be embedded in Local Authority Development Plans).
- TP11.2: Enhance national self-sufficiency with the development of sustainable waste management infrastructure where feasible and viable.
- TP11.3: Ensure that future authorisations of waste infrastructure take account of the authorised and available capacity in the market.

- TP11.4:… expedite the consenting processes for new or modified infrastructure and operations..
- TP13.1: Support the development of pre-treatment (for recycling), reprocessing and recycling capacity where technically, economically and environmentally practicable in line with the proximity principle.
- Tp14.1 Support the development of pre-treatment capacity for recovery where technically, economically and environmentally practicable in line with the proximity principle.

5.3.2. The appendices include a glossary of terms. Of note: “material recovery facility (MRF): Facilities where recyclables are sorted into specific categories and processed, or further transported to processors for remanufacturing.” Appendix 9 further clarifies that MRFs are “facilities that separate, process and store dry recyclable materials, which have been collected separately.” Definitions of mechanical biological treatment facilities and transfer stations are also provided. Collectively, these facilities fall under the heading of ‘Pre-treatment Facilities’.

5.3.3. Appendix 9 is titled ‘Guidance for Siting Waste Management Facilities’, section 1.4 of which states this guidance applies to extended waste facilities which extend the site footprint. The following needs to be considered when siting pre-treatment facilities: Access, Access to feedstock, access to end-markets, authorisations, nuisance, proximity to neighbours, traffic, parking, processing, visual screening, site safety, fire safety plan, appendix A and appendix B. Suitable locations for pre-treatment facilities include lands close to urban areas or the primary centres of waste that are zoned for industrial activities, including waste activities.

5.3.4. Appendix 9 contains Appendix A - Facility Siting Setback and Location Distances. A 50m set back distance from the location of the principal processing area to the nearest residential property/nearest is recommended for pre-treatment facilities including processing or co-processing of municipal waste and facilities for pre-treatment of C&D waste where a waste licence is required. The principal processing area is defined as the location of the primary waste activity within the boundary of the proposed site. The setback distances can be reduced if the operator designs and implements appropriate mitigation measures to address key nuisance risks from the facility. These facilities should be within 10km of a national road.

5.3.5. Appendix 9 contains Appendix B – National Waste Plan Policies and Actions and refers to a number of specific targeted policies including TP11-1 to TP11-4 referenced above.

5.4. National Planning Framework (NPF)

5.4.1. One of the shared goals of the National Planning Framework is the sustainable management of water, waste and other environmental resources. The capacity to create beneficial uses from products previously considered as waste, creating circular economic benefits, is recognised.

5.4.2. One of the key future growth enablers for Dublin includes improving sustainability in terms of energy, waste and water, to include district heating and water conservation.

5.4.3. National Policy Objective 56

Sustainably manage waste generation, invest in different types of waste treatment and support circular economy principles, prioritising prevention, reuse, recycling and recovery, to support a healthy environment, economy and society.

5.5. Regional Spatial Economic Strategy for the Eastern & Midland Region

5.5.1. Section 10.4 Waste Management

RPO 10.25: Development plans shall identify how waste will be reduced, in line with the principles of the circular economy….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.

5.6. Development Plan – Fingal Development Plan 2023-2029

5.6.1. Although the Fingal Development Plan 2017-2023 was the plan in place at the time Fingal Co. Co. made their submission in respect of the proposed development, the plan now in place is the Fingal Development Plan 2023- 2029. There was no change in the zoning of the site from the 2017 plan to that currently in force and the zoning objective largely remains the same.

5.6.2. The site is zoned for 'general employment' (GE) use. The stated objective of which is to: "*Provide opportunities for general enterprise and employment".* Waste Disposal and Recovery facilities - "excluding high impact" - are 'permitted in principle', while waste disposal and recovery facility (high impact) is 'not permitted'. Lands immediately to the south west of the site are zoned for 'Residential' use, and lands to the west are zoned for 'National Sport Complex'.

5.6.3. The following extract from Appendix 7, 'Technical Guidance Note', of the FDP is relevant:

> *Waste Disposal/Recovery Facilities (Excluding High impact)*
>
> *The use of land or buildings for the removal or re-use of industrial or domestic refuse which has a low potential for odour, noise, dust and other nuisances and includes non-putrescible waste. Examples of such waste management facilities may be: transfer stations, processing of dry Recyclable material which are contained within buildings, short term storage of small quantities of garden waste, civic waste facilities accepting material for recycling including the acceptance of WEEE and household hazardous waste, facilities for the treatment of end of life vehicles provided there is no stacking of vehicles, processing storage of de-polluted vehicles, scrap metal or recycling residues outside of buildings. Excludes landfills and waste facilities with high potential for odour, noise, dust, fire, and other nuisances in particular operations dealing with putrescible waste.*
>
> *Waste Disposal/Recovery Facilities (High Impact)*
>
> *The use of land or buildings for facilities with high potential for odour, noise, dust and other nuisances including putrescible waste. Examples of high impact facilities are transfer stations and treatment plants for organic waste and residual waste which have a potential for odour, crushing and processing of construction and demolition waste, and facilities where waste is stored outside of buildings and which is visually intrusive or otherwise likely to be a nuisance, including scrapyards. Excludes landfills.*

5.6.4. The following policy in the main text of the FDP in relation to GE lands is relevant:

- *Policy EEP2 – General Employment Lands: Maximise the potential of GE lands, ensuring that they are developed for intensive employment purposes, where appropriate, and which are highly accessible, well designed, permeable and legible.*

5.6.5. Other employment relates objectives of relevance:

- *Objective EEO4: Ensure that space extensive uses are located within appropriate locations which do not compromise labour intensive opportunities on zoned lands, adjacent to public transport nodes or within existing built-up compact growth areas.*
- *CSO14 – Space Extensive Enterprises – which encourages space extensive enterprise is located on appropriately zoned lands which are outside the M50 and which do not compromise labour intensive opportunity on zoned lands adjacent to public transport*

5.6.6. The following policies and objectives in relation to waste are relevant:

Chapter 11: Infrastructure and Utilities

- *11.4 Strategic Aims;…. Fingal County Council will continue to support the principle of the circular economy …The Council will continue to support and promote Government policy on eliminating landfill, reducing the amount of waste produced and maximising waste as a source of products and renewable energy and will prioritise waste prevention, re-use, recycling and recovery over the disposal of waste. In accordance with the Eastern and Midlands Region Waste Management Plan 2015–2021 (EMRWMP) (and any future National Waste Management Plan), the waste management policies and objectives included in this chapter will support a move towards achieving a 'circular economy' which is essential if Fingal and the wider Eastern Region is to make better use of resources and become more resource efficient.*
- *11.6 Waste Policies and Objectives*
    - Policy IUP20 – Implementation of existing waste management policy – promote waste reduction;
    - Policy IUP21 - Environmental Policy, Legislation and Guidance – have regard to;

- Policy IUP22 - Transition From A Waste Economy Towards A Green Circular Economy: Support the principles of transition from a waste economy towards a green circular economy and implement good waste management and best practices to enable Fingal to become self-sufficient in terms of resource and waste management and to enhance employment and increase the value recovery and recirculation of resources…;
- Objective IUO28 – Implement the provisions of the Eastern Midlands Region Waste Management Plan or subsequent waste management plan;
- Objective IUO29 – Sustainable Waste Recovery and Disposal: Provide for, promote and facilitate high quality sustainable waste recovery and disposal infrastructure/technology…;
- Policy IUP24 – promote recycling / re-using.

- Development Standards 14.20.13 - Waste Recovery and Waste Disposal Facilities: In assessing development proposals … the Planning Authority will have regard to the policies, actions, targets and provisions of the Eastern-Midlands Region Waste Management Plan 2015–2021 or any superseding document, planning legislation, the Development Plan and other relevant planning documents.
- Objective DMSO128 – Demarcation of Townland Boundaries: Ensure trees, hedgerows and other features which demarcate townland boundaries are preserved and incorporated where appropriate into the design of developments.
- Objective CIOSO52 – Trees: Protect, preserve and ensure the effective management of trees and groups of trees.

5.6.7. The site is within an area identified for a proposed framework plan for the ‘Dublin Enterprise Zone’. It is the intention of FCC to prepare this framework plan over the lifetime of the FDP.

5.6.8. The Fingal Development Plan 2023-2029, Sheet no. 17 Connectivity and Movement, indicates a proposed Luas extension running along the western boundary of the site,

along Barnlodge Grove and onto which it is proposed to retain a vehicular entrance. In addition, Sheet no. 17 indicates a light rail corridor to the north along Ballycoolin Road.

5.6.9. Of the 6 Landscape Character Types identified within the Fingal County Development Plan, the site is located where the eastern portion of the 'River Valleys & Canal' Landscape Character Type which has a 'High Sensitivity' to development and a 'High Landscape Value'.

5.7. Natural Heritage Designations

5.7.1. The nearest designated sites in proximity to site are:

- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) (8.4km Southeast)
- Rye Water Valley/ Carton SAC (Site Code 001398) (10.1km West)
- South Dublin Bay SAC (Site Code 00210) (10.7km Southeast)
- Royal Canal pNHA (Site Code 002103) (1.5km South)
- Liffey Valley pNHA (Site Code 000128) (3.6km South)
- Santry Demesne pNHA (Site Code 000178) (5.7km East)

5.8. Consultations

5.9. Schedule 5, attached to the Application Form, includes details on pre-application consultation, stakeholder consultation and public consultation undertaken in respect of the proposed development. Details of the application were circulated to the following prescribed bodies:

- Minister for Housing, Loal Government & Heritage
- Minister for Culture, Heritage and the Gaeltacht
- Minister for Communications, Climate Action and Environment
- Inland Fisheries Ireland
- Transport Infrastructure Ireland

- EPA
- An Taisce
- Irish Water
- Fingal County Council

Responses were received from Fingal County Council, EPA, TII and the Department of Housing, Local Government & Heritage which are summarised below.

5.10. Prescribed Bodies

5.10.1. Fingal County Council (FCC)

The key points are:

- Sets out the national, regional and local planning context, including that in force at the time of drafting the Chief Executive's (CE) Report (i.e. the Fingal Development Plan (FDP) 2017-2023);
- The CE's report was presented to Elected Members at the Council Meeting of 13th February 2023;
- The continued development of the facility is considered acceptable from the perspective of the broad aims of current waste management policy;
- In accordance with the FDP 2017-2023, the zoning of the site for 'General Employment' use provides that 'waste disposal and recovery facilities' excluding high impact, is permitted in principle;
- Quoting the FDP, high impact includes transfer stations and treatment plants for organic waste and residual waste which have a potential for odour, processing of C&D waste, storage of waste outside, visually intrusive or likely to be nuisance.
- Considers, on the basis of description of processes to be carried out on site, and conclusions of EIAR (regarding odour, air quality and noise) that the proposed development would not constitute a high impact activity;
- The principle of expanding the existing waste facility is considered acceptable.
- Notes that the largest of elements of the proposal are located in an area of the site which is furthest from the residential units. The structures will be visible

from the access road and Ballycoolin Road and would benefit from design improvement.

- Having regard to proximity of skip storage area to residential boundaries and lack of clarity with regard to the noise assessment for this element of the proposal, FCC recommend increasing the buffer zone along the southern boundary and clarifying the nature of the skip storage area.
- Construction works should be conditioned to commence at 8am.Proposal to operate the proposal on a 24-hour basis is a concern. To protect the current level of residential amenities, should permission be granted, the hours of operation should remain as present in force (07.00 to 19,00 Mon-Fri and 08.00-16.00 Sat only, closed on Sundays and Bank Holidays).
- The Board may wish to give consideration to a temporary permission in order that impacts on residential amenities could be monitored.
- Regarding traffic impact, HGV movement at nighttime has not been taken into account. It is unclear if the assessment was carried out utilising vehicle two-way trips; this requires clarity to determine if there is adequate capacity at junctions. Concern re over-provision of parking. Access and internal arrangement should be redesigned to provide segregation of traffic; proposed access should be rested to HGVs only. Requires additional details regarding tie-in with existing footpath and cycle track (works outside red line boundary).
- Recommend a condition ensuring that the section of the watercourse located on the eastern boundary remain open and un-culverted.
- Recommend an alternative boundary treatment to the southern and western boundary adjoining residential units.
- There are no protected structures, NHA, Natura 2000 sites, watercourses, waterbodies or Special Amenity Area Order applicable to the site or environs.
- Recognises that ABP are the competent authority for EIAR and AA.
- Subject to conditions, it is recommended that permission is granted.

5.10.2. <u>EPA</u>

- Advises that the Agency has not received a licence application relating to the proposed development, but the proposed development may require a licence under Class 11 of the EPA Act. Notes that if a licence is granted, conditions

will be incorporated ensuring application of standards. Notes that the agency cannot issue a proposed determination on a licence application until a planning decision has been made.

5.10.3. Department of Housing, Local Government and Heritage (Development Applications Unit)

- Noting chapter 14 of the EIAR which incorporates a desk-based Archaeological Impact Assessment, advises of conditions to be attached in the event of a grant of permission relating to mitigation measures, archaeological monitoring, CEMP requirements.

5.10.4. TII

- Notes that the submitted application does not appear to have recorded the EIAR scoping response issued by TII in April 2022.
- The proposed development includes works proposed to be carried out on, and in close proximity to the national road network, which includes structures and associated services such as drainage utilising a 'surface water outfall' that runs in a culvert under the M50. These works must be subject to prior approval of TII.
- References the NPF and the RSES and the importance of maintaining the strategic capacity, safety and efficiency of the national road network.
- Any works proposed potentially impacting the national road network are required to demonstrate compliance with TII Publications (Standards).
- TII request that matters raised are reflected in revised drawings and documentation for both construction and operation phases of the proposed development.
- Details of works at the national road network should be provided and any proposed mitigation of impact on the M50 should be recorded at Chapter 17 Schedule of Commitments and Appendix 4.2 Construction Environmental Management Plan (CEMP) of the EIAR.
- Copy of Scoping Request response, dated 20th April 2022, attached, which lists matters the EIAR should have regard to.

5.11. Observations – Third Party Observations

5.11.1. Two third party observations have been received from Laurance and Rosaleen Boyle and Christopher and Marie O'Connor. The main issues raised are summarised below:

- Laurence & Rosaleen Boyle
    - Impact on living environment from skip and household waste disposal resulting in increased noise and smells;
    - Appreciates house location close to nature;
    - Concern that health will be affected;
    - Increased risk of vermin;
    - Bad odour from the site will get worse;
    - Concern for children's safety;
    - Proposed works would be unsightly and negatively impact on landscape
    - Concern for house valuation.
- Christopher and Marie O'Connor
    - Too near residential properties, buildings will block natural light;
    - Noise pollution – already suffer from;
    - Listed smells and gases that will be generated and those that will be harmful to human health;
    - Additional traffic and children's safety as a result of new entrance to side of their property;
    - Risk of (increased) rodent infestation;
    - Will be surrounded by structures;
    - Human rights not being considered.
    - Request that they are provided with maps of the application.

5.12. Oral Hearing

5.12.1. The Board decided, by Direction dated the 31st May 2023, that an oral hearing was not warranted in relation to the subject case, as it was considered that there was sufficient written evidence on file to enable an assessment of issues raised.

6.0 Further Information

6.1. Further information on the application was requested by the Board on 6th July 2023, relating to the following:

- response to submissions, in particular from TII and Fingal County Council,
    - requiring a specific review on the M50 culvert and reference to TII's previous correspondence in relation to the EIAR Scoping;
    - responding to FCC's request to maintain opening hours as existing;
    - clarifying junction capacity;
    - reconfiguring site layout plan to provide segregation of staff/visitor traffic, pedestrian and cyclists from HGV movements and parking, restricting the proposed new vehicular entrance to serve HGVs only, and showing how the new access and crossover of the existing footpath and cycle track would occur;
    - justifying quantity of parking.
    - Retaining open watercourse as opposed to culvert along the eastern boundary.
    - An alternative boundary treatment to residential properties.
- Revised odour modelling having regard to leakage from the entry/exit points of the MRF building;
- Revised noise modelling/workings that show breakout noise with all roller doors open i.e., worst case scenario, details of the daytime background noise levels, clarifying ambient sound and predicted operational noise levels, clarifying whether skip storage noise and reversing vehicles are included in the noise assessment.
- Updating the Transport Assessment to take account of the connectivity and movement objectives as indicated on sheet 17 of the development plan which shows a proposed Luas extension running along the western boundary of the site and a light rail corridor to the north along Ballycoolin Road.

- Revising the location of the proposed vehicle wash to allow for landscaping and buffer;
- Clarifying existence of services infrastructure not indicated on the site layout plan.
- Updated EIAR addendum.

6.2. Following two extensions of time to respond to the request for further information, a response from the applicant was received on 23rd November 2023. The response includes revised drawings, including a slight amendment to the site boundary, and slight alterations to the layout of proposed structures. Additional noise modelling and odour dispersion modelling was undertaken. An addendum to the EIAR, AA Screening Report and CCEMP were submitted. There are no changes to the findings/conclusions of the EIAR arising from the proposed modifications/updates submitted with the response to FI request.

6.3. I note that the applicant did not respond to each of the submissions as requested in the request for further information. I note a response was made to matters raised by FCC and TII. With respect to the EPA and the Department, there were no matters arising in these submissions that warranted a specific response. With respect to third party submissions, namely the O'Conner's and Boyle's, I note these submissions are general in nature and in my opinion the matters raised are assessed in the EIAR and application documentation.

7.0 Further Submissions

7.1. One additional submission from Laurence and Rosaleen Boyle was received following the receipt of further information. Concerns raised include those raised in their original submission and an additional concern regarding opening times.

8.0 Assessment

8.1. Introduction

I have examined the file, considered national, regional and local policy and I have inspected the site and its surrounds. I have assessed the proposed development and

considered the various submissions received from the applicant, prescribed bodies and observers. I consider that the key issues that arise for consideration in this case are as follows:

- Principle and Need for Development
- Retention of Trees
- Siting Requirements – Compliance with National Waste Management Plan
- Residential Amenity
- Roads and Traffic
- Environmental Impact Assessment
- Appropriate Assessment

There are issues which are common to both the planning assessment and the environmental impact assessment and in order to avoid repetition these are not repeated in subsequent sections of the report.

8.2. Principle of and Need for the Proposed Development

8.2.1. Introduction

8.2.2. The proposed development, as mentioned above, seeks to increase the quantum of waste and the range of waste streams to be accepted at the existing Thorntons waste facility in Cappogue Industrial Park. Presently, the site is authorised to accept up to 49,500 tonnes of waste per annum, comprising mixed construction and demolition (C&D) wastes. The applicant intends to increase the quantity of waste accepted by 250,500 tonnes (to a total of 300,000 tonnes) and to expand the range of waste categories accepted at the site from solely C&D waste to accepting food waste, residual municipal solid waste (rMSW) and mixed dry recyclable waste -

- 100,000 tpa of rMSW;
- 50,000 tpa of food waste;
- 100,000 tpa construction and demolition (C&D) waste; and
- 50,000 tpa mixed dry recyclable waste.

8.2.3. National and Regional Waste Policy

8.2.4. At a national level, national policy objective 56 of the National Planning Framework, calls for the sustainable management of waste generation and support of circular economy principles. The Climate Action Plan 2024 recognises that the transition to a circular economy will reduce our greenhouse gas (GHG) emissions and make a significant contribution to achieving our climate objectives. Current and future actions include implementation of the Waste Action Plan for a Circular Economy 2020.

8.2.5. 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 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.

8.2.6. The Waste Action Plan for a Circular Economy 2020-2025 acknowledges the pressure on our infrastructure to cope with the amount of waste we are generating and states that it is a primary objective to support the development – for environmental and economic reasons – of adequate and appropriate treatment capacity at indigenous facilities to ensure that the full circularity and resource potential of materials is captured in Ireland. The circular economy approach is also reflected in the Regional Spatial and Economic Strategy for the Eastern and Midland Region (objective RPO 10.25 refers).

8.2.7. The National Waste Management Plan for a Circular Economy 2024-2030 (NWMP) sets out a framework for the prevention and management of waste in Ireland for that period and replaces the former regional waste management plans. This Plan recognises Climate Change as a key driver for both behavioural change and improved waste management practices towards a circular economy. This Plan provides for continued and expanded residual waste treatment capacity within the State to move towards self-sufficiency and reduce the reliance on the export of waste materials, in addition, there is a national capacity deficit for non-hazardous construction and demolition waste and dedicated facilities are required to meet this demand. Core policy 12 is relevant and supports the need for nationally and

regionally important waste infrastructure, including infrastructure of the type, scale and proximity essential to maintain waste services and infrastructure that contributes to the ambition and policies of the Plan. Targeted polices TP11.2, TP11.3, TP11.4 and TP14.1 referenced above in section 5.3 of this Inspector's report support the development of waste management infrastructure, including expediating the consenting process.

8.2.8. TP11.3 of the NWMP requires future authorisations of waste infrastructure to take account of the authorised and available capacity in the market. This approach is reflected in the Siting Guidance in Appendix 9 of the NWMP. The following statements in the NWMP are noted:

- "*Based on projected rMSW growth and a review of available treatment capacity, there is a projected continued and significant deficit in treatment capacity within the State of the order of 200,000 to 300,000 tonnes. The continued reliance on export of rMSW for treatment is unsustainable and there is a need for additional indigenous treatment infrastructure to meet current demand*…"
- "*There is a well-established gap in treatment capacity for non-hazardous C&D waste streams as this stream should no longer be allowed to compete with MSW for void space in MSW landfills. There is an urgent and growing need for additional infrastructure for this stream to ensure a regulated supply chain is maintained for the construction industry to manage these wastes.*"

8.2.9. I note that Chapter 2 of the EIAR considers the need for the proposed development including national and regional waste projections, and the consequent demand for additional capacity based on population projections. It is vital that there is sufficient capacity for the recovery and/or disposal of the envisaged increased construction and demolition waste. Additional capacity for facilities which segregate wastes and feed into the circular economy, such as that proposed, are supported at a national and regional level and in recent years increased resources have been assigned to the area in recognition of its strategic importance.

8.2.10. <u>Development Plan Policy</u>

8.2.11. I note that Fingal Development Plan 2017-2023 was the plan in place at the time Fingal Co. Co. made their submission (Chief Executive's Report) in respect of the

proposed development however the relevant development plan is presently the Fingal Development Plan 2023- 2029.

8.2.12. Chapter 5, Climate Action, states that in the waste sector, policy on climate action is focused on a shift towards a 'circular economy'. It is a policy (CAP25) to support the shift towards the circular economy approach as set out in the National Waste Policy for 2020–2025. Chapter 11 deals with Infrastructure and Utilities. Relevant policies include IUP20, IUP21, IUP22 and IUP24 which seek to promote waste reduction and support transition to a circular economy while seeking to enable Fingal to become self-sufficient in terms of resource and waste management and to enhance employment and increase value recovery. It is an objective to implement the provisions of the Eastern Midlands Region Waste Management Plan or subsequent successor (IUO28) and to provide for, promote and facilitate high quality sustainable waste recovery and disposal infrastructure/technology (IUO29). Chapter 14, Development Management Standards, at para. 14.20.13 states that regard will be had to the Eastern-Midlands Region Waste Management Plan 2015–2021 or any superseding document and other relevant planning documents in assessing applications for waste facilities.

8.2.13. Chapter 14 of the FDP deals with land use zoning. According to the landuse zoning map (Sheet 13) which accompanies the written statement of the FDP, the site is zoned for 'general employment' (GE) use, the stated objective of which is to "provide opportunities for general enterprise and employment" while the 'vision' of this zoning is described as:

> *"Facilitate opportunities for compatible industry and general employment uses including appropriate sustainable employment and enterprise uses, logistics and warehousing activity in a good quality physical environment. General Employment areas should be highly accessible, well designed, permeable and legible*."

8.2.14. <u>General Employment Objective</u>

8.2.15. Chapter 7 of the FDP deals with employment and economy. Objective EEP2 'General Employment Lands' states:

"*Maximise the potential of GE lands, ensuring that they are developed for intensive employment purposes, where appropriate, and which are highly accessible, well designed, permeable and legible*."

Objective EEO4 'Space Extensive Uses' states:

"*Ensure that space extensive uses are located within appropriate locations which do not compromise labour intensive opportunities on zoned lands, adjacent to public transport nodes or within existing built-up compact growth areas."*

8.2.16. Section 2.5 of the Core Strategy deals with employment lands, I note objective CSO14 – Space Extensive Enterprises – which encourages space extensive enterprise is located on appropriately zoned lands which are outside the M50 and which do not compromise labour intensive opportunity on zoned lands adjacent to public transport

8.2.17. I note section 7.5.3.3 of the EIAR relating to economic activity and employment states that the development and operation of the proposed facility will secure 24 full-time jobs and an unknown amount of indirect additional jobs, on a site of 3.38 ha in size. The site is outside the M50 and is not within an existing built-up compact growth area and therefore the proposed development is in compliance with objectives CSO14 and EEO4.

8.2.18. I note Objective EEP2 seeks to maximise the potential of GE lands and ensure they are developed for intensive employment purposes, where appropriate and which are highly accessible. I note however that the general employment zoning objective does not specifically call for intensive employment. I also note that the Development Plan directs space extensive enterprises to lands outside the M50, such as the site of the proposed development, and that a range of less intensive developments, such as builders' providers, fuel storage, civic waste facility and waste disposal and recovery facility (excluding high impact) are 'permitted in principle' on lands zoned for general employment. I am satisfied therefore that the use of the site for a less intensive employment purpose such as that proposed is in accordance with the FDP policy in this regard.

8.2.19. <u>Permissible/Non-permissible Use</u>

8.2.20. Each of the zoning objectives are accompanied by two sets of tables relating to 'permitted in principle' and 'not permitted' developments relevant to that particular zoning objective. With respect to 'General Employment' zonings, waste disposal and recovery facilities - "excluding high impact" - are 'permitted in principle', while waste disposal and recovery facility - "high impact" is 'not permitted'. Lands immediately to the southwest of the site are zoned for 'Residential' use, and lands to the west are zoned for 'National Sport Complex'.

8.2.21. According to Appendix 7, Technical Guidance Notes, of the FDP, 'high impact' waste disposal/recovery facilities are those with high potential for odour, noise, dust and other nuisances including putrescible waste', examples of which include transfer station and treatment plants for organic waste and residual waste which have a potential for odour, crushing and processing of construction and demolition waste, and facilities where waste is stored outside of buildings and which is visually intrusive or otherwise likely to be a nuisance, including scrapyards.

8.2.22. 'Waste Disposal/Recovery Facilities (Excluding High impact)' are described as those which have a low potential for odour, noise, dust and other nuisances and includes non-putrescible waste, an example of which also includes transfer stations and the processing of dry recyclable material which are contained within buildings, short term storage of small quantities of garden waste, civic waste facilities accepting material for recycling, end-of-life vehicles processing, and excludes waste facilities with high potential for odour, noise, dust, fire and other nuisances in particular operations dealing with putrescible waste.

8.2.23. Under the previous FDP, the site was similarly zoned 'general employment' and I note the zoning objective and stated vision remain largely the same as per the previous 2017-2023 FDP. The applicant provides a rational, within section 5.4.3 of the EIAR, as to how the proposed facility complies with the waste management objectives which are broadly similar to the current policies and objectives and relate to working towards a circular economy and reducing waste. As per the current plan, waste disposal and recovery facilities (excluding 'high impact' facilities) were permitted in principle on lands that were assigned the General Employment zoning designation under previous FDP. The EIAR states that having regard to the 'high impact' waste recovery facilities definition (which are similar to those in the current FDP) that an appropriately operated waste management facility should not create

any significant impacts citing oversight by regulatory authorities and appropriate mitigation measures:

> "*With the adoption of mitigation, a waste facility accepting residual waste and organics and operating under a waste authorisation should therefore have the level of impact as a facility accepting dry recyclable material (i.e. non-high impact*)."

8.2.24. The EIAR then proceeds to outline why the proposed development ought not to be considered 'high impact' and "is therefore 'permitted in principle'" including:

- the facility will be a modern 'state of the art' waste management facility and will have the highest level of environmental mitigation;
- the facility will operate in accordance with best practice standards for waste facilities; will operate under an Environmental Management System (EMS) and will be certified to the ISO standard.
- All waste acceptance, handling, storage and processing will occur within fully enclosed buildings, thereby preventing odour, dust, and noise emissions from facility operations.
- The facility will not create any significant impacts on local receptors in terms of odour, dust, noise, or nuisance, as per findings of the relevant chapters of the EIAR.
- Environmental monitoring will be undertaken regularly.
- A comprehensive set of environmental mitigation measures will be adopted at the proposed development to ensure the prevention and control of potential adverse environmental impacts and emissions.

8.2.25. The FCC Chief Executive's Report, albeit written under the previous FDP but with the same zoning and policy provisions regarding permissible/non-permissible development with respect to disposal/recovery facilities, states that the continued development of the facility is considered acceptable from the perspective of the broad aims of current waste management policy, and that having regard to the established and permitted activities on site, nature of proposed development, existing character of the area, support for circular economy and waste recycling the principle of expanding the waste facility is considered to be acceptable.

8.2.26. As to whether the proposed development comprises a high impact waste facility such as it would represent a material contravention of the 'General Employment' zoning objective attributed to the site, the CE report refers to the following:

- No outdoor handling, loading or storage of waste will take place at the facility;
- All waste acceptance, handling, storage and processing will occur inside buildings;
- The residual municipal solid waste (rMSW) will be accepted within a single designated building which will operate with negative air extraction and contain an odour abatement system;
- The EIAR assessments contained in the EIAR of odour, air quality and noise all conclude that significant impacts will not arise;
- Crushing of C&D waste is not identified as an activity.

8.2.27. Having regard to the written text of the FDP, i.e., Appendix 7, which defines both high impact and non-high impact waste disposal/recovery facilities, non-high impact facilities are those without putrescible waste, i.e., facilities with a low potential for odour, noise, dust and other nuisances and "in particular" excludes operations dealing with putrescible waste, while high impact facilities are those with high potential for odour, noise, dust and other nuisances including putrescible waste. Based on these definitions and types of waste to be accepted at the proposed facility (Table 4-4 of the EIAR) i.e., food waste and rMSW, the proposed development could be considered to be a high impact waste disposal/recovery facility. It has the potential to be a nuisance (in terms of noise, odour etc) and notwithstanding that processing activities will be in-doors, the potential for impact remains. I must conclude therefore that the granting of permission for that part of the proposed development (relating to intake of food waste and rMSW/putrescible waste) would amount to a material contravention of the development plan.

8.2.28. In relation to non-confirming uses, I note that Objective ZO3 of the FDP which generally permits reasonable intensification of extensions to and improvement of premises accommodating non-confirming uses subject to normal planning criteria. However, as there are presently no non-conforming uses on the site, this objective is not considered relevant.

8.2.29. I note that Section 37G (2) of the Planning and Development Act, as amended, requires that An Bord Pleanála have regard to the provisions of County Development Plans in the case of Strategic Infrastructure Development (SID) applications, however, should the Board be minded to grant permission for the development, it is not constrained by material contravention considerations (Section 37G(6) of the Act).

8.2.30. In this regard and having regard to s.37(2)b of the Act, the following matters are normally considered where the Board intends to materially contravene the development plan:

- the proposed development is of strategic or national importance,
- there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

I consider that the proposed development is of strategic importance having regard to the provisions of the Climate Action Plan 2024 which seeks a transition to a circular economy by, inter-alia, increasing recycling and reducing landfill reliance. In addition, the proposed development will contribute to achieving Core Policy 12 of the National Waste Management Plan for a Circular Economy (NWMP) 2024-2030 which supports the need for nationally and regionally important waste infrastructure. The proposed development will support Target Policies13.1 and 14.1 which seeks to support the development of pre-treatment for reprocessing, recycling and recovery within the State where this capacity is technically, economically and environmentally practicable and so the proposed development will contribute to achieving Government policy set out in the WMP.

8.2.31. Conclusion

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. The additional capacity will meet an identified requirement for additional indigenous treatment capacity for the recovery of wastes. In my opinion, the proposed development can be considered a high impact waste recovery facility and so is 'not permitted' on lands zoned 'general employment' such as the site is. The proposed development could be considered to be a material contravention of the DP in this regard. However, with mitigation, appropriate design measures and regulation, impacts can be reduced, and I conclude that it is appropriate to facilitate the increased 250,500 TPA of waste at the facility. Finally, I am satisfied that should the Board be minded to grant permission, that that they are not constrained by the development plan having regard to the provisions of the Climate Action Plan and the National Waste Management Plan which seeks to develop a circular economy and to facilitate the growth of additional pre-treatment waste facilities.

8.3. Retention of Trees

8.3.1. Map 'Sheet 17, Blanchardstown South' of the FDP indicates a specific objective on the site, 'to protect & preserve trees, woodlands and hedgerows" while Objective DMSO128 of the FDP relates to demarcation of townland boundaries and states that trees, hedgerows and other features which demarcate townland boundaries are to be preserved and incorporated where appropriate into the design of developments. The townland boundary between Cappogue and Dunsink divides the proposed development site. This townland boundary is depicted as a drainage ditch and hedgerow. It is proposed to remove c.150m of hedgerow and culvert part of the drainage ditch at this point.

8.3.2. The natural heritage and historical value of the boundary is explored in Chapters 8 and 14 of the EIAR and in sections 9.6 and 9.12 of this Inspector's Report, wherein I conclude that it is acceptable to remove the hedgerow and trees and to culvert part of the drainage ditch. Fingal Co. Co. did not raise any concerns with respect to

removal of these trees and I am satisfied, notwithstanding the map-based objective to retain the trees and hedgerow, that the removal of same does not contravene materially the FDP in this instance having regard to the wording of DMSO128 that allows for flexibility in retention of same. I note that retention of the trees in this instance would be detrimental to the overall development of the site in this instance.

8.4. Siting Requirements – National Waste Management Plan

8.4.1. Appendix 9, Guidance for Siting Waste Management Facilities, of the National Waste Management Plan for a Circular Economy is a 'good-practice' document to inform and guide the siting of waste infrastructure developments. I note following that planning applications for alterations to an existing site boundary, which extend the site footprint and propose to develop, a waste activity in the extension area, are to take account of this guidance.

8.4.2. According to the guidance, the following needs to be considered when siting pre-treatment facilities: Access, Access to feedstock, access to end-markets, authorisations, nuisance, proximity to neighbours, traffic, parking, processing, visual screening, site safety, fire safety plan, appendix A and appendix B of Appendix 9. Suitable locations for pre-treatment facilities include lands close to urban areas or the primary centres of waste that are zoned for industrial activities, including waste activities.

8.4.3. Appendix A of Appendix 9 relates to Facility Siting Setback and Location Distances. A 50m set back distance from the location of the 'principal processing area' to the nearest residential property/nearest is recommended for pre-treatment facilities including processing or co-processing of municipal waste and facilities for pre-treatment of C&D waste where a waste licence is required. The 'principal processing area' is defined as the location of the primary waste activity within the boundary of the proposed site. The setback distances (defined as the nearest point of the building curtilage) can be reduced if the operator designs and implements appropriate mitigation measures to address key nuisance risks from the facility. These facilities should be within 10km of a national road.

8.4.4. In my opinion, the principal processing area in this instance is the proposed L-shaped waste processing and storage building comprising MRF 1, MRF 2 and MRF

3. The nearest residential property (building) to the processing area is c. 45m and so is below the minimum recommended guidance however, the guidance states there is scope to alter the siting criteria and guidance distances included in this document through appropriate planning conditions and/or mitigation measures at project level where it can be demonstrated that there is no significant adverse impact to human health or the environment. I am satisfied that the findings of the EIAR indicate that the proposed development, in particular the principal processing area, will not have a significant effect on the environment/adjoining residences and that predicted noise and air emissions are within recommended thresholds. In addition, the proposed development will be regulated by an Industrial Emissions Licence.

8.4.5. I note the facility is within 10km of the national road network.

8.4.6. Appendix B of Appendix 9 sets out relevant 'National Waste Plan Policies & Actions'. This is dealt with in section 8.2 above of this Inspector's Report and I am satisfied that the proposed development complies with national waste policy. Overall, I am satisfied that the proposed development accordance with siting policy relating to pre-treatment facilities as set out in the National Waste Management Plan, subject to mitigation and conditions.

8.5. Residential Amenity

8.5.1. This section should be read in conjunction with sections 9.9 (Air & Climate) and 9.10 (Noise & Vibration) in the EIA section of this Inspector's Report. The surrounding area is characterised by a developing industrial and business park area, residential properties along Barnlodge Grove, the M50 to the southeast and undeveloped lands to the west. The nearest adjoining residential property to the west entails some element of vehicular storage/parking and stables. A mechanic/breaker's yard is also located on Barnlodge Grove and bookends the short row of cottages (Coolbrook Cottages), beyond which is Traveller accommodation at the end of a cul-de-sac. Having regard to the proximity of several residential properties to the site, I consider noise and odours to be the most prominent potential sources of disturbance and nuisance to these surrounding residential dwellings.

8.5.2. At least 6 residential properties bound the site, 4 cottages along Barnlodge Grove, and c. 2-7 at the Traveller's site. It is difficult to be certain of the number of occupied

units along the south-western boundary. Some of these units are temporary type accommodation (e.g., caravan) and it is important to note this distinction particularly from a noise and vibration perspective at the outset. Proximity of the residential units range from less than c.5.5m to 40m to the site boundary. The Traveller units would be c. 8m from the proposed skip storage and yard area which would serve the overall development., and Coolbrook Cottages would be from c. 40m to the nearest proposed structure.

8.5.3. Presently, the site boundary to the rear of Coolbrook Cottages comprises a c.2m high wall with palisade fencing on top, where the residential properties adjoin the current recycling facility. The boundary to the southwest, nearest the Traveller accommodation comprises a palisade fence. The Traveller accommodation, off set from the site boundary, is enclosed by a concrete wall, part of which forms the gable wall of two of the residential units. Palisade fencing is largely proposed to the perimeter of the site but the existing wall and palisade boundary separating the Coolbrook Cottages will be retained. As part of the request for further information, the applicant was asked to consider an alternative boundary proposal. The applicant has clarified, with the aid of a boundary drawing (Ref. P21-150-0400-0001) that the residential properties to the southwest are already bounded by a block wall that these residents are screened from the site, and that the wall and palisade fencing to the rear of Coolbrook Cottages will be retained.

8.5.4. Technical detail in relation to noise and odours are examined within the EIA section hereunder and will not be repeated here, however it is important to note at this juncture that the waste management activities associated with the proposed development will be regulated under an Industrial Emissions (IE) Licence granted by the EPA whereby emission threshold limits are set and monitored. The facility is currently authorised under the waste management legislation by the Waste Facility Permit, WFP-FG-17-0001-04, issued by Fingal County Council in 2020.

8.5.5. I note the three submissions from local residents (albeit one submission relates to the additional information) which raised concerns regarding noise pollution, and odour and smells. Fingal Co. Co. request, in the event of a grant of permission, that the hours of operation are restricted to remain in accordance with that permitted under Reg Ref. FW11A/0033 (07.00-19.00 Mon-Fri and 08.00-16.00 Saturdays only and closed on Sundays and Bank Holidays). Having regard to the significant

increase in intensity of use proposed and proximity to residential properties, Fingal Co. Co. suggest the Board may wish to give consideration to a temporary permission in order that impacts on residential amenities could be monitored, in the event permission is granted.

8.5.6. I have concerns about the proximity of the residents to the proposed expanded development which is proposed to operate on a 24-hour basis with additional waste streams. Aside from odour, noise and vibration, additional impacts would arise in respect of traffic movement, skip management and light spillage which would all contribute to an impact on residential amenity. I note that Coolbrook Cottages are on 'general employment' zoned land and that overall, the area is transitioning to an industrial business par. I note that the Traveller accommodation is zoned for residential purposes – the objective of which is to provide for residential development and protect and improve residential amenity, while Sheet 13 of the FDP includes a specific objective, 'Traveller Accommodation' at the Traveller accommodation site.

8.5.7. With regard to noise and odour emissions, I note that all processing of waste occurs within buildings which are fitted with noise and odour control measures. Such measures would be subject to EPA licence and monitored to ensure that the operations at the site do not give rise to nuisance odours and noise. While the processing unit will be fitted with fast closing doors, there will be an inevitable escape of both noise and odour. Traffic, particularly refuse trucks, and skip handling can also be a source of noise and/or odour disturbance.

8.5.8. With respect to the hours of operation, the further information response clarifies that the proposed facility will have the following hours of operation:

- Waste acceptance, handling and consignment from the facility 00:00 to 00:00 Monday to Sunday inclusive.
- Waste processing – 07:00 – 23:00 Monday to Sunday inclusive.
- The Maintenance Building will only operate during daytime hours (07:00hrs to 19:00hrs)
- Skip movements in the skip storage area will only occur between 08:00hrs to 20:00hrs.

8.5.9. Waste processing activities carried out in building MRF1 which will accept rMSW and food waste are the primary sources of odour at the proposed development. All processes in MRF1 will be carried out internally and under negative air pressure. Air from the building will be fed through an odour abatement unit and discharged to air. The request for further information sought additional information with respect to noise and odour impacts. Clarity was sought as to the length of time roller doors would remain open with machinery operating and revised noise and odour projections were modelled.

8.5.10. With respect to odour, the revised modelling assessment, and that originally submitted, found that no nearby receptors are predicted to experience odour nuisance issues as a result of the proposed development.

8.5.11. With respect to noise, predicted operational noise levels are below the daytime, evening and night-time noise limits defined in the EPA's NG4 guidelines for all noise sensitive locations – this is contingent on limiting the number of vehicular ingress and egress movements per day, this issue is discussed further in section 9.10 of this Inspector's Report. I also note that it is possible that operational noise from the proposed development will be audible at the nearest noise sensitive locations, especially when traffic noise subsides.

8.5.12. I note the guidance set down in the National Waste Management Plan that buffers should be considered when siting waste facilities. I note that save a few meters outside the site boundary no buffer is afforded to the residents to the south-east. Notwithstanding the existence of a wayleave along this boundary, I note that a palisade fence is proposed (existing) along the southeastern boundary however, I consider either a berm and/or a solid noise barrier is necessary along this boundary to further reduce impact on residential amenity. A condition to this effect is included for the Board's consideration.

8.5.13. Having regard to the proximity of sensitive receptors from the general site compound and the skip zone, albeit for roll-on-off skips, I consider that this part of the operation together with associated truck movements and associated light spillage which would inevitably arise from a 24-hour operation could negatively impact on the residential amenity of adjoining residents. I note the concerns of Fingal Co. Co. with respect to potential impact on adjoining residential amenities. However, having regard to the

hours of operation as detailed at section 8.5.8 above, the reduced operating hours for the maintenance building and skip movements in the storage area, the revised storage area for drop-skips, controlled lighting on site and the erection of a noise barrier along the south-eastern boundary and the fact that emissions, including noise, will be subject to a licence, I am satisfied that the proposed development can be appropriately regulated. I note that FCC also seek a temporary permission to monitor impacts on residential amenity, however having regard to the foregoing, a temporary permission is not warranted in my opinion, particularly when the site would be the subject of an Industrial Emissions licence.

8.5.14. The O'Connors', in their submission, raise a concern with respect to the proximity of the proposed buildings and blocking of daylight. I am satisfied, owing to the separation distance of the proposed development, with a building height of c. 12.5m and the building's orientation to the west of Coolbrook Cottages that adequate daylighting will be afforded to the residential properties, and further that any overshadowing would not be significant.

8.6. Glint & Glare Assessment

8.6.1. The development description includes a proposal for an electrical sub-station and rooftop photovoltaic solar panels (with a cumulative area of 2,476 m2). The EIAR states that a total of 11.6% of the proposed developments power demand can be generated by the on-site solar panels, with the balance supplied by the National Grid. It is not proposed to generate excess power and distribute it to the public electricity grid. Two separate arrays are proposed: one on the south slope of MRF1, the other on the western slope of MRF3. The site is located c. 4.5km from the nearest runway approach at Dublin airport and the nearest array is less than 100m from the M50 which is located to the south-east of the site.

8.6.2. Chapter 4 of the EIAR deals with the glint and glare from the proposed roof-top solar panels, and Appendix 4.1 contains the Glint and Glare Assessment, prepared by Macro Works Ltd, and deals with impact on the airport alone, i.e., impact on the M50 is not considered. The Federal Aviation Administration (FAA) approved Solar Glare Hazard Analysis Tool (SGHAT) was used to determine if any of these aviation receptors has the potential to theoretically experience glint or glare. This tool also

calculates the intensity of such reflectance and whether it is acceptable by FAA standards.

8.6.3. The EIAR states that PV panels were initially planned to be mounted on the eastern slope of the roof of the proposed Building MRF 3. The glint and glare assessment determined that in theory and without the presence of intervening structures in place in reality (i.e., intervening terrain, buildings or screening) the array on the eastern slope of the roof of MRF3 could impact the air traffic control tower at Dublin Airport. The proposed PV panel array was re designed specifically to entirely remove panels from the eastern slope of the roof of the proposed Building MRF 3 to ensure there is no potential for any glint and glare effects to occur at the ATCTs at Dublin Airport. The glint and glare assessment determined that the arrays on the western slope of MRF 3 and MRF 1, as proposed, will not impact on any receptors at Dublin Airport. Both Air Traffic Control Towers were analysed for potential impact. Existing and proposed runway approaches (6 in total) were also analysed. The glint and glare assessment found that all runway approaches at Dublin Airport have the theoretical potential to receive glare, however this was found to be 'green glare'/ glare with a 'low potential for temporary after image,' and is considered to be an acceptable level of reflectance effect for runway approaches.

8.6.4. The Board should be aware that the application was not referred to the Irish Aviation Authority and that referral is necessary in instances where the development might endanger or interfere with the safety of, or the safe and efficient navigation of, aircraft. Having regard to the scientific evidence on file, i.e. the glint and glare assessment which concluded that there is no potential for any glint and glare effects to occur at the ATCT at Dublin Airport, the location of the site, c. 4.5km southwest of the nearest runway at Dublin airport, the orientation of the proposed photovoltaic solar panels south and west of the airport and the scale of the proposed roof-top arrays, I am satisfied that the proposed development of solar PV panels is unlikely to give rise significant effects on the environment and that referral to the IAA in this instance is not required.

8.6.5. With respect to the M50, I note the orientation of the larger array which is sloped to the west away from the M50, while the smaller of the two arrays is facing south and is located less than 100m from the southern orientated solar PV array (on MRF 1). I note the glint and glare assessment and EIAR is silent with respect to impact. The

application was referred to TII and no concerns were raised with regard to glint and glare impact. I note too, that the Fingal Chief Executive Report, and accompanying reports (including that from the Transportation Department), did not raise a concern with regard to impact from the proposed solar PV panels. I note too that the landscape and visual impact assessment, contained within Chapter 15 of the EIAR, which concludes the proposed development will only be very intermittently visible from the M50, within a 1km radius, when terrestrial land cover elements are take into consideration, Figure 15-7 of the EIAR refers.

8.6.6. To conclude, having regard to the foregoing, I am satisfied based on the scientific evidence with the application, that the proposed PV panels will not have any undue glint and glare impact on aviation receptors however the Board may wish to consult IAA in this regard. With respect to the M50, no concerns were raised with respect to the proposed PV panels by with TII or FF, however the matter was not assessed in the EIAR. FCC recommend a condition is attached with respect to glint and glare impact. Should the Board be minded to grant permission, it may wish to consider attaching a condition requiring a glint and glare inspection/survey from local receptors to be submitted to the planning authority for review and agreement or request additional mitigation measures as necessary. A condition to this effect is attached for the Board's consideration.

8.7. Traffic and Transportation

8.7.1. The environmental impact relating to Traffic and Transportation is assessed in Chapter 13 of the EIAR and in section 9.11 of this report. This section of this Inspector's report examines policy context, physical alterations regarding access and parking and concerns raised regarding traffic and transportation impact in third party submissions.

8.7.2. The proposed development site is located on the southern side of the L3090 Ballycoolin Road and is accessed via a private road and cul-de-sac connecting directly to L3090 at a signalised junction arrangement to the north of the site. All traffic generated by the existing and proposed development both for construction and for the day-to-day operation of the site is (to be) accommodated by the private

access road in Cappogue Industrial Park from L3090 Ballycoolin Road. An existing access to the site along Barnlodge Grove is proposed to be retained.

8.7.3. The FCC Chief Executive's Report raises concerns over segregation of pedestrian, cyclists and staff/visitor traffic from HGVs, the volume of carparking which FCC consider to be excessive, the need for cycle parking, lack of detail regarding footpath and cycle path crossover with respect to the new entrance, junction capacity, and whether the data represented two-way trips. TII raise a concern with the impact of a watercourse culvert under the M50 and the O'Connor's, in their submission, raise a concern regarding build-up of traffic and safety of children as a new entrance gate will be located along Barnlodge Grove.

8.7.4. Development Plan Objectives

8.7.5. The Fingal Development Plan (FDP) 2023-2029 map ref. Sheet no. 17 Connectivity and Movement, indicates a proposed Luas extension running along the western boundary of the site, on Barnlodge Grove and onto which it is proposed to retain a vehicular entrance. In addition, Sheet no. 17 indicates a light rail corridor to the north along Ballycoolin Road, across which traffic to and from the site would cross to gain access to the estate/industrial park. These matters were not addressed in the application documentation as applied for and so the applicant was invited to comment on these objectives and to consider the implications of same in respect of the proposed development.

8.7.6. In response, the applicant states that LUAS extensions are not detailed in the written FDP save for reference to Section 48 and 49 contributions scheme and notes that the Greater Dublin Area Transport Strategy 2022-2042 states that the National Transport Authority (NTA) plans to undertake detailed appraisal, planning and design work for the LUAS Green Line extension to Tyrrelstown with a view to it being delivered sometime after 2042. As stated, the proposed development includes the retention of an access on the western boundary of the site which will be used for emergency access / access to services and which may in time interfere with a planned Luas extension along the Barnlodge Grove. The applicant has no objection to a condition of planning requiring the existing access to be closed and suggests that if such a condition were considered appropriate that the closure of the access

would be specifically contingent on the LUAS Green Line extension works going ahead.

8.7.7. In respect of the light rail corridor, also indicated on Sheet 17 of the FDP, the corridor generally follows the alignment of the Ballycoolin Road, however a light rail corridor along the Ballycoolin Road is not included in the Greater Dublin Area Transport Strategy 2022-2042.

8.7.8. I note that the NTA have not raised any concerns or comments in respect of the proposal, nor have FCC raised any specific issues with respect to these mapped 'specific objectives'. In the absence of any concerns by the NTA and TII and without any written statements to accompany the mapped objectives I agree with the applicant that it is reasonable to estimate that the earliest timescale for the delivery for the LUAS Green Line extension to Tyrrelstown would be in a future development plan.

8.7.9. Access Arrangements

8.7.10. The applicant is intending to retain the existing access point (i.e., to the west of the site) and provide a new access which is located to the south of the existing western entrance. As part of the request for further information the applicant was invited to reconsider the internal layouts to provide segregation of staff/visitor traffic, pedestrian and cyclists from HGV movements and parking. Additional mitigation measures were also sought to ensure that car parking and HGV turning manoeuvres are separated with adequate pedestrian routes and crossing points. In response, the applicant has submitted a revised site layout plan for the Board's consideration showing amendment to the internal layout and clarifying that:

- all pedestrian, cyclists, visitor cars and Admin Building Staff will use Entrance 1 only and bollards will be erected to restrict traffic on site;
- HGVs and operational staff will use Entrance 2. Cars using this entrance will access and egress the facility via lanes separate to the lanes used by HGV's/RCV's accessing the site. All access and egress lanes will be controlled by barriers. All traffic will be funnelled into the appropriate lane through the use of signage, road markings and bollards. Entry via Entrance 2 will be controlled by the weighbridge operator.

8.7.11. Entrance 2 will cross over the existing footpath and cycle track, and I note the existing cycle track will require minor realignment to accommodate the new kerb line for the entrance. The revised site layout plan submitted with the response to request for further information clarifies the works to be undertaken and extends slightly the site boundary to accommodate such works. I note a further letter of consent from FCC in respect of such works accompanies the further information documentation.

8.7.12. Parking Requirements

8.7.13. The applicant has provided clarity that 44 no. parking spaces were proposed in the original site layout plan (includes 8 no. parking spaces for HGVs) submitted with the application and that this is proposed to be reduced to 42 no. spaces. The applicant states there will be 24 staff employed, but in addition, it is anticipated that 10-12 no. HGV/RCV drivers will operate from the site daily, as well as visitors and maintenance vehicles from time to time. The FCC Chief Executive's report considers that the proposed car parking provision is excessive, referencing the volume of staff and national policy to reduce reliance on private vehicles.

8.7.14. Table 14.19 in Section 14.17.7 'Car Parking' of the Fingal Development Plan 2023 – 2029 outlines the car parking standards, which sets a maximum of 1 per 100msq for warehouse and distribution use in 'zone 2' lands i.e., land not within 800m of a high-quality bus service or 1600m of an existing or planned Luas/Dart/Metro rail or 'Major Town Centre Lands'. There is no specific standard for waste recovery facilities. The total floor area amounts to c.9500 sqm, excl. substation and vehicle wash, which would amount to a maximum requirement of 95 spaces for warehousing and distribution use which I consider is far in excess of requirements. Having regard to the level of employment, I am satisfied that the number of car parking spaces is satisfactory.

8.7.15. The revised site layout plan submitted in response to the request for further information provides for covered bicycle parking for 24 bikes. I note there is no specification in the Fingal FDP for bicycle parking requirement for waste recovery facility. Considering that 24 no. staff are envisaged to be employed on site, the number of bicycle parking is acceptable, in my opinion.

8.7.16. Junction Capacity

8.7.17. Notwithstanding the capacity analysis for the junctions indicates that there is significant reserve capacity in the junctions to cater for the development, FCC sought clarification as to whether the Transport Assessment was carried out utilising two-way trips.

8.7.18. The applicant has clarified that the assessments in Chapter 13 'Traffic and Transportation' consider "two-way trips" and include for all movements of light and heavy traffic to and from the proposed development. I have considered the traffic data and am satisfied that the assessments provide for two-way traffic, which in summary, would provide an upper value of 605 (two-way trips) comprising 514 HGV and 91 car movements. This represents an additional 325 HGV and 66 car movements (two-way trips) above current operational levels. In the interests of clarity, the response to further information request refers to a figure of 5,141 HGV as the upper value two-way traffic flow, derived from Table 13-18 of the EIAR, however I note that this is an error and the upper value limit as per Table 13-18 is in fact 514 HGVs (upper import and export daily trips x 2 way).

8.7.19. All traffic generated by the proposed development during both the construction and operational phases of the site will be accommodated by the existing access road and infrastructure connecting Cappogue Industrial Park and Premier Business Park to Ballycoolin Road. Chapter 13 of the EIAR includes assessments, informed by computer modelling program OSCADY, of the two junctions most heavily trafficked by development traffic, those being:

- Premier Business Park Traffic Signal Junction
- Ballycoolin Road/Cappagh Road Roundabout.

8.7.20. On the matter of impact on junction capacity, the applicant clarifies that the forecast traffic generation figures are considered robust in that the daily figures assume a 5.5 day working week. The peak hour figures are based upon the development, receiving, processing and exporting 100% of materials between 07.00 – 19.00 hrs. Having regard to the foregoing and to the fact that the general Ballycoolin area and Dublin Enterprise Zone, within which the site is located, is well served by a high quality road network, I am satisfied that the two-way trips over a condensed period (reflective of current operational hours) are assessed in the EIAR and that based on this, and the junction capacity modelling undertaken for Premier Business Park

Traffic Signal Junction and the Ballycoolin Road/Cappagh Road Roundabout, that sufficient capacity exists for the proposed development as the proposal is for an extended operational day (24-hours).

8.7.21. M50 Culvert

8.7.22. TII in their submission require a specific review of the potential impact on the M50 culvert and that appropriate mitigation should be undertaken in consultation with TII's Structures Section to be supported by revised drawings and documentation for both construction and operation phases of the proposed development.

8.7.23. Following consultation between the applicant's agent with TII directly, and the submittal to it of additional technical drawings and details, also included as part of the response to further information, TII has confirmed that it is satisfied with the additional technical details and clarifications. The additional technical details include a break-down of sub-catchment areas discharging runoff into the M50 culvert and a commitment that the proposed drainage design does not increase flow rates beyond the "greenfield" runoff flow rate by use of attenuation tanks. The applicant in correspondence to TII (Appendix 3 of the Response to Further Information Request) advises that the proposed development restructures the existing surface water drainage system and this has the potential to cause erosion at the interfaces between lined and unlined open drainage channels. To ensure no erosion is caused, the applicant proposes lined protection works immediately upstream of the inlet to the M50 culvert and clarifies no works to the M50 itself are proposed or required.

8.7.24. Following the receipt of additional information, and which was circulated to TII, the Board has not received further correspondence from TII, however I am guided by Appendix 3 of the Response to Further Information Request which included correspondence from TII to the applicant confirming that it is satisfied with the additional information concluding that the proposed development will have no impact on TII assets.

8.7.25. New access along Barnlodge Grove

8.7.26. I note a third party raised concerns regarding build-up of traffic and safety of children as a new entrance gate will be located along Barnlodge Grove. The response to further information clarifies that the proposed development includes the retention of an access on the western boundary of the site and that this access is intended for

emergency access / access to services. While this access is existing - it presently serves a field. The drawings do not include details of sightlines and provide no supporting information with respect to safe access and egress at this location, for this reason I consider this access, along Barnlodge Grove, should be restricted for emergency vehicles only. I have attached a suitable condition in this regard, should the Board be minded to grant permission.

9.0 Environmental Impact Assessment

9.1. Introduction

9.1.1. The application is accompanied by an Environmental Impact Assessment Report (EIAR) which was prepared by Fehily Timoney & Company on behalf of the applicant. The application was submitted under Section 37E of the Planning and Development Act 2000 (as amended) and it was accompanied by an EIAR, as required for any application made under this section of the Act.

9.1.2. 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 class of Part 2 is 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 and therefore, pursuant to section 176 of the 2000 Act and article 94 of the 2001 Regulations. An EIA of the proposed development is required to be carried out by the Competent Authority prior to making a decision to grant development consent.

9.1.3. This section of the report comprises an assessment of the likely significant effects of the proposed development. It addresses compliance with legislation, describes and assesses the likely significant direct and indirect effects of the development against the factors set out under Article 3(1) of the EIA Directive 2014/52/EU. It considers cumulative effects and interactions and the vulnerability of the proposed development to major accidents and disasters.

9.1.4. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application

for approval. A summary of the submissions by the Planning Authority and prescribed bodies are set out at Section 6 of this report. Of relevance to the EIA:

- TII in its submission noted that the EIAR did not record its response to the EIAR scoping request. The applicant's response to request for further information acknowledges the TII scoping response and this is now reflected in the EIAR Addendum.

9.1.5. The EIAR should be read together with the EIAR Addendum which was submitted on 23rd November 2023 in response to the request for further information. The EIAR is assessed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation including conditions.

9.2. EIAR Content and Structure

9.2.1. The EIAR submitted with the application consists of four volumes: -

➢ Volume 1: Non-Technical Summary

➢ Volume 2: EIAR Main Text

➢ Volume 3: Appendices for the EIAR (including all technical reports).

➢ Volume 4: Drawings

9.2.2. 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 Directive, which include:

(a) population and human health,

(b) biodiversity, with particular attention to the species and habitats protected under Directive 92/43EEC and Directive 2009/147/EC,

(c) land, soil, water, air and climate,

(d) material assets, cultural heritage and the landscape,

(e) the interaction between the factors referred to in points (a) to (d)

9.2.3. A non-technical summary has been prepared and accompanies the application. The non-technical summary gives a concise synopsis of the EIAR and is written in language that can be easily understood. In general, I consider that the content and

scope of the EIAR is acceptable and in compliance with the EIAR Directive and the Planning and Development Regulations, 2001 (as amended).

9.2.4. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the applicant, adequately identifies and describes the direct and indirect effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2001 (as amended).

9.2.5. I am satisfied that the EIAR (and Addendum) adequately describes the proposed development to include information on the site, its design and its size. The applicant has also carried out an assessment of reasonable alternatives relevant to the proposed development and its specific characteristics. The baseline scenario is presented and is assessed against a description of the factors likely to be significantly affected by the proposed development, together with any direct, indirect, secondary, cumulative, and short/long term effects of the proposed development. A description of forecasting methods is provided while it is stated that no technical difficulties were encountered in preparing the EIAR. Measures envisaged to avoid, prevent, reduce or off-set significant adverse effects and any monitoring arrangements are included for both construction and operational phases. The vulnerability to risk of major accidents is also described, along with any measures to prevent or mitigate the significant adverse effects on the environment. Details of consultations are included and there is a list of experts who contributed to the EIAR.

9.2.6. Overall, I am satisfied that the information provided is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment.

9.3. Alternatives

9.3.1. Under the provisions of Article 5(1)(d) of the 2014 Directive it is a requirement that an EIAR contain:

"(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main

reasons for the option chosen, taking into account the effects of the project on the environment".

Chapter 3 of the EIAR considers Alternatives in terms of the following:

- 'Do nothing' Alternative
- Alternative Locations
- Alternative Layout and Designs
- Alternative Processes

9.3.2. The 'do nothing' alternative was discounted on the basis of the established need for the development as set out in Chapter 2 of the EIAR. Project benefits, such as improving waste recovery/recycling capacity in the region and nationally, promoting a circular economy and socio-economic benefits will not be realised in a 'do nothing' scenario.

9.3.3. The applicant favoured expanding one of its existing facilities to accommodate an increase in its overall waste management capabilities. Several potential site locations (5 no. in total) were considered in the EIAR. On a general level, this approach was considered to be more economic and less environmentally impactful than developing a waste management facility at a greenfield site. The development site, once identified, was the favoured site considered for the proposed development given the availability of undeveloped lands directly south of the applicant's existing waste facility for purchase. Weighted criteria and scoring were applied to the sites considered. While the proposed development site was broadly comparable to all other sites in terms of planning and environmental constraints, it was considered preferable due to its ideal location close to centres of waste generation, a number of motorways and national roads, and the lack of capacity at the other sites to accommodate additional development.

9.3.4. Three iterations to the design and layout of the overall development were considered in the EIAR. Having regard to several factors, including site access, building footprint requirements and wayleaves across the site, the preferred option emerged as that proposed. The scheme was further refined to include for the totality of the works proposed, including solar panels and, following a glint and glare assessment,

the solar arrays were located on the western slope of buildings MRF 3 and the southern slope of MRF 1.

9.3.5. The EIAR states that the applicant initially intended on accepting rMSW, C&D waste and food waste only at the proposed development. The applicant subsequently decided to accept mixed dry recyclable waste (MDR) at the facility also, following a review of its waste collection operations and considering future waste generation predictions and the need for additional recycling. The applicant considered producing solid recovered fuel, however this process was discounted for commercial reasons and changing requirements at destination energy recovery facilities. Consideration was given to carrying out composting and/or anaerobic digestion, this was also discounted due to the existing level of food waste treatment capacity at another facility.

9.3.6. I conclude that the matter of examination of alternatives has been satisfactorily addressed in the EIAR. I consider that the level of detail is reasonable and commensurate with the project. It indicates how the proposed development evolved and how it was adjusted to take into consideration environmental effects. I am satisfied that the process is robust and that the requirements of the Directive are complied with.

9.4. Likely Significant Effect on the Environment

9.4.1. This section of the EIA identifies, describes and assesses the potential direct and indirect effects of the project under each of the individual factors of the environment. The assessment follows these headings:

- Population and Human Health (including major accidents)
- Biodiversity
- Soils, Geology and Hydrogeology
- Hydrology and Surface Water
- Air and Climate
- Noise and Vibration
- Material Assets

- Archaeological, Architectural and Cultural Heritage
- Landscape and Visual Impact
- Cumulative Impacts
- Inter-relationships/Interactions

9.4.2. Baseline characteristics and an evaluation of impacts on each sensitive aspect are set out, together with mitigation measures and residual impacts.

9.4.3. In the event that the facility is no longer to be used for waste processing, it will be decommissioned in accordance with a Decommissioning Plan for the facility (which will be prepared as a condition of the IE Licence).

9.5. Population and Human Health

9.5.1. Chapter 7 of the EIAR reports on the likely significant population and human health effects to arise from the construction and operation of the proposed development. The following areas are considered: methodology, baseline conditions, likely significant effects, mitigation, residual effects, and cumulative effects. Impact on population and human health is also considered in other sections of the EIAR, e.g., noise and vibration, air quality and climate, landscape and visual, and traffic and transportation.

9.5.2. The EIAR includes a review of the current population and employment status in the areas close to the proposed development. The adjacent residential dwellings are noted as are residential dwellings situated along Ballycoolin Road c. 200 m north-west of the site. The site is described as being within a developing business/industrial park. The National Sports Campus, Elmgreen Golf Club and National Orthopaedic Hospital Cappagh are located within 1km of the site. There are no known existing human health risks associated with the development site or the existing waste facility on-site.

9.5.3. The development description includes a proposal for an electrical sub-station and rooftop photovoltaic solar panels (with a cumulative area of 2,476 m2). Chapter 4 of the EIAR deals with the glint and glare from the proposed roof-top solar panels, and Appendix 4.1 contains the Glint and Glare Assessment. A glint and glare assessment was undertaken which determined that the arrays on the western slope

of MRF 3 and MRF 1, as proposed, will not impact on any receptors at Dublin Airport. A detailed examination of glint and glare impact was considered in section 8.6 of this Inspector's Report should be cross-referenced. As stated above the application was not referred to the Irish Aviation Authority.

9.5.4. I have assessed the matter of residential amenity in detail at section 8.5 of this Inspector's report and it should also be cross-referenced.

Potential impacts during construction phase

9.5.5. Employment during the construction phase is estimated to be between 30-50 employees over a 12-month period. Proposed construction activities at the development site will not have a significant adverse impact on surrounding land use. Construction activities will take place within the footprint of the development site. The construction phases of the proposed development will create employment/labour demand and will create occupational health and safety risks for on-site employees. Specific direct and indirect impacts which have the potential to impact on human health have been addressed in relevant chapters in the EIAR and will be dealt with according to respective headings in this Inspector's assessment.

Potential impacts during operation phase

9.5.6. The development and operation of the proposed facility will secure 24 full-time jobs. The operation of the facility will also result in the creation of an unknown number of additional jobs indirectly relating to waste collection activities. This employment will likely have a long-term, negligible to slight, positive impact on local population numbers. Operational phase activities will take place within the footprint of the development site and will be controlled under an Industrial Emissions (IE) licence granted and enforced by the EPA. Facility operations will create occupational health and safety risks for on-site employees. Specific direct and indirect impacts which have the potential to impact on human health have been addressed in relevant chapters in the EIAR and will be dealt according to respective headings in this Inspector's assessment.

9.5.7. Impact on users of the M50 from glint and glare may arise from the proposed roof-top solar PV arrays. The glint and glare assessment did not consider impact on the M50 however, I note no concerns were raised by TII or Fingal County Council in this regard.

9.5.8. The risk of Major Accidents is dealt with in Chapter 7 of the EIAR; potential major accidents are listed as: a major fire, contaminated firewater run-off, a major plant or traffic accident and chemical or environmental spillage (from bulk diesel storage). In the absence of mitigation, such events may have a significant to profound impact on human health.

Potential Impacts during Decommissioning

9.5.9. Facility removal operations and cleaning will create occupational health and safety risks for on-site employees.

Mitigation

9.5.10. Mitigation measures defined within the chapters 9-13 of the EIAR relating to geology and hydrogeology, hydrology and surface water, air and climate, noise and vibration and traffic and transportation, would be applicable in the protection of the environment and human health during the construction and operational phase of the proposed development. These measures are dealt with under respective headings below, as part of the overall assessment.

9.5.11. All construction phase activities will be carried out in accordance with a robust Construction Environmental Management Plan (CEMP). All health and safety aspects associated with operations will be managed in accordance with the Safety, Health and Welfare at Work Act 2005, as amended. A Health and Safety Management System will be in place for the site. A Safety Statement, a Traffic Management Plan, an Emergency Plan (for responding to potential accidents, including major accidents), an Environmental Accident Prevention Procedure and a Corrective-Preventative Action procedure will be in place to manage and control health and safety risks posed to persons on and off-site. Environmental monitoring will be undertaken during the operational, decommissioning and restoration of the proposed development in accordance with the terms and conditions of the facility's IE licence.

Residual Impacts

9.5.12. I consider it reasonable to conclude, based on my assessment below, that subject to the implementation of mitigation measures including additional mitigation measures

discussed below, that there will no residual negative impacts are on population and human health.

Assessment

9.5.13. In the construction phase there will be short-term effects on population and human health from increased dust, noise and traffic. There will be potential impacts on Population and Human Health associated and the operational stages of the project (noise, vibration, traffic, air and water quality).

9.5.14. I have assessed the matter of residential amenity in detail at section 8.5 of this Inspector's report and I consider that given the proximity of and nature of residential properties to the south-west of the site that cumulative impacts from vibration, noise pollution and light pollution could negatively impact on the residential amenity of adjoining residents. However, having regard to the reduced operating hours for the maintenance building and skip movements in the storage area, the revised storage area for drop-skips, controlled lighting on site and the erection of a noise barrier along the south-eastern boundary and the fact that emissions, including noise, will be subject to a licence, I am satisfied that the proposed development can be appropriately regulated to reduce significant negative impacts on adjoining residential amenity.

9.5.15. In respect of health and safety and major accidents, I have considered the glint and glare assessment from the proposed solar photovoltaic panels on aviation and the M50 in section 8.6 of this report. I am satisfied that there is scientific evidence that the proposed development will not result in any hazardous glint and glare effects upon the Dublin Airport aviation receptors. I note that neither TII nor Fingal County Council raise concerns with respect to impact on M50 traffic, however I note impact on the M50 was not assessed in the Glint and Glare Assessment and for this reason I consider it appropriate to attach a condition requiring a glint and glare inspection/survey from local receptors to be submitted to the planning authority for review and agreement or request additional mitigation measures as necessary. A condition to this effect is attached for the Board's consideration.

9.5.16. Subject to conditions, the proposed development will result in a number of positive effects on population and human health elements including positive effects on

employment, local population, local business and will contribute to a circular economy.

9.5.17. Impacts on population and human health will be short-term and imperceptible or not significant/ slight during the construction phase, and long-term, slight to moderate during the operational phase subject to mitigation measures and implementation of conditions and will have an overall positive impact due to employment and promotion of a circular economy. I am satisfied that any negative impacts identified would be avoided, managed or mitigated by proposed mitigation measures and suitable conditions, and that no significant direct, indirect or cumulative adverse effects on population and human health are likely to arise.

9.6. Biodiversity

9.6.1. This section of the report should be read in conjunction with Section 10, Appropriate Assessment, of this Inspector's Report. Chapter 8 of the EIAR sets out the methodology for evaluating effects on ecology, including identification of ecological receptors that could potentially be affected by the proposed development. The habitat survey was carried out in two stages, comprising desk-top survey and field surveys (May and June 2022). The dominant habitats within the site boundary are improved agricultural grassland/ dry meadows & grassy verges mosaic, recolonising bare ground, scrub, buildings and artificial surfaces. Trees and a drainage ditch run through the centre of the site and spoil and bare ground form some of the boundaries of these fields within the site. The surrounding landscape is peri-urban in nature, with industrial, commercial, agricultural and residential uses proximate to the site.

9.6.2. No red-listed bird species were recorded, 3 no. amber-listed species were recorded with potential nesting and foraging opportunities on site. Save for kestrel, of which no signs were noted, the site does not contain suitable breeding habitat for red listed bird species. The site contains suitable breeding ground for spotted flycatcher and willow warbler (recorded within 2km of the site – desktop survey), these were not recorded in the field survey. Rabbit was the only mammal recorded on site. The trees on site were considered not to have potential for bat roosting, though there is potential foraging habitat for bats and bees on site, while the drainage ditch may be

suitable for frog spawning. There was some evidence of invasive non-native flora, including butterfly-bush, cherry laurel and rhododendron.

9.6.3. The drainage ditch, culverted under the M50 to the south, is hydrologically connected to the River Tolka which in turn drains to the River Tolka Estuary, before entering Dublin Bay, c. 10km downstream. North Bull Island SPA and North Dublin Bay SAC are an additional 3km, direct distance, beyond the River Tolka Estuary within Dublin Bay. The IFI and Department of Housing, Local Government &Heritage scoping correspondence (appendix 6.2 of the EIAR) notes that stormwater from the site may eventually discharge into the River Tolka system and notes that leachate if not contained and treated properly poses an extremely high risk to fish populations should it reach the aquatic environment.

9.6.4. There are a five proposed Natural Heritage Areas (pNHA) within 10km, the closest of which is the Royal Canal pNHA, which is located 1.5km to the south. There are no direct hydrological connections to these pNHAs. Impact on Natura 2000 sites is considered in Section 10 of this Inspector's report, Appropriate Assessment Screening, which concludes that the proposed project would not be likely to have a significant effect on any European Site.

9.6.5. The DHLG&H EIAR scoping correspondence (Appendix 6.2 of the EIAR) notes a mature hedgerow, planned to be removed, forms part of the boundary between the townlands of Cappoge and Dunsink, townland boundaries because of their antiquity normally exhibit a higher biodiversity than other hedgerows. It is consequently recommended that the layout of the proposed development should be modified to retain as much of this townland boundary hedgerow section as possible.

Potential Impacts during Construction

9.6.6. The potential impacts of the proposed development on key ecological receptors are summarised as follows:

- Certain habitats contained at the development site will be lost due to the construction of the proposed development, leading to a slight negative impact.
- Construction phase activities may cause the spread of invasive species on and off-site.

- The removal of treelines, hedgerows and the drainage ditch on-site may result loss of habitat used by birds, mammals, bats, and frogs, leading to a negative, reversible, long-term and slight impact.

Potential Impacts during Operational Phase

9.6.7. The potential impacts of the proposed development on key ecological receptors are summarised as follows:

- Increased artificial lighting during hours of darkness would decrease the potential foraging habitat for bats onsite. Therefore, impacts to bats are envisaged during the operational phase to be negative, reversible, long-term slight in a local context.

Potential Impacts during Decommissioning

9.6.8. All buildings present on-site will be left in-situ. As such, there will be no demolition or excavation during decommissioning. All residual materials, wastes and wash-waters will be contained on-site and dispatched from the site for off-site management to licensed facilities. No impacts are envisaged to biodiversity during the decommissioning phase.

Mitigation

9.6.9. The following key mitigation measures are proposed:

- Implementation of a Construction Environmental Management Plan (CEMP);
- An Invasive Species Management Plan will be adopted during construction;
- Implementation of various water quality protection mitigation measures;
- Planting of new native hedgerow;
- The removal of trees and hedgerow trimming will be undertaken outside of the bird breeding season;
- If any new roosts are found during pre-construction surveys a relevant bat derogation licence shall be sought prior to construction works commencing.
- If frog spawn is found on site, which cannot be retained, a suitable receptor will be located in consultation with NPWS.

Residual Impact

9.6.10. Following implementation of the mitigation measures, the residual impacts on biodiversity due to the proposed development vary from imperceptible to not significant.

Assessment

9.6.11. The proposed development will be located in an area of low ecological value and within a business park setting where existing development is taking place. Any species on site would therefore be habituated to a certain level of human disturbance. There are no designated sites in proximity to the site and no potential pathway to any downstream designated sites.

9.6.12. Overall, I consider that the EIAR has adequately assessed the impact of the proposed development on biodiversity and the cumulative impacts of the adjoining permitted development. I am satisfied that with proper implementation of mitigation and best practice measures, together with implementation of environmental commitments under the submitted Construction and Environmental Management Plan, no significant direct, indirect or cumulative adverse effects on biodiversity are likely to arise.

9.7. Soils, Geology and Hydrogeology

9.7.1. Chapter 9 of the EIAR reports on the likely significant soils, geological and hydrogeological effects to arise from the construction and operation of the proposed development. The following areas are considered: methodology, baseline conditions, assessment of potential effects, mitigation and residual effects. A desktop survey and a geotechnical survey, undertaken between January and May 2022, informs the EIAR. No particular concerns regarding impacts to soils, geology and hydrogeology were raised in FCC Chief Executive's Report

9.7.2. The intrusive site investigations completed within the proposed development site generally encountered concrete, made ground/fill or topsoil ranging from 0.3m to 1.1m in thickness overlying cohesive and granular deposits to a maximum depth of 4.5m BGL. Soil sample testing indicate no evidence that historic land-uses on site (which included storage of scrap vehicles) have caused soil contamination.

9.7.3. The Groundwater Vulnerability classified by the GSI at the proposed development site ranges from 'extreme' to 'high' due to thin layers (<3m) of moderate to high

permeability subsoil above bedrock. The development site lies above a section of the Dublin GWB that comprises a locally important aquifer that consists of bedrock which is moderately productive only in local zones. The Dublin GWB is classified as having 'good' status in terms of quality and quantity. Groundwater monitoring undertaken on the site determined that there are no issues with existing groundwater quality on-site. There are 3 wells identified as adjoining the site.

Potential Impacts during Construction

9.7.4. Construction activities associated with the proposed development may impact on soils, geology and hydrogeology including site clearance, earthworks, installation of services and surface water management systems, construction of building and hardstanding areas.

The following potential impacts are applicable to soils, geology and hydrogeology:

- an increased risk to groundwater due to overburden removal.
- Silt material may percolate to groundwater and have indirect adverse effect on groundwater quality.
- Works associated with the culverting of the surface water drainage ditch traversing the site poses a particular risk to surface water quality, which may percolate to groundwater.
- Refuelling of machinery and storage of fuels and hydrocarbons with potential for spills or leaks could result in contamination of the underlying aquifer.
- Rubble stockpiles created from the demolition of existing concrete facility elements and proposed cement works may result in the generation of alkaline discharges to groundwater.
- Soil erosion and disturbance due to earthworks and excavations.

Potential Impacts during Operational Phase

9.7.5. The following potential impacts are applicable to soils, geology and hydrogeology:

- Fuel storage, and vehicle use including re-fuelling on-site has the potential to result in accidental leaks or spills of fuel/oil, which could potentially impact ground and groundwater.

- An uncontrolled spillage from the ‘dirty’ water storage tank could potentially impact ground and groundwater.
- The release of contaminated firewater during fire event could potentially impact ground and groundwater.

Potential Impacts during Decommissioning Phase

9.7.6. All built infrastructural elements of the site will remain as they are in-situ. As such, there will be no disturbance of soils, earthworks or demolition activities during the decommissioning phase of the proposed development.

All hard-standing areas and drainage systems including interceptors will be cleaned and washed down and may impact on groundwater and soils through percolation.

Residual waste and water will be removed off-site to licensed facilities and will have no impact on soils or hydrogeology.

Mitigation

9.7.7. The key mitigation measures to protect the receiving soils, geology and hydrogeology environment are:

- The construction works will be designed, overseen, and checked by experienced geotechnical and/or civil engineers.
- The proposed development has been designed to operate in accordance with Best Available Techniques for such waste management facilities.
- A Construction Environmental Management Plan (CEMP) has been prepared for the proposed development.
- Surface water protection measures will prevent the accidental discharge of polluting material to surface waters in turn impacting groundwater.
- Spill protection measures and fuel storage measures. All tanks and bunds on-site will be routinely integrity tested and maintained.
- Contaminated firewater will be retained inside the proposed buildings which will act as a large bund in the event of a fire.
- Decommissioning will be carried out in accordance with a Closure, Restoration and Aftercare Management Plan (CRAMP) for the facility, in

accordance with the conditions of the prospective Industrial Emissions (IE) licence.

Residual Impacts

9.7.8. In my opinion, the impact on soils, geology and hydrogeology associated with the construction and operational phases of the proposed development is determined to be slight prior to mitigation and imperceptible with the adoption of the mitigation measures.

Assessment of Impact Soils, Geology and Hydrogeology

9.7.9. I have taken into account the contents of the EIAR and the submissions on file and on that basis I am satisfied that potential effects on land, soils, geology and hydrogeology would be avoided, managed and mitigated by the design measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. Having regard to the potential impacts arising from the construction and operational phases of the proposed development, and having regard to the mitigation measures proposed, I am satisfied that the proposed development will not have any significant cumulative or interacting impact on soils, geology or hydrogeology.

9.8. Hydrology and Surface Water

9.8.1. Chapter 10 of the EIAR reports on the likely significant effects on hydrology and surface water to arise from the construction and operation of the proposed development. The following areas are considered: methodology, baseline conditions, assessment of potential effects, mitigation and residual effects. Hydrological surveying and surface water monitoring data informs the EIAR.

9.8.2. Presently, rainwater falling on the concrete hardstand is conveyed via a drainage network including gullies to two underground soakpits along the southern boundary of the site. A storm water emergency overflow system is in place to allow excess surface water to overflow to the public stormwater network from the site. A roof rainwater harvesting system runs to an above ground storage tank. Collected rainwater is currently used for the road sweeper and welfare facilities. Overflow from the water storage tank flows to the wider internal surface water drainage network.

9.8.3. According to OPW data, the site is not at risk of flooding. The drainage ditch transecting the site is culverted beneath the M50 where it flows eastward and enters the attenuation pond serving the Dunsink Landfill. This attenuation pond drains to the Scribblestown stream southeast of the landfill which enters the River Tolka and drains to the River Tolka Estuary c. 8.4 km south east of the site, which in turn flows into Dublin Bay. Several protected Natura 2000 sites are situated at the River Tolka Estuary and in Dublin Bay. The impact of Natura 2000 sites is considered in section 10 of this Inspector's Report. Surface water analysis indicates that water quality in the drainage ditch does not satisfy 'good' status requirements established by the EU Environmental Objectives (Surface Water) Regulations 2009 - exceedances for Orthophosphate, Total Ammonia, Biochemical Oxygen Demand and Copper.

9.8.4. Surface water quality throughout the entirety of the Tolka_SC_020 sub-catchment including the TOLKA_050 sub-basin, within which the site is located, is generally considered to be poor as a result of industrial pressures, urban diffuse run-off and misconnections.

9.8.5. As part of the proposed development the design of the drainage system will accord with SuDs techniques. The SuDS techniques to be used on-site include the use of a rainwater harvesting tank, three surface water attenuation tanks, and hydrobrakes. The open surface water drainage ditch traversing the site is proposed to be culverted and the ditch will need to be temporarily dammed. The FCC Chief Executive's report sought that the channel remain natural/un-culverted along the eastern boundary. The applicant, in response to the request for further information, amended the drawings indicating the watercourse channel along the eastern boundary open/un-culverted.

9.8.6. Wash water and domestic wastewater generated on-site will be directed to and stored in a below ground 'dirty water' storage tank situated at the south-east corner of building MRF 3 before being discharged to public gravity foul sewer via a proposed connection at Entrance 2. Truck wash-water generated at the truck wash will be discharged via a submersible pump and a rising main into the proposed new foul sewer connection. There will be no discharge of polluting material from the development site and the run-off rate from the site will be attenuated to prevent downstream flooding.

9.8.7. Water will be supplied to the proposed development via mains and an onsite rainwater harvesting system and storage tank.

Potential Impacts during Construction

9.8.8. The following potential impacts during construction are applicable to hydrology and surface water:

- Generation of alkaline surface water run-off from construction works.
- Excavation and construction works may cause increased sediment loads in surface water potentially leading to siltation and physical effects on receiving surface water quality.
- Potential for surface water contamination from fuel spills/leakages.

9.8.9. Potential Impacts during Operational Phase

- Fuel storage, vehicle use and re-fuelling on-site has the potential to result in accidental leaks or spills of fuel/oil, which could potentially impact surface water quality.
- An uncontrolled spillage from the 'dirty' water storage tank could potentially impact surface water quality.
- The release of contaminated firewater during fire event could potentially impact surface water quality.

Potential Impacts during Decommissioning

9.8.10. All built infrastructural elements of the site will remain as they are in-situ. There will be no disturbance of soils, earthworks or demolition activities during the decommissioning phase. Residual waste and wash water will be removed off-site to licensed facilities and will have no impact on hydrology and surface water.

Mitigation

9.8.11. The key mitigation measures to protect the surface water environment are:

- The construction works will be designed, overseen, and checked by experienced geotechnical and/or civil engineers.
- The proposed development has been designed to operate in accordance with Best Available Techniques for such waste management facilities.

- Implementation of a Construction Environmental Management Plan (CEMP).
- Surface water protection measures will prevent the accidental discharge of polluting material to surface waters including use of a hydrobrake system and oil separators.
- Methodology for protecting drainage ditch during culverting including the use of cut off trenches, drip trays and precast concrete.
- Spill protection measures and fuel storage measures. All tanks and bunds on-site will be routinely integrity tested and maintained.
- Operational phase waste handling, storage and processing will take place indoors under cover.
- A comprehensive set of sediment control measures and cement control measures will be implemented during construction.
- Contaminated firewater will be retained inside the proposed buildings which will act as a large bund in the event of a fire.
- Measures to prevent waste material track-out.
- Facility operations will be carried out in accordance with the conditions an IE licence enforced by the EPA.
- A Fire Protection and Prevention Plan, an Accident Prevention Policy, Emergency Response Procedures and Spill Control Procedures will be developed and implemented during the operational phase of the facility.
- Decommissioning will be carried out in accordance with a Closure, Restoration and Aftercare Management Plan (CRAMP) for the facility, in accordance with the conditions of the prospective Industrial Emissions (IE) licence.

Residual Impacts

9.8.12. The residual significance of the effects of the proposed development on the receiving surface water environment will be imperceptible taking account of mitigation measures.

Assessment of Hydrology and Surface Water Impacts

9.8.13. In my opinion the design and mitigation measures are comprehensive and will protect the receiving hydrological environment. The proposed development will not impinge on Water Framework Directive objectives to protect, enhance and restore all bodies of surface water with the aim of achieving good status. I am satisfied that the proposed development, subject to implementation of mitigation measures, will be constructed, operated and decommissioned in a manner that ensures it will have no impact water quality in the receiving water environment, or on the water quality status of receiving surface waters.

9.9. Air and Climate

9.9.1. Chapter11 of the EIAR considers the potential for impacts to arise in relation to air and climate. The Addendum to the EIAR and Appendix 6 of the Response to Request for Further Information relates. The following areas are considered: methodology, baseline conditions, assessment of potential effects, mitigation and residual effects. The site is located within EPA monitoring Zone A network. Air Quality monitoring data prior to Covid was used as a baseline to take account of 'normal' traffic volumes. Results indicate the levels of NO_2, PM10 and PM2.5 are below the national and EU ambient air quality standards.

9.9.2. There are no legislative limit for dust or odours in Ireland. The EIAR applies the following guideline limits:

- in respect of odours, the EPA Guidance Note AG4 provides a guideline for various industries and for waste sites with a guideline value of 1.5 OUE/m3 as a 98th%ile of hourly averages,
- in respect of dust, a guideline limit is 350mg/m2 /day is applied.
- Regarding climate, the 2024 Climate Action Plan seeks to tackle climate breakdown and achieve net zero greenhouse gas emissions by 2050 and a reduction of 55% in GHG emissions by 2030, compared to 1990 levels. The Waste Action Plan for a Circular Economy seeks a 65% recycling target of municipal solid waste by 2035 with no more than 10% going to landfill and a reduction of food waste by 50% by 2035.

9.9.3. In terms of sensitive receptors, there are 4 residential properties along Barnlodge Grove (Coolbrook Cottages), further to the south-west of the site there is a group of residential properties (Traveller accommodation) which includes non-permanent type residences. These properties range from c.6m to 34m from the site boundary, the next nearest residential properties are c. 200m north-west of the site along Ballycoolin Road.

9.9.4. The third-party submissions raise concerns regarding impact from odour, gases and pollution, stating that there is already a very bad odour from the site which will get worse.

Potential Impacts during Construction

9.9.5. During construction, the primary source of impact is due to construction dust emissions. The primary sources of GHG emissions which have the potential to impact climate are embodied carbon emissions as well as vehicle exhaust emissions of carbon dioxide (CO2) during the construction phase.

9.9.6. Detailed air dispersion modelling was not undertaken for construction traffic as it did not meet the criteria for assessment with respect to the impact of an 'affected' road link and the EIAR concludes that on this basis there is no potential for significant impacts to air quality from construction traffic emissions.

9.9.7. Dust emissions from the demolition and construction phase of the proposed development have the potential to impact human health through the release of fine dust particles. The EIAR considers that the surrounding area if is of low sensitivity to human health impacts from dust emissions and in the absence of mitigation there is the potential for a negative, temporary and imperceptible impact to human health as a result of the construction works.

9.9.8. Regarding impact on climate, the impact of the construction phase on climate has been assessed by quantifying the embodied carbon dioxide associated with all materials used in the construction of the development, the traffic and plant emissions during the construction phase and additionally emissions related to waste generated during the construction phase. The total construction phase embodied emissions totals 3,122 tonnes CO2, this is 0.009% of Ireland's 2030 GHG emission target. The predicted impact to climate during the construction phase is considered to be temporary and negative, but overall, not significant.

Potential Impacts during Operational Phase

9.9.9. Direct emissions from waste management facilities are associated with onsite processing (through the release of odours as a result of waste processing activities on site). Indirect emissions, CO2 and NO2, relate to transferring of waste to and from the site and staff/services transport. Climate change has the potential to alter weather patterns and increase the frequency of rainfall in future years.

9.9.10. The access road leading to the site/Premier Business Park from the Ballycoolin Road is considered to be 'affected' having regard to the volume of HGV traffic arising from the proposed development. Compared to 'Do Nothing' levels, concentrations of NO2 will increase by 0.03 µg/m3 at the receptor modelled and are considered negligible.

9.9.11. During the operational phase the proposed development will be powered primarily by electricity from the National Grid. The installation of photovoltaic solar panels will lead to an estimated output capacity of 696.9 MWh and has the potential to offset up to 206.27 Tonnes CO2 annually compared to if this electricity was sourced from the national grid. The operational phase power demand for the full site will be 6,000 MWh annually, based on a similar facility owned by the applicant. Using the 2020 carbon intensity figure this will result in the indirect emissions of 1,570 tonnes CO2 annually however this will reduce as the renewables percentage on the national grid is increased. Diesel demand is estimated to result in emissions of 39.55 Tonnes CO2 annually while CO2 from operational traffic is estimated to be 53 Tonnes CO2/annum.

9.9.12. Waste processing activities carried out in building MRF1 which will accept rMSW and food waste are the primary sources of odour at the proposed development. All processes in MRF1 will be carried out internally and under negative air pressure. Air from the building will be fed through an odour abatement unit and discharged to air via a 20m stack. In response to a request for further information, a revised modelling assessment was conducted to account for the odour leakage associated with the opening and closing of the roller shutter doors on building MRF1. Results indicate that emission of odour from the facility will remain in compliance with the odour threshold value of 1.5 OUE/m3 and no nearby receptors are predicted to experience odour nuisance.

Potential Impacts during Decommissioning

9.9.13. Impacts during decommissioning are not considered in the EIAR, however, as it is proposed that the structures will remain on site there is no impact arising.

Mitigation

9.9.14. Mitigation measures include the following:

Odour

- An odour management plan will be developed and implemented.
- All buildings on site will have rolling shutter doors. There will be little to no odour associated with the MDR (building MRF2) and C&D wastes (building MRF3) and all processing will occur internally.
- All processes in MRF1 (food waste and MSW) will be carried out internally and under negative air pressure. Air from the building will be fed through an odour abatement unit prior to discharge.
- Outdoor surfaces cleaned down on a daily basis and regular cleaning of storage bins and trucks. Daily cleaning of indoor food waste areas. Prompt cleaning of spills, leaks etc.
- Washwater will be stored temporarily in an underground storage tank prior to discharge to foul sewer.
- Ongoing monitoring in accordance with IE licence.

Dust

- Dust control measures, to include a dust minimisation plan (appendix 11.3 of the EIAR), will be implemented across the proposed development construction site which will avoid significant dust emissions.
- Storage and processing of wastes will occur within the proposed buildings.
- Material handling systems and site stockpiling of materials will be designed and laid out to minimise exposure to wind.
- During movement of materials both on and off-site, trucks will be stringently covered with tarpaulin at all times. Use of road sweeper and misting system.

- Ongoing monitoring in accordance with IE Licence.

Emissions & Climate

- A mobility management plan and cycle parking will be provided to promote sustainable travel.
- Reusing excavated material on site for fill.
- Minimise waste to landfill.

Residual Impacts

9.9.15. The proposed development has the potential to have a residual benefit with respect to climate by diverting waste from landfill and therefore reducing the wastes embodied carbon. Residual impacts are considered to be not significant and long-term.

Assessment of Air and Climate Impacts

9.9.16. During construction, there is the potential for a negative, temporary, imperceptible impact to human health as a result of the proposed development. Having regard to the magnitude of demolition (which is minor), earthworks, construction (steel-frame largely) and track-out activity, I consider, with mitigation the proposed development will result in low risk of human health related dust impacts.

9.9.17. Subject to design and mitigation measures, during operation, no nearby receptors are predicted to experience odour nuisance issues as a result of the proposed development as predicted results are within the acceptable range for odour emissions. The location of the sensitive receptors upwind of the prevailing winds is also noted.

9.9.18. The odour abatement treatment system proposed is designed to limit odours to below acceptable levels and I note that odour limits will also form part of the EPA licence. I am satisfied that the proposed mitigation measures and design features, once implemented and monitored, will ensure that the proposed development will not have a significant effect on the environment, including sensitive receptors.

9.9.19. The changes in NO2 concentrations as a result of the operational phase traffic emissions are in compliance with the ambient air quality. I consider the impact on climate as a result of traffic associated with the proposed development long-term and

negative but overall not significant, while the recycling of materials will reduce landfill levels and will be part-supplied by renewable energy, reducing emissions.

9.9.20. During my site inspection, I noted that the site and operations were well kept and there was no odour present on site, which was to be expected given the nature of waste currently processed. Having regard to the scientific evidence and assessments in the EIAR, in my opinion following implementation of mitigation measures, the impact on odour, air quality and climate as a result of the proposed development is not significant and long-term.

9.10. Noise and Vibration

9.10.1. Chapter 12 deals with Noise and Vibration. The Addendum to the EIAR and Response to Request for Further Information relates. The following areas are considered: methodology, baseline conditions, assessment of potential effects, mitigation and residual effects. The closest inhabited residential dwellings are located c. 6m south-west of the site boundary. For the purpose of the impact assessment, 21 no. receptors were modelled, representing noise sensitive locations within 500m of the site boundary. Noise monitoring locations and noise sensitive locations are identified and shown on a map in Appendix 12-1. Baseline noise monitoring indicates that the dominant noise is from the surrounding road network, with significant volumes of traffic noted on the M50, Ballycoolin Road and adjoining roads.

9.10.2. Potential for vibration impacts has been screened out due to separation distance to sensitive receptors and nature of works proposed. I note however that the residences to the south-west are less than 8m from a skip storage area.

9.10.3. The noise modelling is based on several assumptions and embedded design mitigation measures, which are required to be implemented to meet the noise limits, such as roller shutter doors, sound insulation of buildings and restricted hours of the truck wash. The EIAR Addendum includes the findings and assessment of revised modelling.

Potential Impacts during Construction

9.10.4. Noise during the construction stage will arise in the site clearance works, site compound works, installation of site services, construction of hardstanding areas and buildings.

9.10.5. Potential Impacts during Operational Phase

- Noise during the operational phase will arise from waste processing and transfer activities. Traffic movements (notably the HGVs) on the site access road and moving around the site have the potential to generate noise.
- There is potential for noise breakout from the proposed facility buildings through the building façade, roof and fast-acting roller shutter doors.
- Indirectly, traffic movements (notably the HGVs) on the site access road and moving around the site have the potential to generate noise.
- Vibration from HGV traffic and skip placing/lifting can generate vibration.

Potential Impacts during Decommissioning Phase

9.10.6. Impacts during decommissioning are not considered in the EIAR, however, as it is proposed that the structures will remain on site there is no impact arising.

Mitigation

9.10.7. Mitigation measures during construction include:

- Use of hoarding to attenuate noise.
- Construction phase noise monitoring.
- Good construction practice for the prevention of noise (e.g., adopting a strict speed limit, minimising drop heights, limiting working hours, preventing engine revving and idling etc, training of staff to avoid unnecessary noise.).
- Construction plant to have effective silencers and regular maintenance.
- Siting of noisy equipment away from noise sensitive receptors.

9.10.8. Mitigation measures during operation include:

- Minimum sound insulation performance for walls and roofs of the proposed facility building and fast acting roller doors to prevent noise breakout occurring.

- Noisier plant will not be operated in instances where doors are left open for significant periods of time.
- Good construction practice for the prevention of noise e.g., use of the truck wash to be restricted to daytime hours only; Locate noisy plants and machinery away from noise sensitive receptors, minimise drop heights etc.
- Carrying out regular monitoring of noise levels as per requirements of the EPA licence; investigate and record noise complaints.

Residual Impacts

9.10.9. During construction, noise predictions indicate that there is potential for short term noise impacts on nearby receptors during the site clearance works with the adoption of the proposed construction phase mitigation measures, these impacts will not be significant.

9.10.10. During operation, the predicted operational noise levels are lower than the current ambient noise levels at nearby noise sensitive locations and the current ambient noise will serve to mask noise from the proposed development.

9.10.11. I note that the impacts of vibration were not assessed in the EIAR notwithstanding that the site surface is to be an even surface and that skip operations are to be curtailed at night-time, given the proximity of the site to the Traveller accommodation and having regard to cumulative site operations such as lighting and traffic noise (such as reversing vehicles) I consider that noise and vibration impacts could have a significant negative and direct impact on the closest adjoining residents.

9.10.12. In regard to road traffic noise, when the predicted operational traffic flow is added to the existing baseline traffic flow, the baseline noise level shows a negligible increase in predicted traffic noise levels. The predicted operational phase noise impacts are therefore not significant.

Assessment of Noise and Vibration Impact

9.10.13. Noise has been predicted for the construction and operational phases using 3-D noise modelling software. The construction noise limits are expected to be met for all activities, except during site clearance works, where the limit is exceeded

marginally. With the proposed mitigation measures noise at the nearest location is predicted to be within the construction noise limits during site clearance.

9.10.14. With respect to operational noise, the revised modelling also takes into account revised site layout amendments such as moving the maintenance building and truck wash further to the east increasing the distance from sensitive receptors and, amending the layout of the skip storage area so that roller skips will be stored in the space along the west of the site and the drop skips to the east of the site, closest to the M50, to further reduce noise impact on sensitive receptors.

9.10.15. The revised modelling results show that with doors open the daytime limit is exceeded at 10 of the 21 no. receptors while the evening and night-time limits are met at all receptors. However, I accept that this situation is unlikely to arise as it is standard practice to keep doors closed. I note the further information includes the estimated roller door opening times (Table 2-9) which will be open up to 4 hours (3hrs 58 mins) per day at MRF1. I note this table and table 2-8 (Daily Vehicle Ingress and Egress) and corresponding Tables in the EIAR Addendum appear to confuse the waste streams applicable to the relevant building, i.e., MRF1 will accept MSW and food waste not C&D waste, however this error is not significant in terms of noise impact/volume of ingress & egress movements to the overall building.

9.10.16. I note the daily traffic generation for waste delivery and export set out in Chapter 13, Traffic and Transportation, Table 13-18, of the EIAR has a higher daily range of 194-257 HGV trips which is greater than that used in the noise modelling at 182 movements including 25 maintenance vehicle ingress and egress movements. The anomaly is not explicitly explained though it appears the higher range (194-257 trips) includes all HGV vehicles as opposed to those just using MRF1, MRF 2 and MRF3.

9.10.17. I note that the revised predicted operational noise levels are within daytime, evening and night-time limits. To meet the noise criteria there will be operational restrictions, e.g., doors will need to be timed to close as soon as possible after vehicle entry and exit. The EIAR Addendum states that “it will also be important to limit the vehicles ingress/egress to/from buildings to that outlined in Table 12-18b Estimated Roller Door Opening Times”. In light of this, a condition is attached, for the

Board's consideration, which limits vehicle movements to movements set out in Table 12-18b.

9.10.18. With the identified noise mitigation measures, predicted operational noise levels are below the daytime, evening and night-time noise limits defined in the EPA's NG4 guidelines for all noise sensitive locations. I note that it is possible that operational noise from the proposed development will be audible at the nearest noise sensitive locations, especially when traffic noise subsides. The revised noise modelling indicates that properties along the south-western boundary are worst affected. However, having regard to baseline surveys, I accept the findings of the noise assessment which states that it is likely that traffic noise will mask the noise from the proposed development, although operational noise may be audible when traffic subsides. I accept that as the existing ambient noise levels are above the predicted noise for the proposed development, the potential impact from operational noise levels is not significant. I note that noise may be excessive (by 3dB) during construction however the model assumes all plant operating simultaneously, which is unlikely to be the case in reality.

9.10.19. With regard to the skip storage area alongside sensitive receptors, in response to a request for further information, the separation distance of drop skips from the closest noise sensitive receptors has been increased. Roller skips will be stored in the space along the west, closest to the residential properties and the drop skips to the east closest to the M50, as roller skips are quieter than drop skips. The applicant has confirmed that skips will be moved during the hours 8:00hrs to 20:00hrs. I note that potential for vibration impacts on sensitive locations was screened out of the EIAR as all areas of the site will be covered with even surfacing and there will be minimal truck movements at locations close to sensitive receptors, which is not to state that there would not be vibration effects from skip or truck movements. I note however, the relocation of the drop skips closer to the M50 is an improvement from that originally proposed.

9.10.20. I acknowledge that reversing vehicles will include warning/beacon noise for health and safety reasons. The location of skip storage (roll-on/off) along the south-western boundary will be accompanied by use of reversing vehicles, and associated beacon noise. I note the noise modelling does not account for noise from reversing vehicles. I am of the opinion, having regard to the proximity of sensitive receptors

from the general site compound and the skip zone, albeit a roll-off skip location, that the proposed development could negatively impact the residential amenity of adjoining residents, even more so when some of the residential units are non-permanent in nature making them more susceptible to noise and vibration impacts.

9.10.21. However, as stated above and elsewhere in this Inspector's report (section 8.5) I consider that noise and vibration impact over a 24-hour period with associated light spillage could have a significant negative and direct impact on the closest adjoining residents and for this reason consider that the creation of berm/solid noise barrier along the south-eastern boundary and a lighting plan are required are required as additional mitigation measures; conditions to this effect are included for the Board's consideration.

9.11. Material Assets

9.11.1. Chapter 12 of the EIAR considers the potential impacts of the proposed development on material assets in the context of Roads & Traffic. Impact on other material assets and services is considered in Chapter 7 and identifies relevant material assets that are within the vicinity of the site, or which may be impacted by the proposal including waste management and tourism and recreational infrastructure. This section should be cross-referenced with section 8.7 of this Inspector's Report.

Built Services

9.11.2. The following utility infrastructure is currently present at the development site:

- An existing overhead powerline;
- An ESB wayleave and mains;
- A gas wayleave and mains;
- Existing foul and stormwater drainage systems and a mains water supply (serving the applicant's existing waste management facility).

9.11.3. The proposed development will involve re-routing the existing overhead powerline traversing the site underground, culverting the surface water drainage ditch over a gas main, the development of an electrical substation on-site, and the development of new on-site infrastructure and services.

9.11.4. The EIAR notes that early design consultation with ESB Networks, Gas Networks Ireland (GNI) and Irish Water (as it was then) was sought by the project team given the potential for the proposed development to impact on and interact with this existing infrastructure. In particular, the requirements of GNI has informed the design of the proposed development, including the proposed culvert design.

9.11.5. The EIAR considers the proposed development will not have any significant impact on material assets used or utilised by humans (other than roads and transport) for the following reasons:

- Activities and environmental impacts/emission at the proposed facility will be managed and controlled in accordance with the conditions of an IE licence.
- The proposed facility will not place excess demand on local/regional energy infrastructure; it will be served by an on-site electrical sub-station and source renewable energy from the proposed rooftop solar installation.
- All utility related works connected to the development (e.g. electricity line re-routing, main connections) will be carried out by statutory undertakers following the completion of detailed design and authorization process.
- All waste generated will be managed at appropriately authorised waste management facilities.

Traffic and Transportation

9.11.6. Chapter 13 of the EIAR, prepared by Trafficwise Ltd, considers the traffic and transportation impacts of the proposed development, appendices 13-1 – 13-4, the Addendum to the EIAR and Response to Request for Further Information also relate. This chapter sets out the assessment methodology, baseline traffic environments, forecasts travel demand characteristics of the proposed development, it evaluates the effect on and ability of the transportation network to accommodate the traffic arising both directly and indirectly.

9.11.7. Section 8.7 above deals with matters raised in the submissions and FCC Chief Executive's report and will not be repeated here. While the third-party submissions do not raise matters relating to the EIAR, Fingal's Chief Executive's report queries the following EIAR related matters: junction capacity analysis, two-way trips, car

parking and cycle parking provision. These matters and others are fully explored above.

9.11.8. The proposed development site is located on the southern side of the L3090 Ballycoolin Road and is accessed via a private road and cul-de-sac connecting directly to L3090 at a signalised junction arrangement to the north of the site. All traffic generated by the existing and proposed development both for construction and for the day-to-day operation of the site is (to be) accommodated by the private access road from L3090 Ballycoolin Road. An existing access to the site along Barnlodge Grove is proposed to be retained. Following my assessment above at section 8.7, I consider that access via Barnlodge Grove should be restricted for emergency vehicles only.

9.11.9. During construction phase (12-month period), the traffic assessment indicates the average HGV traffic generation arising during construction activities is expected to be in the region of 12 HGVs (to a peak of 20) and 36 light vehicle trips (to a peak of 58) per day. Excavated material will require removal by articulated tipper, generating an estimated of 120 vehicles.

9.11.10. During operational phase, the traffic assessment indicates that the proposed development would provide an upper value of 605 two-way trips comprising 514 HGV and 91 car movements. This represents an additional 325 HGV and 66 car movements (two-way trips) above current operational levels.

9.11.11. The general Ballycoolin area and Dublin Enterprise Zone, within which the site is located, is well served by a high-quality road network. All traffic generated by the proposed development during both the construction and operational phases of the site will be accommodated by the existing access road and infrastructure connecting Cappogue Industrial Park and Premier Business Park to Ballycoolin Road. Chapter 13 of the EIAR includes assessments, informed by computer modelling program OSCADY, of the two junctions most heavily trafficked by development traffic, those being:

- Premier Business Park Traffic Signal Junction
- Ballycoolin Road/Cappagh Road Roundabout.

9.11.12. I am satisfied, as per section 8.7 above, that the two-way trips over a condensed period (reflective of current operational hours) are assessed in the EIAR and that based on this, and the junction capacity modelling undertaken for Premier Business Park Traffic Signal Junction and the Ballycoolin Road/Cappagh Road Roundabout that sufficient capacity exists for the proposed development over an extended 24-hour operational period.

9.11.13. It is indicated that the haulage routes will be the same for both construction and operational phase since they are the most suitable roads in the local area. significant proportion of site traffic access the site via N3 Junction 2 and 3, using R843 and R121 to access the L3090 Ballycoolin Road. Traffic to and from the north generally uses the L3080 Cappagh Road link with the Cherryhound Link Road connecting to the N2 at Junction 2. Local demand distribution fluctuates and includes local roads in the area.

9.11.14. The forecast increase in total traffic flows on the receiving roads within the study scope are below 10% and thus sub-threshold in all cases. The forecast increase in total traffic flows on the immediate receiving environment of Ballycoolin Road and Cappagh Road is generally less than 2% save for the internal roads of Cappogue Industrial Park. The recorded network traffic flows show an uncongested road network environment. The forecast peak hour traffic generation of the proposed development results in a sub-threshold incremental increase in traffic flows and it follows that the proposed development will not give rise to capacity problems on the receiving network. The peak hour volume of traffic throughput at other local junctions is not significant.

9.11.15. In summary the findings of this assessment demonstrates that the existing receiving road network will have sufficient capacity to accommodate the temporary increase in traffic associated with the construction of the proposed development and that during operations additional traffic arising from the proposed development will not have a significant effect upon the capacity and operation of the key junctions on the receiving road network of Ballycoolin and the greater network serving the Dublin Enterprise Zone.

Potential Impacts during Construction

9.11.16. It is estimated that the proposed development will take 12 months to complete. Construction of the proposed extended facility will give rise to traffic generation on the receiving roads environment though the network analysis indicates there is sufficient capacity to cater for the additional traffic. Potential impacts arising from construction are: delay and disruption to existing road users; road safety effects, parking of construction related vehicles, and, deposition of debris and detritus on the public road. These will have a temporary direct negative effect on the receiving public road and road users.

Potential Impacts during Operational Phase

9.11.17. A significant proportion of site traffic access the site via N3 Junction 2 and 3, using R843 and R121 to access the L3090 Ballycoolin Road. Traffic to and from the north generally uses the L3080 Cappagh Road link with the Cherryhound Link Road connecting to the N2 at Junction 2. The primary haul routes are shown in Appendix 13-4, Figure 1. Locally, the L3080 Cappagh Road and L3090 Ballycoolin Road which are the principal haul routes to Cappogue Industrial Park. Operation of the extended facility will give rise to traffic generation on the receiving roads environment though the network and junction analysis indicates there is sufficient capacity to cater for the additional traffic. No significant impacts are expected. Potential operational impacts relate to road safety effects.

Potential Impacts during Decommissioning

9.11.18. No significant impacts related to traffic and transportation are expected during decommission, due to cessation of activities and buildings remaining on site.

Mitigation

9.11.19. During construction, mitigation measures include:

- Preparation and implementation of a Traffic Management Plan to form part of the CEMP;
- Traffic Management Coordinator
- Haul routes to be used and/or avoided will be identified;
- Site induction of workers will include a section on traffic management;
- Traffic to be managed in accordance with best practice;

- Temporary wheel-washing facilities to be provided.
- Monitoring and implementation of revisions to the TMP as required.

9.11.20. During operation, mitigation measures include:

- Logistics co-ordinator in respect of operational traffic management;
- Identification and agreement of haul routes to be used;
- Encourage staff to use public transport;
- Site induction of workers will include a section on traffic management;
- Implementation of a mobility management plan.
- Monitoring and implementation of revisions to the TMP as required.

Residual Impacts

9.11.21. The construction and operational phase of the proposed development will have an imperceptible impact on traffic conditions and capacity of the receiving road network.

Assessment of Material Assets Impact

9.11.22. The traffic assessments provided in the EIAR demonstrate that the forecast increase in traffic on the receiving road network will not have a significant effect on capacity. Junction analysis indicates that sufficient capacity exists for the proposed development during construction and operational phases. I note that no abnormal loads are required to be delivered to the site. Regarding the likely haul routes I am satisfied that the existing roads infrastructure in the Dublin Enterprise Zone is designed for this type and volume of traffic.

9.11.23. The road network assessments examine cumulative effects generally by including for network traffic growth which is linked to economic growth and development. Cumulative effects are also examined which assumes the further development of the Cappogue Industrial Park and Premier Business Park zoned lands all accessed from Ballycoolin Road. No issues arise.

9.11.24. Overall, I am satisfied based on traffic forecast, network and junction capacity analysis that the proposed development both during construction or operation staff will not have a significant impact upon the operation or capacity of the receiving

public road network. I am satisfied that, subject to appropriate mitigation, the proposed development will not have any significant impact on other material assets used or utilised by humans, such as utilities.

9.12. Archaeological, Architectural and Cultural Heritage

9.12.1. Chapter 14 of the EIAR, prepared by Colm Flynn Archaeology, considers the potential significant effects of the proposed development on the archaeological, architectural and cultural heritage resource in the local environments. This chapter sets out the assessment methodology, receiving environment, potential effects of the proposed development, including cumulative effects, and sets out mitigation measures to be employed.

9.12.2. The site of the proposed development is a mixture of grassland and scrubland including a section of the extant townland boundary between Cappogue and Dunsink which is a shallow ditch and hedge-topped earthen bank. There is an existing structure and hard surfacing on part of the site, there are existing utility services traversing the site.

9.12.3. A study area of 1 km has been imposed around the proposed development site to assess the presence of statutorily protected archaeological remains, Protected Structures or any additional statutorily protected architectural or cultural heritage features, including building and historic gardens in the NIAH record. A 5 km study area has been assessed to look for the presence of any World Heritage Sites, National Monuments or sites with Preservation Orders or Temporary Orders. There was no evidence of any archaeological, architectural or cultural heritage features recorded on aerial photographs within the proposed development sites or the surrounding landscape. The closest Recorded Monument (RMP DU014-026) is located in Dunsink townland approximately 110m south of the proposed development location, on the opposite side of the M50, and has been identified as a ring-barrow.

9.12.4. The Department of Housing, Local Government and Heritage, in its submission, acknowledge the Archaeological Impact Assessment which forms part of the EIAR and sets out conditions that should be included in the event of a grant of permission.

<u>Potential Impacts during Construction</u>

9.12.5. There will be no direct construction effect on recorded archaeological, architectural or cultural heritage resources. The construction of the proposed development has the potential to have a permanent, direct, negative effect on any previously unrecorded archaeological remains that may exist within the development footprint. The construction of the proposed development will have a temporary, reversible, imperceptible visual effect on archaeological and architectural resources in the study area.

Potential Impacts during Operational and Decommissioning Phases

9.12.6. The presence of the proposed development will have a long-term, reversible, imperceptible visual effect on archaeological and architectural resources in the study area during its operational and decommissioning phase; the building will remain in-situ during decommissioning.

Mitigation

9.12.7. Monitoring will be carried out under licence to the Department of Housing, Local Government and Heritage and the National Museum of Ireland. Provision will be made for the full excavation and recording of any archaeological features or deposits that may be exposed during monitoring.

Residual Impacts

9.12.8. Following the adoption of the proposed mitigation measure there will be a temporary, reversible, imperceptible visual effect on the archaeological and architectural resource during the construction phase of the proposed development. There will be a long-term, reversible, imperceptible visual effect on archaeological and architectural resources in the study area during the operational phase of the proposed development.

Assessment of Archaeological, Architectural and Cultural Heritage Effects

9.12.9. Due to the absence of likely effects, it is unlikely that there will be cumulative effects on the archaeological, architectural or cultural heritage resources. The construction of the proposed development has the potential to have a permanent, direct, negative effect on any previously unrecorded archaeological remains that may exist within the development footprint. The risk of this occurring is considered to be unlikely.

9.12.10. Having regard to the archaeological, architectural or cultural heritage assessment, and having consulted the Fingal DP, the NIAH and national archaeology database I am satisfied there are no Recorded Monuments, Protected Structures, Architectural Conservation Areas, NIAH structures or NIAH historic gardens or designed landscapes within the proposed development site. Subject to the mitigation measures outlined, I am satisfied that there will be no significant effect on archaeological, architectural or cultural heritage resources due to the proposed development.

9.13. Landscape and Visual Impact

9.13.1. Chapter 15 of the EIAR describes the existing landscape, the visual character of the existing facility and the potential visual impact of the proposed development on the surrounding area. Photomontages prepared by Macro Works Ltd. accompanies the application. This chapter sets out the assessment methodology, receiving environment, potential effects of the proposed development, including cumulative effects, and sets out mitigation measures to be employed.

9.13.2. The site is located in the general built-up area of Dublin and at approximately 70m above ordnance datum, is located in a low-lying area and slopes gently to the south. The southern portion of application site currently consist of disused grassland / scrubland, while the northern portion contains an existing waste management facility. To the north and north-east are dominated by a variety of business and enterprise parks, with residential properties to the west and southwest. The M50 bounds the site to the east. The proposed structure measures c.12.5m in height and will be closest to residences to the west along Barnlodge Grove.

9.13.3. Of the 6 Landscape Character Types identified within the Fingal County Development Plan, the site is located where the eastern portion of the ‘River Valleys & Canal’ Landscape Character Type interfaces with the southwestern portion of the ‘Low Lying Agricultural’ Landscape Character Type. The River Valleys & Canal Character Type is identified, in general, as having a ‘High Sensitivity’ to development and a ‘High Landscape Value’. According to the Fingal DP 2023-2029, the nearest view to be preserved is located c. 1.3km to the southwest of the site.

9.13.4. A 2km radius study area was used to assess the impact of landscape and visual impacts. A computer-generated Zone of Theoretical Visibility (ZTV) map has been prepared to illustrate where the proposed development is potentially visible from. The ZTV map is based solely on terrain data (bare ground visibility), and ignores features such as trees, hedges or buildings, which may screen views. The ZTV map indicates there is greatest theoretical visibility immediately to the south, including the M50, further south there is little visibility to the south and intermittent visibility from the north. The digital surface modelling, which accounts for terrestrial land cover elements indicates a considerable reduction in likely visibility of the proposed development, with very limited visibility from the M50.

9.13.5. The ABP pre-application discussion advised that landscaping screening should be provided to ensure the proposed development does not impact visually on users of the M50 or on persons present in Premier Business Park to the east of the proposed development. The landscaping plan submitted as an Appendix to the EIAR indicates new hedge planting along the boundary with the M50. There is an existing mature hedgerow bounding the M50, outside the site boundary.

9.13.6. Potential Impacts during Construction

- Temporary physical landscape impacts will occur during the construction phase and will result from disturbance to the landform and land cover for the various structures, buildings and associated access and egress roads., movement of heavy vehicles, construction compound and tower cranes.
- Removal of c.150 no. linear meters of vegetation at the centre of the application site, which is designated for protection in the Fingal County Development Plan, will result in a negative adverse effect on the physical landscape within the application site, but it will not noticeably detract from the landscape character of the surrounding area.

Potential Impacts during Operational Phase

9.13.7. The main effect will be an increased sense of industrialisation within the landscape setting, particularly in relation to the large arable agricultural fields to the west will not markedly alter the wider landscape setting.

Mitigation

9.13.8. Hoarding will be erected to screen the site during construction works. A Landscape Mitigation Plan has been developed for the proposed development. This plan proposes that screening (planting) be provided along the site perimeter to assist in screening views from off-site visual receptors, including the M50 and Premier Business Park. A light grey tone is used for the proposed buildings to reduce the degree of visual contrast.

Residual Impacts

9.13.9. The construction and operational phases of the proposed development will not have a 'substantial' or 'significant' negative impact on landscape character or visual amenity.

Assessment of Landscape and Visibility Impacts

9.13.10. I have considered the impact of removing the trees and hedgerow which traverses the site in section 8.3 above and consider that the proposed removal of same is acceptable. Having regard to the overall scale of the proposed development, an extension to an existing waste recovery facility, in an area transitioning to employment and industrial uses, and having regard to the character of the landscape I consider the magnitude of construction phase landscape impacts are temporary, slight and negative, while I consider the operational impacts to have a slight negative impact on landscape and visibility. Overall, the proposed development is acceptable from a landscape and visibility perspective.

9.14. Cumulative Impacts

Several projects are being progressed in the wider area (incl. industrial, utility, residential & commercial developments, along with smaller scale urban developments). Having regard to the nature and scale of these projects and the the proposed development which comprises an increase, albeit substantial, in the tonnage capacity of an existing Waste Facility, I am satisfied that the issue of significant cumulative effects does not arise. There is, therefore, nothing to prevent the granting of approval on the grounds of cumulative effects.

9.15. Interactions and Cumulative Effects

9.15.1. Interactions between the various environmental factors are discussed in Chapter 16 of the EIAR. I consider that the main interactive impacts arising from the proposed development are adequately addressed in the EIAR. The main potential for interactions which would give rise to negative effects on population and human health arise from effects to water, air/climate, traffic and transport, noise, cultural heritage and landscape/visual impacts and major accidents. A matrix is provided in Table 16.1 which outlines all other potential interactions during the construction and operational phase and which I have considered in this assessment.

9.15.2. I am satisfied that effects resulting from 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.

9.15.3. Several projects are being progressed in the wider area (incl. industrial, utility & commercial developments, along with smaller scale urban developments). The EIAR examines the issue of cumulative impacts in each of the relevant chapters i.e., Population & Human Health, Biodiversity, Geology and Hydrogeology, Surface Water and Hydrology, Air Quality and Climate, Noise and Vibration, Traffic and Transportation, Landscape and Visual Impact. While there may be limited potential for cumulative impacts in conjunction with identified developments, I am satisfied having regard to the nature and scale of these projects and the scale of the proposed development which albeit comprises a significant expansion to an existing waste facility, which will be subject to regulatory control, that the issue of significant cumulative effects does not arise. There is, therefore, nothing to prevent the granting of approval on the grounds of cumulative effects.

9.16. Reasoned Conclusion

Having regard to the examination of environmental information contained above, as set out in the EIAR and supplementary information provided by the applicant, and the submissions from the prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development are, and will be mitigated as follows where relevant:

- Population and human health – there will be an increase in noise and air emissions and lighting impacts on nearby residential properties which will be mitigated by fast-closing doors, processing within buildings, odour abatement system and regulatory control including licence requirements. Additional measures such as lighting control and construction of a berm/solid noise barrier along the south-eastern boundary are considered necessary to further mitigate significant effects.
- Biodiversity – there will be reduced biodiversity on site with removal of trees, hedgerow and vegetation and the part-culverting of drainage ditch on site which will be mitigated by leaving part of the drainage ditch un-culverted, implementation of the landscaping plan, and removal of trees and hedgerow within designated period.
- Air and climate - positive impacts on climate from generation of electricity to part-supply the operational needs of the proposed development and the provision of the expanded facility in itself which will assist in the transition to a low carbon circular economy. Increase in air emissions will be mitigated by fast-closing doors, processing within buildings, odour abatement system and regulatory control including licence requirements.
- Land, hydrology, hydrogeology – potential for significant effects from contaminants/emissions to ground or surface water will be mitigated by design through installation and operation of a surface water management systems, including treatment and discharge to foul sewer network, spill management and control systems.
- Material assets - Positive environmental impacts on material assets during the operational phase by the increase in national capacity to treat waste and reduce dependency on export.

In conclusion, 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.

10.0 Appropriate Assessment

10.1. Screening for Appropriate Assessment

10.1.1. The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- Geographical Scope and Main Characteristics
- Screening the need for Appropriate Assessment
- Identification of Likely Effects
- Screening Determination

10.1.2. **Compliance with Articles 6(3) of the EU Habitats Directive**: The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to Appropriate Assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

10.2. Geographical Scope and Main Characteristics

10.2.1. The site is located at Cappogue Industrial park, Ballycoolin Road, Dublin 11. The site area as applied for is 3.38 hectare, and the additional information increases this slightly to 3.40ha to take account of works required to footpath/entrance. The surrounding landscape is peri-urban in nature, with industrial, commercial, and residential lands surrounding the site. The M50 also passes along the site's southern boundary. There are agricultural lands in the surrounding area, as well as a disused landfill and golf course. The site is located within the Tolka Sub-catchment within the Liffey and Dublin Bay Catchment. A drainage ditch within the boundary of the proposed development site flows overground in a south-eastern until it reaches a point adjacent to the M50 where it is culverted once again.

10.2.2. The proposed development comprises the construction and operation of an expanded Materials Recovery Facility at Unit 1, Cappogue Industrial Park, Ballycoolin Road, Cappogue, Dublin 11. The proposed expanded facility will accept and process up to 300,000 tonnes per annum (tpa) of waste material, to include:

- 100,000 tpa of residual municipal solid waste (rMSW).
- 50,000 tpa food waste.
- 100,000 tpa construction and demolition (C&D) waste.
- 50,000 tpa mixed dry recyclable (MDR) waste.

10.2.3. Works include the part-demolition of the existing building on-site, culverting an existing surface water drain traversing the site, upgrade and expansion of the existing building on-site, new material recovery facility buildings, advertising signage, administration building, weighbridges and weighbridge office, rooftop photovoltaic solar panels (with a cumulative area of 2,476 m2), electrical substation, vehicle workshop, refuelling facility, vehicle wash, perimeter fencing, surface water management infrastructure and site services, including undergrounding of existing transmission lines. All waste acceptance, storage and processing activities will be carried out inside the proposed buildings. No waste storage or processing will be carried out externally. Of note, wash water and domestic wastewater generated on-site will be directed to and stored in a below ground 'dirty water' storage tank before being discharged to public gravity foul sewer.

10.2.4. The application for the proposed development is accompanied by an Appropriate Assessment Screening Report dated November 2022, prepared by Fehily Timoney. This report sets out the methodology for Appropriate Assessment screening based on relevant guidance and is informed by the description of the proposed development, an overview of the receiving environment, a desktop data review and an assessment of the effects on European Sites. Other documents that accompany the planning application include an Environmental Impact Assessment Report and a Construction Environmental Management Plan (Appendix 4.2 of the EIAR) and an Invasive Species Management Plan (Appendix 8.2).

10.2.5. The AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies any European

Sites within a possible zone of influence of the development. The AA Screening Report concludes that the possibility of any significant effects on any European Sites, whether arising from the project alone or in combination with other plans or projects, can be excluded beyond reasonable scientific doubt. In reaching this conclusion, I am satisfied the author of the AA Screening Report has fully considered the nature of the project and its potential relationship with all European Sites within the zone of influence.

10.2.6. Having reviewed the documents and submission on the application, I am satisfied that the information allows for a complete examination and identification of any likely significant effects of the development, alone or in combination with other plans or projects, on European Sites.

10.2.7. FCC's Chief Executive Report notes that An Bord Pleanála is the competent authority for the purposes of appropriate assessment. No other observations or submissions raised issues relevant to appropriate assessment.

10.3. Screening for AA – Test of Likely Significant Effects

10.3.1. The proposal is not directly connected with or necessary to the management of any European site and is therefore subject to the provisions of Article 6(3). The closest European Site is the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), which is c. 8.4km southeast of the subject site.

10.3.2. There are ten European sites within 15km of the site; these are:

- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) (8.4km Southeast)
- Rye Water Valley/ Carton SAC (Site Code 001398) (10.1km West)
- South Dublin Bay SAC (Site Code 00210) (10.7km Southeast)
- North Bull Island SPA (Site Code 004006) (11.2km East)
- North Dublin Bay SAC (Site Code 000206) (11.2km East)
- Malahide Estuary SPA (Site Code 004025) (11.9km Northeast)
- Malahide Estuary SAC (Site Code 000205) (11.9km Northeast)
- Baldoyle Bay SAC (Site Code 000199) (13.2km East)

- Baldoyle Bay SPA (Site Code 004016) (13.4km East)
- North-West Irish Sea cSPA (Site Code 004236) (14.1km East). The AA Screening Report does not reference the North West Irish Sea cSPA, however the cSPA was only designated in July 2023.

10.3.3. It is proposed to part-culvert the drainage ditch on site. The drainage ditch transecting the site is culverted beneath the M50 where it flows eastward and enters the attenuation pond serving the Dunsink Landfill. The attenuation pond drains to the Scribblestown stream southeast of the landfill which enters the River Tolka and drains to the River Tolka Estuary c. 8.4 km south east of the site, which in turn flows into Dublin Bay. There is an instream distance of c10km between the proposed development and the closest hydrologically linked European site, South Dublin Bay and River Tolka Estuary. North Bull Island SPA and North Dublin Bay SAC are an additional 3km, direct distance, beyond the River Tolka Estuary within Dublin Bay.

10.3.4. 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:

- Construction & operation related:
- Increase in noise and dust pollution.
- Release & transport of air borne pollutants to the European sites via chimney stack and traffic related emissions.
- Uncontrolled surface water/silt/ construction related pollution/spillage of fuels.

10.3.5. Having regard to the information and submissions available, the nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors the following European Sites are considered relevant to include for the purposes of initial screening for the requirement for Stage 2 appropriate assessment on the basis of likely significant effects.

- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024)
- South Dublin Bay SAC (Site Code 000210)

I note that the South Dublin Bay SAC was not considered to be within the zone of influence of the proposed development, however, I consider that the South Dublin Bay SAC (Site Code 00210) should be included for further screening, having regard to the geographical overlap with the South Dublin Bay and River Tolka Estuary SPA. The remaining 8 no. European Sites are not considered further in the screening process as there is no direct hydrological link to these European sites, nor is the site of the proposed development suitable habitat for SCI species. As a result of both the distance and volume of seawater likely to have diluted any polluted discharge from the site I do not consider that it would be likely to have any significant impact on these European sites.

10.3.6. The conservation objectives of the South Dublin Bay and River Tolka Estuary SPA Conservation Objectives series 004024 documents published by the National Parks and Wildlife Service (NPWS) (dated March 2015). They are to maintain the favourable conservation condition of the 13 no. bird species listed and to maintain favourable conservation condition of the wetland habitat.

10.3.7. The conservation objectives of the South Dublin Bay SAC Conservation Objectives series 000210 documents published by the National Parks and Wildlife Service (NPWS) (dated August 2013). They are to maintain the favourable conservation condition of f Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC.

10.3.8. 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 will be controlled by an EPA licence. Given the nature of works involved, the nature of the existing intervening environment, the distance of a hydrological connection to the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA and the surface water management system on site which will discharge only clean water from the site to the drainage ditch, I am satisfied that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of the South Dublin Bay SAC or South Dublin Bay and River Tolka Estuary SPA. Furthermore, given the significant distance separating the proposed works and these European Sites, in the event of pollution or sediment entering the adjacent watercourse, such pollution would be

diluted and dispersed to an imperceptible level at the point of contact with these designated sites and as such significant effects to the Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA are not likely to arise and can be ruled out, see Table 1 below.

10.3.9. In-combination impacts have been considered. Any permitted or future developments in the immediate area are likely to be enterprise and employment in nature on fully serviced lands. Development of lands to the west, zoned for National Sports Campus are largely undeveloped and will be subject to AA screening/assessment. The proposed development itself will not have any effects on the qualifying interests/ special conservation interests or conservation objectives of any European Sites and there is no potential for any other plan or project to act in combination with it to result in significant effects on any European Site. Furthermore, policies and objectives are contained within the relevant statutory plans affecting the Greater Dublin Area that will protect European Sites and water quality.

10.3.10. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

10.4. Screening Determination

10.4.1. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on any of the above listed European Sites, or any other European site, in view of the sites' Conservation Objectives, and Appropriate Assessment is not therefore required. This determination is based on the following:

- The distance of the proposed development from European Sites.
- Unsuitability of habitats at application site for supporting mobile species associated with any European Site.
- The scale and location of the proposed development.

European site (SAC/SPA) (Site code)	Distance to subject site / Source, pathway, receptor	Qualifying Interest/ Special Conservation Interest	Possible effect alone	In-combination effects	Screening conclusion
South Dublin Bay and River Tolka SPA (004024)	c.8.4km southeast. Indirect hydrological link, in-stream distance of c10km, via on-site drainage ditch which is connected to the Scribblestown Stream via an attenuation pond, which stream enters the River Tolka, before entering Dublin Bay.	Light-bellied Brent Goose Branta bernicla hrota [A046] Oystercatcher Haematopus ostralegus [A130] Ringed Plover Charadrius hiaticula [A137] Grey Plover Pluvialis squatarola [A141] Knot Calidris canutus [A143] Sanderling Calidris alba [A144] Dunlin Calidris alpina [A149 Bar-tailed Godwit Limosa lapponica [A157] Redshank Tringa totanus [A162] Black-headed Gull Chroicocephalus ridibundus [A179] Roseate Tern Sterna dougallii [A192] Common Tern Sterna hirundo [A193] Arctic Tern Sterna paradisaea [A194] Wetland and Waterbirds [A999]	Noise impact. Air emissions including dust. Increase in sedimentation from run-off. Water pollution – from fuel spills and other contaminants.	No hydrological link between identified permitted development sites in the vicinity to any European site. Plans – including the FDP 2023-2027	There is no suitable habitat on development site for the SCI species this SPA is designated for. With an instream distance of c.10km, passing through Dublin City, it is unlikely that any sedimentation or run-off event caused by this development would lead to a reduction in habitat or water quality in the SPA. Having regard to the distance from and scale of the proposed development, need for AA can be screened out.
South Dublin Bay SAC (Site Code 000210)	c. 10.7km East Indirect hydrological link, in-stream distance of c10km, via on-site drainage ditch which is connected to the Scribblestown Stream via	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]	Air emissions including dust. Increase in sedimentation from run-off. Water pollution – from fuel spills and other contaminants		With an instream distance of c.10km, passing through Dublin City and the physical barrier of the great South Wall, it is unlikely that any sedimentation or run-off event caused by this development would lead to a reduction in habitat or water quality in the SAC.

European site (SAC/SPA) (Site code)	Distance to subject site / Source, pathway, receptor	Qualifying Interest/ Special Conservation Interest	Possible effect alone	In-combination effects	Screening conclusion
	an attenuation pond, which stream enters the River Tolka, before entering Dublin Bay.				Having regard to the distance from and scale of the proposed development, need for AA can be screened out.

Table 1 – Summary Table of European Sites considered in Screening for Appropriate Assessment

11.0 Recommendation

I recommend that planning permission for the proposed development should be approved, subject to conditions, for the reasons and considerations as set out below.

12.0 Reasons and Considerations

[draft Order]

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

a) European legislation, including of particular relevance:
    - The relevant provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment,
    - Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.

b) National and regional planning and related policy, including:
    - Climate Action Plan 2024,
    - National Planning Framework,
    - Waste Action Plan for a Circular Economy, Ireland's National Waste Policy 2020-2025,
    - National Waste Management Plan for a Circular Economy 2024-2030,
    - Regional Spatial Economic Strategy for the Eastern and Midland Region,

c) The local planning policy including:
    - Fingal County Development Plan 2023-2029

d) The location of the proposed development in an area which is zoned in the development plan for 'General Employment' and where in this zoning category, it is the policy of the planning authority to facilitate waste disposal

and recovery facilities, excluding those of “high impact”, and where having regard to the nature of waste to be processed (i.e. putrescible waste) the proposed development could be considered to be a high impact facility and thus permitting same would amount to a material contravention of the development plan. In materially contravening the development plan, the Board considered that the proposed development is of strategic importance having regard to the provisions of the Climate Action Plan 2024 which seeks a transition to a circular economy by, inter-alia, increasing recycling and reducing landfill reliance. In addition, the Board had regard to the contribution of proposed development to achieving Government Policy set out in the National Waste Management Plan, in particular, Core Policy 12 of the National Waste Management Plan for a Circular Economy (NWMP) 2024-2030 which supports the need for nationally and regionally important waste infrastructure and to Target Policies13.1 and 14.1 which seeks to support the development of pre-treatment waste facilities for reprocessing, recycling and recovery within the State where this capacity is technically, economically and environmentally practicable,

e) the nature, scale of the proposed development as set out in the planning application and the pattern of development in the vicinity, within an established and developing industrial and commercial area,

f) 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,

g) 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.

Environmental Impact Assessment

The Board undertook an Environmental Impact Assessment of the proposed development, taking into account:

(a) the nature, scale, location and extent of the proposed development,

(b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application, including the further information submitted,

(c) the submissions from the applicant, the planning authority, the observers and the prescribed bodies, and

(d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the EIAR complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and 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 the submissions made in the course of the application as set out in the Inspector's report. The Board was satisfied that the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation (including environmental conditions) which are incorporated into the Board's decision.

Reasoned Conclusion of the Significant Effects:

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- Population and human health – there will be an increase in noise and air emissions and lighting impacts on nearby residential properties which will be mitigated by fast-closing doors, processing within buildings, odour abatement system and regulatory control including licence requirements. Additional measures such as lighting control and construction of a berm/solid noise barrier along the south-eastern boundary are considered necessary to further mitigate significant effects.

- Biodiversity – there will be reduced biodiversity on site with removal of trees, hedgerow and vegetation and the part-culverting of drainage ditch on site which will be mitigated by leaving part of the drainage ditch un-culverted, implementation of the landscaping plan, and removal of trees and hedgerow within designated period.
- Air and climate - positive impacts on climate from generation of electricity to part-supply the operational needs of the proposed development and the provision of the expanded facility in itself which will assist in the transition to a low carbon circular economy. Increase in air emissions will be mitigated by fast-closing doors, processing within buildings, odour abatement system and regulatory control including licence requirements.
- Land, hydrology, hydrogeology – potential for significant effects from contaminants/emissions to ground or surface water will be mitigated by design through installation and operation of a surface water management systems, including treatment and discharge to foul sewer network, spill management and control systems.
- Material assets - Positive environmental impacts on material assets during the operational phase by the increase in national capacity to treat waste and reduce dependency on export.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the proposed mitigation and monitoring measures, as et out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, both by itself, an d in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

The Board is satisfied that the reasoned conclusion is up to date at the time of making the decision.

Proper Planning and Sustainable Development

The location of the proposed development is an area which is zoned in the Fingal Development Plan 2023-2029 for 'General Employment' and where in this zoning category, it is the policy of the planning authority to facilitate waste disposal and recovery facilities, excluding those of "high impact", i.e., those with high potential for nuisances including putrescible waste. As the proposed development includes for the introduction of food waste and municipal residual waste, the development could be considered "high impact".

Having regard to the:

- location of the proposed development on an extended site with an existing waste recovery facility (C&D waste) which is recognised as being suitable for a waste recovery facility in the development plan;
- the information provided in the Environmental Impact Assessment Report which concludes that, subject to mitigation measures, the proposed development will not have a significant environmental impact;
- the additional mitigation measures recommended by the Inspector i.e. lighting control and construction of a berm/solid noise barrier along the south-eastern boundary to protect the residential amenity of adjoining residences;
- the positive contribution the proposed development would make to Ireland's Waste Action Plan for a Circular Economy, National Waste Management Plan and the Climate Action Plan to move to a low carbon future,

it is considered that subject to compliance with the conditions set out below the proposed development would accord with European, national, regional and local planning and related policy, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not have an unacceptable impact on the landscape or ecology, would not pose a risk to water quality and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. 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 exercise, the Board accepted and adopted the report of the Inspector 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.

13.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and the further plans and particulars received by the Board on the 23rd November, 2023 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. **Reason:** In the interest of clarity.
2.	The intake of waste material to the site shall not exceed 300,000 tonnes per annum, of which no more than 50,000 tonnes shall consist of food waste; no more than 100,000 of residual municipal solid waste and 50,000

	tonnes of mixed dry recyclable waste. No hazardous waste shall be accepted at the facility. The developer shall maintain records of all waste accepted at the site and these records shall be made available to the Planning Authority if required. The facility shall be not available for use directly by members of the general public. The structures hereby approved shall be for waste recovery purposes only. **Reason**: In the interest of clarity.
3.	A berm and/or a solid noise barrier shall be erected along the south-western boundary of the site. The details of which shall be submitted for the written agreement of the Planning Authority, prior to commencement of development. **Reason**: In the interest of residential amenity.
4.	The mitigation measures identified in the EIAR and other plans and particulars submitted with the planning application, shall be implemented in full by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this permission. **Reason**: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.
5.	(a) No storage, loading, unloading or processing, either permanent or temporary, of any materials shall occur outside of any structure shown on the Site Layout Plan (Drawing No. P21-150-0200-0001) submitted with the application. (b) All organic material shall be transported to and from the site in sealed containers. No material that would attract birds shall be present on the open areas of the site at any time. (c) Stacking skips shall not be stored along the south-western boundary, only roll on/roll-off skips scan be stored along the south-western boundary. Skips to be stored in the external areas shall not be stacked greater than a height of 3 metres.

	Reason: In the interest of amenities, public health and safety
6.	(a) The clearance of any vegetation including trees, hedgerows and scrub, shall only be carried out in the period between the 1st of September and the end of February i.e., outside the main bird breeding season. (b) Trees to be felled will be surveyed for bats before their removal. All trees should be felled under the supervision of an ecologist and left intact on the ground for a period of at least 24 hours. The destruction or interference of any tree identified as a bat roost shall only be carried out on receipt from the NPWS of a licence to derogate from the Habitats Directive and destroy the roost. (c) The section of the watercourse located on the eastern boundary shall re-main open and un-culverted. **Reason**: In the interests of biodiversity and to provide for the conservation and protection of species of fauna protected under the Habitats Directive (92/43/EEC) and the Wildlife Act, 1976.
7.	(a) The access along Barnlodge Grove shall be used for emergency vehicular access only. (b) Vehicles ingress/egress to/from buildings shall be limited to/not be greater than that outlined in Table 12-18b 'Estimated Roller Door Opening Times' of the EIAR Addendum and excluding evening and night-time movements. **Reason**: In the interest of proper planning and sustainable development of the area, and in the interests of traffic hazard.
8.	The developer shall accord with any future requirements of the Planning Authority in relation to glint and glare issues that may arise and which only become apparent when the proposed installation is commissioned. Any such requirements shall be carried out at the developer's expense according to the specification and conditions of the Planning Authority.

	Reason: To ensure the avoidance of any potential traffic, air or other hazard and in the interest of the proper planning and sustainable development of the area.
9.	Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of 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.
10.	Details of the materials, colours and textures of all the external finishes, signage, and external hard surfaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. **Reason**: In the interest of visual amenity.
11.	Other than the advertisements expressly permitted under this grant of permission, no advertisement or advertisement structure shall be displayed or erected on the building/within the curtilage of the site unless authorised by a further grant of planning permission. **Reason**: In the interest of visual amenity
12.	A site layout plan detailing all external lighting and a lighting operational plan shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. All external lighting shall be cowled to ensure deflection of lighting is away from adjoining residential properties. **Reason**: In the interest of visual amenity.
13.	Where the Developer proposes to connect to a public water/wastewater network operated by Irish Water, the Developer shall sign a connection agreement with Irish Water, prior to the commencement of the development. **Reason**: In the interest of proper planning and the sustainable development of the area.

14.	(a) A scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall provide a screen along the southern boundary, consisting predominantly of trees, shrubs and hedging of indigenous species. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works. (b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. (c) All tree and shrub removal shall be undertaken outside the bird nesting season. **Reason**: In the interests of orderly development and the protection of birds
15.	Prior to commencement of development, a detailed Construction Environmental Management Plan (CEMP) for the construction phase shall be submitted to and agreed in writing with the local authority. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste. **Reason**: In the interest of environmental protection and orderly development.
16.	Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority. **Reason**: In order to safeguard the residential amenities of property in the vicinity.

17.	(a) The developer shall engage a suitably qualified archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks. (b) The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. (c) Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation which may include preservation in-situ or full archaeological excavation. (d) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the Planning Authority, following consultation with the National Monuments Service, shall be complied with by the developer. (e) The Construction Environmental Management Plan shall include the location of all archaeological or cultural heritage constraints relevant to the proposed development as set out in the EIAR, describing all identified likely direct and indirect archaeological impacts and all mitigation measures to be employed. (f) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer. **Reason**: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

18.	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme. **Reason**: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Alaine Clarke
Planning Inspector
20th March 2024