



An
Bord
Pleanála

Inspector's Report ABP-316027-23

Development

An amendment of Condition 5 of Reg. Ref. FW18A/0079 to increase the annual waste acceptance rate from 270,000 tonnes to 450,000 tonnes per year so as to expand the recycling / recovery capacity and the installation of odour control unit to the rear (east) of Material Recovery Building No. 1. The unit will include an external flue some 18m in height above ground. The increased intake does not require buildings, or extensions to existing buildings. The application relates to development that comprises and is for the purposes of an activity requiring an Industrial Emissions Licence. The facility operates under an IE Licence (No. W0183-01) issued by the Environmental Protection Agency.

Location

Millennium Business Park, Cappagh Road, Dublin 11.

Planning Authority	Fingal County Council
Applicant(s)	Starrus Eco Holdings Ltd.
Type of Application	Strategic Infrastructure, 37E of the Planning and Development Act, 2000, as amended.
Prescribed Bodies	Transport Infrastructure Ireland Uisce Éireann Dublin City Council
Observer(s)	None.
Date of Site Inspection	30 th January, 2024
Inspector	Robert Speer

1.0 Introduction

- 1.1. Following pre-application consultations under section 37B of the Planning and Development Act, 2000, as amended (ABP Ref. No. ABP-314052-22), the Board determined that the proposed development falls within the definition of Class 3 (Environmental Infrastructure) of the Seventh Schedule of the Act and exceeds the relevant threshold for such waste installations thereby satisfying section 37A(1) of the Act.
- 1.2. It was further considered that the proposed development falls within the scope of sections 37A(2)(a), (b) and (c) of the Act, on the basis that it would be of strategic importance to the State and the Eastern and Midlands Region, within which it would be situate, would contribute substantially to the fulfilment of the objectives of the National Planning Framework and the Regional Spatial & Economic Strategy 2019-2031 for the Eastern and Midland Region in force in respect of the area in which it would be situate, and would have a significant effect on the area of more than one planning authority.
- 1.3. Accordingly, it has been decided that the proposed development constitutes strategic infrastructure within the meaning of section 37A of the Act thereby requiring an application for permission to be made directly to An Bord Pleanála under section 37E of the Act.

2.0 Site Location and Description

- 2.1. The proposed development site is located in the Millenium Business Park, Dublin 11, on the eastern side of Cappagh Road, approximately 1.9km west-northwest of Junction 5 on the M50 Motorway, in an expanding commercial / industrial area that encompasses the Dublin 15 Enterprise Zone. It is bounded by Huntstown Quarry to the north and east, Kilsaran Concrete to the south, and by other enterprise buildings within the Millenium Business Park to the west.
- 2.2. The site itself has a stated site area of c. 4.43 hectares, is irregularly shaped, and is presently occupied by an existing waste facility that comprises 2 No. waste recovery and transfer buildings (with Materials Recovery Building No. 1 to the south and Materials Recovery Building No. 2 to the north of the site), an administration building,

and ancillary infrastructure including baled waste storage areas, a weighbridge, vehicle wash, drainage systems, and surface car parking.

3.0 Proposed Development

- 3.1. The proposed development involves the amendment of Condition No. 5 of PA Ref. No. FW18A/0079 in order to increase the annual waste acceptance rate at the existing facility from 270,000 tonnes to 450,000 tonnes per year so as to expand the recycling / recovery capacity of the site. It is anticipated that the facility will generally operate to a maximum of 400,000 tonnes per annum, however, permission has been sought for the worst-case scenario to avoid future restrictions should an emergency arise and thus provision has been made for an additional 50,000 tonnes of capacity for contingency purposes. The proposed increased intake will not require any new buildings or the extension of existing buildings.
- 3.2. Associated works comprise the installation of an odour control unit to the rear (east) of Material Recovery Building No. 1 which will include an external flue extending to 18m in height above ground level.
- 3.3. The application relates to development that comprises and is for the purposes of an activity requiring an Industrial Emissions Licence. The existing facility operates under an IE Licence (No. W0183-01) issued by the Environmental Protection Agency.
- 3.4. **Documentation Submitted:**
- 3.4.1. In addition to the forms, notices and letters to relevant bodies etc., the application has been accompanied by the following:
- Cover Letter, Planning Report and Appendices (Tom Phillips & Associates)
 - Environmental Impact Assessment Report (O'Callaghan Moran & Associates)
 - Appropriate Assessment Stage 1 Screening Report (O'Callaghan Moran & Associates)
 - Traffic and Transport Assessment (ORS)
 - Associated plans and drawings.

4.0 Consultations

4.1. Details of the application were circulated to the following prescribed bodies:

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

4.2. Responses were received from Transport Infrastructure Ireland, Uisce Éireann (Irish Water), the Environmental Protection Agency, Dublin City Council, and Fingal County Council, which are summarised below.

5.0 Submissions

5.1. Prescribed Bodies

5.1.1. *Transport Infrastructure Ireland:* No observations other than to comment that future Luas, Metro, Dart, Rail and BusConnects alignments are matters for the National Transport Authority.

5.1.2. *Uisce Éireann:* Notes that rainwater runoff from the building roofs and paved areas where wastes are not stored used to discharge to the storm sewer serving the Business Park, however, due to damage to the storm sewer outside the site boundary, stormwater discharge has since been diverted to the foul sewer pending the repair of the storm sewer system.

Uisce Éireann does not allow the discharge of rainwater runoff to the foul sewer system, and therefore, the following further information should be requested:

- Details of the current temporary works set in place that cater for the temporary diversion of the surface water runoff into the foul sewer, as well as the timeframe for these to be rectified.
- There are concerns that the discharging of polluted storm / surface water to the foul sewer may be occurring. The rainwater runoff has to be managed to prevent the pollution or / and on-site treatment is required to allow all surface water to be discharged into the existing storm water network.

5.1.3. *Dublin City Council:* States that the proposed development site is in an area zoned as 'GE' (*General Employment*) in the Fingal Development Plan, 2017-2023 with the stated objective to '*provide opportunities for general enterprise and employment*' where '*Waste Disposal and Recovery Facilities*' are permitted in principle. It is also noted that the site is located wholly within the administrative area of Fingal County Council in an industrial / commercial area within the Dublin 15 Enterprise Zone. The report subsequently details the site context further, including the applicable planning history, before advising of the following departmental reports:

- *Environmental Health Officer (Air Quality Monitoring and Noise Control Section):* Notes that the development is located outside of Dublin City Council's functional area and that the facility is licensed by the Environmental Protection Agency. In this regard, it is expected that the EPA will have been

notified and invited to comment and / or to provide conditions under any licence amendment.

- *Drainage Division*: No objection.
- *Traffic Planning Division*: No comments.
- *Waste Management*: No comments.

5.2. Fingal County Council

5.2.1. *Extract from the Meeting of Fingal County Council held on 8th May, 2023:*

Motions agreed:

- *“That this Council write to Panda Waste to undo these new charges on brown bin waste collection due to the policy incentivising improper waste management and increase of contamination of green bin waste”.*
- *“That this Council recommends that the SID application by Greenstar be made subject to a condition that the operator (Greenstar / Panda Waste) not impose a charge for collection of household brown bin waste”.*

5.2.2. *Chief Executive’s Report: Strategic Infrastructure Development at Greenstar, Millennium Business Park, Cappagh Road, Dublin 11:*

Details the background to the application along with the site context, planning history and relevant policy considerations before summarising the discussion of the application and the aforementioned motions by the elected representatives of Fingal County Council at a meeting held on 8th May, 2023.

The report proceeds to analyse the proposal and states the following:

- The Principle of the Development:
 - At a strategic level, the approach to waste is to reduce the quantity generated and to promote increased recycling with a view to promoting the circular economy whereby waste becomes a resource rather than a material for disposal. This view is espoused in the National Planning Framework, the Eastern - Midlands Waste Management Plan, the Regional Spatial and Economic Strategy and the Fingal County Development Plan.

- Policy E19 of the Eastern - Midlands Waste Management Plan supports the development of indigenous reprocessing and recycling capacity for the treatment of non-hazardous and hazardous wastes where technically, economically and environmentally practicable noting the need to apply the relevant environmental criteria in the planning and development of such activities.
- Policies CAP25 and IUP20 of the Development Plan support the transition to the circular economy and the minimisation of waste generation. Objective IUO29 specifically promotes the increased recycling of waste.
- The activities presently undertaken on site involve the sorting and processing of municipal solid waste, the processing of sterilised medical waste to produce solid recovered fuel, the bulking up of brown bin waste for off-site treatment, the storage of out-of-date packaged food, and the sorting and storage of construction & demolition, commercial and industrial wastes. Many of these activities support the circular economy through recycling and a reduction in the use of natural resources by utilising waste as a fuel.
- The continued development of the facility is considered acceptable from the perspective of the broad aims of current waste management policy.
- It has not been indicated if the additional intake proposed will comprise all those waste types currently accepted or only selected types and if the proposal will involve greater quantities of material within the category of high impact waste disposal and recovery. In the event of a grant of permission, a condition should be attached to ensure that no hazardous waste is treated at the facility.
- The proposed development site is zoned as '*General Employment*' with the stated objective to '*Provide opportunities for general enterprise and employment*' wherein '*Waste Disposal and Recovery (Excluding High Impact)*' is 'Permitted in Principle' and '*Waste Disposal and Recovery Facility (High Impact)*' is 'Not Permitted'. The difference between the

two use classes is the high potential of the latter to result in odour, noise, dust and other nuisances (with this later use class including putrescible waste treatment plants for organic & residual waste and transfer stations).

- Permission was granted under PA Ref. Nos. F02A/1474 & FW18A/0079, inter alia, for the acceptance of municipal solid waste on site. The municipal solid waste / brown bin waste is offloaded within 'Materials Recovery Building 1' onto which it is proposed to construct an odour control unit. Objective ZO3 of the Development Plan allows for the reasonable intensification of premises accommodating non-conforming uses, subject to normal planning criteria. In this regard, it is noted that the application site is located at a remove from sensitive receptors with Huntstown Quarry to the north and east, a cement plant to the south, and industrial units to the west. Furthermore, the construction of an odour control unit would mitigate against the potential impacts associated with an increase in the acceptance rate of this type of waste.

Having regard to the established and permitted nature of the development, the planning history of the site, the industrial character of surrounding lands, and the arrangements for municipal solid waste on site which is only stored in the building to be fitted with an odour control system, it is considered that an increase in the quantity of this waste type would be acceptable in accordance with Objective ZO3 of the Development Plan.

However, in the event of a grant of permission, the Board may wish to consider limiting the volume of additional food waste and mixed household waste that can be accepted at the facility. This would reflect the uses permitted in the underlying zoning and ensure that any increase in the quantity of this waste type represents a reasonable intensification as envisaged by Objective ZO3 of the Plan.

- Impact on Amenities:

- Having regard to the scale of the existing building on site and the character of the surrounding area, it is considered that the proposed works will not significantly impact on the visual amenities of the area.
- The Environmental Impact Assessment Report addresses the potential impacts on the amenities of the area.
- Although the EIAR refers to the results of noise monitoring carried out as part of the EPA's licensing of the facility, a full noise assessment (including predicted impacts) has not been submitted.
- It is noted that the applicant has indicated that all waste reception and processing activities are carried out inside the buildings and that the plastic waste granulator in MP1 is housed in an acoustically screened area enclosed by a combination of mass concrete walls and insulated panelling.
- The EPA's current licensing of the facility includes specific conditions relating to noise and a requirement that there shall be no clearly audible tonal or impulsive component in the activity's noise emissions at noise sensitive locations.

The EPA licence also specifies separate noise limits for the daytime and night-time periods. Subject to the inclusion of these noise limits in any grant of permission that issues, it is not anticipated that noise emissions would result in any significant impact in the vicinity of the site.

- Access and Transportation:

- The Traffic and Transportation Assessment submitted with the EIAR includes an updated traffic count with the accompanying traffic surveys having been undertaken in March, 2020 (pre-COVID) as part of a separate planning application (ABP Ref. No. ABP-307296-21). It has been found that the traffic levels recorded in 2022 exceed the previously predicted 2022 levels derived from surveyed 2020 figures in the AM peak and, therefore, an adjustment factor of 1.11 has been

applied to the traffic count data so as to ensure it is representative of a worst-case scenario. The application has also considered committed developments in the area.

- Capacity assessments have been undertaken at 5 No. main junctions along Cappagh Road and at the roundabout access to the proposed development. The predicted increases in traffic at these junctions consequent on the proposed development range between 5% and 2%. The assessment indicates that Sites 1, 2, 3 & 4 will operate below capacity in all scenarios for all future design years (2025, 2030 and 2040), however, Junction 5 (Arm '2' Kilshane) and Junction 6 (Arm 'C' Cappagh Road) will be approaching capacity in the 'do-nothing' and 'do-something' scenarios for the design year of 2025 during the morning peak and will exceed capacity in 2040 with increased queuing and delays.
- The additional 27 No. vehicles associated with the increase in both the morning and evening periods for Junction 6, and the additional 95 No. vehicles in both the morning and evening peak times for Junction 5, will have a slightly more negative impact on the road network when compared to the background traffic in the event the proposed development were not to proceed. However, while the additional trips consequent on the proposed development will contribute to future capacity issues at Junctions 5 & 6, they would not be considered significant in the context of the overall background traffic which will be the primary source of capacity issues at the junctions.
- In the event of a grant of permission, it is recommended that the applicant provide an Operational Management Plan that outlines both the existing and proposed mitigation measures required to prevent any possible queueing of traffic from the site access onto the public road. This plan should include information on turnaround times for vehicles and the capacity of the development to receive additional truck movements.

- Any increase in HGV activity could exacerbate difficulties for pedestrians and cyclists trying to cross Cappagh Road to utilise the existing bus facilities. Therefore, a toucan pedestrian crossing on the Cappagh Road is required and a special development contribution should be imposed pursuant to Section 48(2)(c) of the Planning and Development Act, 2000, as amended.
- Water Services:
 - Given that it is not proposed to extend the footprint of any building on site, no additional surface water runoff will be generated.
- Environmental Impact Assessment:
 - There are no recorded monuments, protected structures, watercourses, water bodies, Natural Heritage Areas or Natura 2000 designations on site or within the immediate environs.
 - The application site is not subject to any Special Amenity Area Order and is located in a 'low-lying agricultural' landscape character area with a 'low to medium' sensitivity to development. The proposed works are not considered significant in terms of landscape impacts.
 - It is noted that the most odorous materials are stored and handled in 'Materials Recovery Building No. 2' which is located in the more southerly section of the site (*N.B.* The Board is advised that this appears to mistakenly refer to 'Materials Recovery Building No. 1') and that Section 3.2 of the EIAR provides specific details of the proposed odour control system.
 - At design stage, an odour control system will be installed in the section of the recovery and transfer building where odorous waste (black and brown bin waste) is processed and stored.
 - Section 9.8.3 of the EIAR states that during the operational phase at any one time there will be a maximum of 200 tonnes of Municipal Solid Waste (MWS) and 100 tonnes of brown bin waste inside the building.
 - All bays used for the storage of MSW and brown bin waste will be cleaned on a weekly basis.

- It is noted that the EIAR has not considered the potential noise impact of the proposed scheme and, therefore, suitable conditions should be attached in this regard.
- Section 48 / 49 Development Contribution Schemes:
 - The Fingal County Council Development Contribution Scheme, 2021-2025 is the applicable development contribution scheme.
 - Having regard to the details of the scheme and the nature of the proposed development, a financial contribution would not be due in this instance.
 - There are no Section 49 schemes either adopted or proposed that would affect the proposed development.
- Special Contribution Conditions:
 - Special Development Contributions may be applicable in respect of a Toucan crossing in the vicinity of the site.

The Chief Executive's Report concludes by stating that the proposed increase in the quantity of waste accepted at the existing facility is acceptable having regard to the broad aims of current waste management policy. Furthermore, having regard to the established and permitted nature of the development, and to the proposed arrangements for food waste and residual municipal solid waste (which will only be stored and processed within a building fitted with an odour control system), the report states that the acceptance of these types of material is acceptable.

Accordingly, it is recommended that permission be granted, subject to conditions.

Recommended Conditions

1. The development shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached thereto.

Reason: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.

2.

- (a) The intake of waste material to the site shall not exceed 450,000 tonnes per annum, of which no more than 200,000 tonnes shall consist of food waste and mixed household waste.
- (b) No hazardous or liquid waste shall be accepted at the site without a prior grant of planning permission.
- (c) The odour control unit proposed as part of this development shall be constructed and operational prior to the increase in waste tonnage proposed as part of this application being accepted at the site.
- (d) Municipal solid waste and organic waste shall only be unloaded, sorted / processed, stored and loaded within Materials Recovery Building 1. No municipal solid waste or organic waste shall be stored externally.
- (e) 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.
- (f) 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.

Reason: In the interest of clarity.

3. All of the avoidance, remedial, mitigation and monitoring measures identified in the Environmental Impact Assessment Report submitted with the application shall be implemented in full by the developer, save as may otherwise be required by other conditions attached hereto.

Reason: In the interest of clarity and the protection of the environment during the operational phases of the proposed development.

4. A Toucan Crossing in close proximity to the existing bus stops near the Millenium Business Park – Cappagh Road roundabout shall be provided at the expense of the developer. The details of this shall be agreed in writing with the Planning Authority and the crossing shall be delivered prior to the development becoming operational. Alternatively, a special contribution under Section 48(2)(c) of the Planning and Development Act, 2000, as amended, shall be assessed and applied to the development in respect of these works.

The amount of the contribution shall be agreed between the Planning Authority and the developer and in the absence of agreement, by An Bord Pleanála.

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

5. Prior to commencement of development, an operational traffic management plan shall be submitted for the written agreement of the Planning Authority which clearly sets out mitigation measures to prevent any possible traffic queueing on the public road from the entrance of the development in the event of internal issues or a backlog of arrivals.

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

6. The facility shall not be available for use directly by members of the general public.

Reason: In the interests of the proper planning and development of the area.

7. The following environmental measures shall be implemented during the construction stage of the development:

- (a) All necessary steps shall be taken to contain dust and airborne pollutants arising from the site. This shall include i) covering skips, ii) covering slack heaps, iii) netting of scaffolding, iv) regular road and pavement dampening and sweeping, v) use of water spray to suppress dust, vi) proper paved or hard stand access for trucks and vehicles to and from the site to prevent dirt and dust from the site being carried from the site onto public roads.
- (b) Dust monitoring shall be carried out during the demolition and construction phases in accordance with the TA Luft dust deposition limit value of 350mg/m²/day measured at the site which includes both soluble and insoluble matter. Monitoring points shall be set up at the sensitive locations to measure total dust deposition rates. The amount of dust deposited anywhere outside the proposed development, when averaged over a 30-day period, should not exceed a limit value of 350mg/m²/day.

The following shall be implemented during the operational stage of the development:

- (c) There shall be no clearly audible tonal component or impulsive component in the noise emissions from the activity at the noise sensitive locations.
- (d) Noise emissions at the site boundaries shall not exceed 55dB(A)LAeq (30 minutes) during daytime and 45dB(A)LAeq (30 minutes) at nighttime.

Reason: In the interest of environmental quality.

- 8. No additional development shall take place above roof parapet level, including air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

- 9. The following requirements shall be complied with in full:

- (a) The hours of operation on all construction sites shall be restricted to between 0800 hours to 1900 hours Monday to Friday, and between 0800 hours to 1400 hours on Saturdays.
- (b) No activities shall take place on site on Sundays or Bank Holidays.
- (c) Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from Fingal County Council. Such approval may be given subject to conditions pertaining to the particular circumstances being set by Fingal County Council.

Reason: In the interest of public health and in the interest of residential amenity.

- 10. All necessary measures shall be taken by the applicant / developer to prevent the spillage or deposit of any materials including clay rubble or other debris on adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant / developer's own expense.

The applicant / developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work and shall either make good any damage to the satisfaction

of Fingal County Council or pay the Council the cost of making good any such damage upon issue of such a requirement by the Council.

Reason: To protect the amenities of the area.

Appendix 1: Departmental Reports

Environment Section (Waste Enforcement & Regulation): States that in the event of a grant of permission, the proposed development will continue to operate under EPA Waste Licence W0183-01 and, therefore, all waste activities and associated emissions linked with the proposed development will be regulated by the EPA in the first instance.

Water Services: Notes that as there will be no increase in the impermeable footprint on site, no additional surface water will be generated. No objection.

Transportation Planning: Notes the following:

- Traffic & Transport Assessment:
 - The supporting traffic surveys were carried out in March, 2020 (pre-COVID) as part of a separate application (Ref. No. SID/01/21) and repeated in November, 2022 for validation purposes. The assessment has found that the traffic data for 2022 in the AM peak was higher than the predicted 2022 levels derived from the 2020 figures and, therefore, an adjustment factor of 1.11 was applied to the traffic count data to ensure the figures would be representative of a worst-case scenario in the analysis. Provision was also made for the inclusion of committed developments in the area.
 - Capacity assessments were undertaken at the following junctions along Cappagh Road and at the roundabout access to the proposed development:
 1. Development site access road junction
 2. Millenium Business Park – Cappagh Road roundabout junction
 3. Huntstown Business Park – Cappagh Road roundabout junction
 4. Panda Cappagh Road Materials Recovery Facility access road junction

5. Cappagh Road – Mitchelstown Road roundabout junction
6. Cappagh Road – Ballycoolin Road roundabout junction

The assessment indicates that Junction Nos. 1, 2, 3 & 4 will operate within capacity in all scenarios for all future design years (2025, 2030 & 2040).

Junction 5 (Arm 2 Kilshane) and Junction 6 (Arm C Cappagh Road) have been found to be approaching capacity in the 'do-nothing' and 'do-something' scenarios for 2025 in the AM peak and will exceed capacity in 2040 with increased queueing and delays.

Compared to background traffic, the additional 27 No. vehicles in both the morning and evening periods for Junction 6 and the additional 95 No. vehicles in both the morning and evening peak times for Junction 5 will have a slightly more negative impact on the road network than if the proposed development were not to proceed.

Whilst the additional trip generation consequent on the proposed development will contribute to future capacity issues at Junctions 5 & 6, these would not be considered significant in the context of overall background traffic which will remain the primary source of capacity concerns at said junctions.

- Development Access:
 - The excessive queuing of vehicles from the proposed development onto the public road is to be avoided and can be achieved by way of an Operational Plan. The applicant should provide an Operational Management Plan outlining the existing and proposed measures required to prevent any possible queuing of traffic onto the public road (as may arise if internal issues result in a backlog of traffic at the site entrance or due to the arrival of a number of vehicles at once). The plan should include information on turnaround times for vehicles and the capacity of the development to deal with the additional truck movements.

- Cappagh Road:
 - Any increase in HGV activity could exacerbate difficulties for pedestrians and cyclists trying to cross Cappagh Road in order to utilise existing bus services. This can be addressed through the provision of pedestrian crossing facilities.
 - A developer may be required to provide infrastructure or to contribute towards the provision or improvement of new or existing facilities and infrastructure by way of a development contribution under Section 48 of the Planning and Development Act, 2000, as amended. In this regard, a Toucan Crossing on Cappagh Road is required.
- Conclusion:
 - No objection, subject to the following conditions:
 - 1) A Toucan Crossing in close proximity to the existing bus stops near the Millenium Business Park – Cappagh Road roundabout shall be provided at the expense of the developer and the details shall be agreed with the Planning Authority prior to the development becoming operational or a special contribution under Section 48 of the Planning and Development Act, 2000, as amended, shall be assessed and applied to the development.
 - 2) An operational management plan clearly setting out mitigation measures to prevent any possible traffic queueing on the public road from the entrance of the development in the event of internal issues or a backlog of arrivals shall be submitted in writing to the Planning Authority prior to commencement of development.

5.3. **Environmental Protection Agency** (*in response to correspondence issued by the Board on 7th December, 2023 pursuant to Section 87 of the Environmental Protection Agency Act, 1992, as amended*):

- 5.3.1. For the purposes of clarity, the Board is advised that the broader contents of the submission received from the EPA on 15th January, 2024 with respect to the subject proposal mistakenly refer to another licensed facility at a different location and thus are not of specific relevance to the proposed development. In this regard, it should

be noted that the subject site is located at Cappagh Road, Finglas, Dublin 11, and comprises a waste facility which has been licensed by the EPA under IE Licence Ref. No. W0183-01 (*Applicant: Starrus Eco Holdings Limited: Location of Facility: Millennium Business Park, Grange, Ballycoolin, Dublin 11: Main Class of Activity: 11.4(b)(ii)*). Furthermore, on 20th November, 2023 the EPA sought additional information with respect to an application (Ref. No. W0183-03) lodged by Starrus Eco Holdings Limited for a review of its Industrial Emissions Licence at the subject site as regards a proposal to increase the annual waste intake at the facility from 270,000 tonnes to 450,000 tonnes (with that application having been accompanied by an Environmental Impact Assessment Report).

5.3.2. By way of completeness, the EPA's submission can be summarised as follows, although it must be emphasised that it does **not** reference the facility under consideration:

- IPODEC Ireland Limited was issued a Waste Licence (W0039-02) on 4th September, 2000 for a facility located at Ballymount Cross, Tallaght, Dublin 24. The licence was transferred to Nurendale Limited trading as Panda Waste Services on 10th July, 2012. The licence was transferred from Nurendale Limited trading as Panda Waste Services to Starrus Eco Holdings Limited on 22nd June, 2018.
- In accordance with the 2013 amendment of the EPA Act and Waste Management Act and to give effect to the Industrial Emissions Directive, Licence W0039-02 was amended on 16th December, 2015 to incorporate the requirements of an Industrial Emissions Licence for the following listed activities:

Regulated Activity	Main Class	Activity Description (Regulated Activity)	Name (EPA Act Industry Sector)
11.4(b)(ii)	Yes	Recovery, or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75 tonnes per day involving one or more of the following activities, (other than activities to which the Urban Waste Water Treatment Regulations 2001 (S.I. No. 254 of 2001) apply): pre-treatment of waste for incineration or co-incineration;	Waste

11.1	No	The recovery or disposal of waste in a facility, within the meaning of the Act of 1996, which facility is connected or associated with another activity specified in this Schedule in respect of which a licence or revised licence under Part IV is in force or in respect of which a licence under the said Part is or will be required.	Waste
------	----	--	-------

- The licence application pertaining to this licence (Register W0039-02) was accompanied by an Environmental Impact Statement (EIS). Details of the licence application, EIS, licence and any amendments made to the licence may be viewed on the Agency's website. The licence may need to be reviewed or amended to accommodate the changes proposed in the above SID application.
- It is noted that the SID application was accompanied by an EIAR. As part of its consideration of any licence review application that may be received which addresses the changes proposed, the Agency shall ensure that before the revised licence is granted, the licence application will be made subject to an Environmental Impact Assessment as respects the matters that come within the functions of the Agency and in accordance with Section 83(2A) and Section 87(1G)(a) of the EPA Act. In addition, consultation on the licence application and EIAR will be carried out in accordance with Section 87(1B) to (1H) of the EPA Act as appropriate. The Board will be requested to provide documentation relating to its EIA of the project to the Agency under Section 173A(4) of the Planning and Development Act, 2000, as amended.
- Should a licence review application be received by the Agency, all matters to do with emissions to the environment from the activities proposed, the licence review application documentation and EIAR will be considered and assessed by the Agency.
- Where the Agency is of the opinion that the activities, as proposed, cannot be carried on, or cannot be effectively regulated under a licence then the Agency cannot grant a licence for such an activity. Should the Agency decide to grant a licence in respect of the activity, as proposed, it will incorporate conditions

that will ensure that appropriate National and EU standards are applied, and that Best Available Techniques (BAT) will be used in the carrying on of the activities.

- In accordance with Section 87(1D)(d) of the EPA Act, the Agency cannot issue a Proposed Determination on a licence review application which addresses the proposed development until a planning decision has been made.

5.4. Third Party Observations

None.

6.0 Applicant's Response to Submissions

None.

7.0 Planning History

7.1. On Site:

- 7.1.1. PA Ref. No. F02A/1474 / ABP Ref. No. PL06F.202468. Was granted on appeal on 12th August, 2003 permitting Celtic Waste Ltd. permission for the phased development of a proposed waste materials recovery facility and biowaste treatment facility including, inter alia, recovery and transfer building, biowaste treatment building, administration building / staff amenity and changing facility, 2 No. weighbridges and associated control rooms, biowaste office facility, plant and transformer rooms, vehicle maintenance facility, a moveable shed, all associated security and acoustic fencing to site boundaries, fuel tanks and bund walls, hard standings, skips storage, vehicle parking, vehicle wash area and all other associated site works.
- 7.1.2. PA Ref. No. F05A/1764. Was granted on 28th March, 2006 permitting Greenstar Holdings Ltd. permission for the erection of 2 No. high level internally illuminated signs.
- 7.1.3. PA Ref. No. FW18A/0016. Was granted on 30th April, 2018 permitting Panda Power Ltd. permission for the installation of roof mounted solar panels to the existing Materials Recovery Facility and all ancillary works and services.

- 7.1.4. PA Ref. No. FW18A/0079. Was granted on 31st October, 2018 permitting Starrus Eco Holdings Ltd. permission for the construction of a single storey waste recovery / transfer building within the site of the existing Materials Recovery Facility. Permission is also sought for all associated site works and services. The proposed development relates to an activity covered by an existing Waste Licence No. W0183-01 issued by the Environmental Protection Agency. The proposed development will not require a review of the Waste Licence.

Condition No. 5:

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

Reason: To clarify the extent of the permission’.

- 7.1.5. PA Ref. No. FW21A/0064. Application by Starrus Eco Holding Ltd. for permission for the retention of a single storey waste recovery/transfer building (floor area: 4,226m²) and all associated site works and services. This application was declared withdrawn.
- 7.1.6. PA Ref. No. FW22A/0016. Was granted on 10th May, 2022 permitting Starrus Eco Holdings Ltd. permission for the retention of a single storey waste recovery / transfer building (the floor area of the building is 4,226m² and the height of the building at its highest from the finished floor level is 13.211m) and all associated site works and services.

Condition No. 2:

‘The terms and conditions of the grant of permission made by Fingal County Council under Reg. Ref. FW18A/0079, shall be complied with in full in the course of the development herein permitted, save for the changes to plans submitted for this application.

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

- 7.1.7. ABP Ref. No. ABP-314052-22. Was determined on 1st November, 2022 wherein it was held that a proposed increase in the waste intake limit from 270,000 tonnes per year to 450,000 tonnes per year at the existing facility would constitute strategic

infrastructure within the meaning of section 37A of the Planning and Development Act, 2000, as amended.

- 7.1.8. Industrial Emissions Licence No. W0183-01 (Main Class of Activity: 11.4 (b)(ii): Waste). Issued on 15th April, 2004 by the Environmental Protection Agency to Greenstar Limited (Starrus Eco Holdings Ltd.) for the development of a non-hazardous waste recycling and transfer facility at a site in the Millennium Business Park, Grange, Ballycoolin, Dublin 11. The licensee will be permitted to accept non-hazardous municipal, industrial, commercial, construction and demolition and organic wastes at the facility.

7.2. Other Relevant Files:

- 7.2.1. *(c. 150m to the immediate south):*

ABP Ref. No. PA0048. Was granted on 25th May, 2017 permitting Padraig Thornton Waste Disposal Ltd. permission for the development of a materials processing and transfer facility for the acceptance of up to 170,000 tonnes per annum of residual municipal solid waste (MSW), source segregated 'brown bin' waste, waste wood and green waste with the following infrastructure:

- A waste processing building (GFA: 7,323m²) with elevational signage.
- A bale storage building (GFA: 1,559m²).
- An administration building (GFA: 432m²).
- A redesigned operational traffic site entrance to facilitate access from the Cappagh Road.
- A secondary entrance from the Millennium Business Park.
- Boundary treatment on the western boundary comprising paladin fencing of c. 2.4m in height.
- Weighbridge and weighbridge hut (GFA: 50m²).
- ESB substation at entrance from the Cappagh Road.
- Odour abatement plant for the waste processing building comprising 2 No. vessels and ancillary plant, with a stack of 20m.
- Rainwater harvesting tanks.

- Fuel storage tank.
- 16 No. car parking spaces.
- 6 No. truck parking spaces.
- Landscaping treatment along the southern site boundary.
- Foul drainage provision tying into the wider Millennium Business Park network.
- Surface water provision with attenuation tying into the wider Millennium Business Park network.
- Other ancillary structures.
- Relocation of 1 No. line termination mast for the Finglas-Ballycoolin 38kV line within the site boundary.
- Demolition of 2 No. existing structures on site, namely 1 No. disused former residential property (with outbuilding) and 1 No. disused storage building.
- Felling of a number of trees running through the approximate centre of the site in a north-south direction,

All at the Millennium Business Park, Cappagh Road, Dublin, in the townlands of Grange and Cappoge.

7.2.2. (c. 400m to the south):

PA Ref. No. F05A/1156. Was granted on 11th April, 2006 permitting Nurendale Ltd. t/a Panda Waste Services permission for the development of a Materials Recycling Facility comprising A) the following buildings A1) Construction and Demolition, Commercial and Industrial Recycling unit with associated offices, A2) Dry Recyclables unit with associated offices, A3) Municipal Solid Wastes Recycling Unit, A4) ESB substation and switchroom B) Weighbridge and Office C) 2.5kW Wind Turbine (11m high). D) Associated site works including fencing, acoustic barrier, entrance gates, drainage. All at Cappagh Road, Cappoge Td, Finglas, Dublin 11.

PA Ref. No. F07A/0954. Was granted on 1st October, 2008 permitting Nurendale Ltd. (t/a Panda Waste Services) permission for the extension of the existing Materials Recycling Facility comprising: A) The following buildings A2) An extension to the

existing A1 building for a Municipal Solid Wastes Recycling unit, B1) Dry Recyclables unit, B2) Cardboard and Plastics recycling unit, C) E.S.B. substation and switchrooms, D) Associated site works. All at Cappagh Road, Cappoge Td, Finglas, Dublin 11.

- PA Ref. No. F07A/0954/E1. Was granted on 10th June, 2013 permitting Nurendale Ltd. (t/a Panda Waste Services) an 'Extension of Duration' of PA Ref. No. F07A/0954 until 30th September, 2018.

PA Ref. No. FW13A/0135. Was granted on 12th May, 2014 permitting Nurendale Ltd. permission for the construction of a new waste recovery building (2,030m²), an increase in the amount of waste accepted annually from 200,000 tonnes to 250,000 tonnes, and a change of use to allow the acceptance of municipal solid waste including baling station, relocate weighbridge, portacabin offices, canteen and toilets. All at Cappagh Road, Cappogue, Finglas, Dublin 11.

PA Ref. No. FW18A/0067. Was granted on 6th March, 2019 permitting Starrus Eco Holdings Ltd. permission for an extension to the hours of opening approved under Reg. Refs. F05A/1156, F07A/0954, F07A/0954/E1 to 24-hours per day, 7 days per week, at Cappagh Road, Cappoge Td., Finglas, Dublin 11.

PA Ref. No. FW19A/0145. Was granted on 3rd December, 2019 permitting Starrus Eco Holdings Ltd. permission to amend Permission Reg. Ref FW18A/0067 to remove Condition 2(b) that limits the extended operational hours to 1 year from the final grant of permission. All at Panda Materials Recovery Facility, Cappagh Road, Cappagh Townland, Finglas, Dublin 11.

PA Ref. No. FW20A/0037. Was granted on 15th March, 2021 permitting Starrus Eco Holdings Ltd. permission for the installation of roof mounted solar panels over 2 no. existing transfer / recycling waste buildings at Panda Materials Recovery Facility, Cappagh Road, Cappoge Td., Finglas, Dublin 11.

ABP Ref. No. ABP-310332-21. Was granted on 18th July, 2022 permitting Starrus Eco Holdings Ltd. T/A Panda Greenstar permission to increase the annual waste acceptance rate from 250,000 tonnes to 450,000 tonnes so as to expand the recycling / recovery capacity. The increased intake does not require either new buildings, or extensions to existing ones and does not involve any changes to the layout of external areas and drainage systems. It is proposed to amend PA Ref. No.

FW19A/0145 to remove Condition 3B that limits the extended operational hours to three years from the final grant of permission. The proposed development relates to an activity covered by an existing Industrial Emissions Licence (W0260-02) issued by the Environmental Protection Agency. All at the existing Materials Recycling Facility, Cappagh Road, Cappoge Townland, Finglas, Dublin 11.

7.2.3. *(c. 600m to the west-southwest):*

PA Ref. No. FW23A/0028 / ABP Ref. No. ABP-316916-23. On 3rd April, 2023 the Planning Authority issued a notification of a decision to refuse Cloughwater Plastics Ireland Ltd. permission for the retention of the use of the external area of the existing Waste Plastics Recycling Facility for product and materials storage and pre-processing activity and all associated ancillary development, including staff and visitor car parking (the site is licensed under Waste Facility Permit WFP-FG-08-0002-05), at Unit 8a, Rosemount Business Park, Ballycoolin Road, Dublin 11, D11W024. This decision has since been appealed with no determination to date.

8.0 Policy and Context

8.1. National Policy:

8.1.1. Project Ireland 2040: National Planning Framework, 2018:

The National Planning Framework (NPF) sets out a vision for the future development of the country and includes strategic goals in respect of transitioning to a low carbon and climate resilient society and the sustainable management of waste resources. It contains a number of relevant National Strategic Outcomes (NSOs) and National Policy Objectives (NPOs) which can be summarised as follows:

- *NSO 9: Sustainable Management of Water, Waste and other Environmental Resources:*

Effective Waste Management:

Waste planning in Ireland is primarily informed by national waste management policies and regional waste management plans. Planning for waste treatment requirements to 2040 will require:

- Additional sewage sludge treatment capacity and a standardised approach to managing waste water sludge and including options for the extraction of energy and other resources;
- Biological treatment and increased uptake in anaerobic digestion with safe outlets for bio stabilised residual waste; and
- Waste to energy facilities which treat the residual waste that cannot be recycled in a sustainable way delivering benefits such as electricity and heat production.

Waste:

- Regional Spatial and Economic Strategies and the core strategies of MASPs and city and county development plans will support national and regional waste policy and efficient use of resources;
 - District heating networks will be developed, where technically feasible and cost effective, to assist in meeting renewable heat targets and reduce Ireland's GHG emissions;
 - Development of necessary and appropriate hazardous waste management facilities to avoid the need for treatment elsewhere;
 - Adequate capacity and systems to manage waste, including municipal and construction and demolition waste in an environmentally safe and sustainable manner and remediation of waste sites to mitigate appropriately the risk to environmental and human health.
- *NPO 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.

8.1.2. **Climate Action Plan, 2023 – Changing Ireland for the Better:**

This plan is the second annual update to Ireland's Climate Action Plan, 2019 and is the first such plan to be prepared under the Climate Action and Low Carbon Development (Amendment) Act, 2021 and since the introduction of economy-wide carbon budgets and sectoral emissions ceilings in 2022. It implements the carbon

budgets and sectoral emissions ceilings and sets out a roadmap for taking decisive action to halve Ireland's emissions by 2030 and reach net zero no later than 2050, as committed to in the Programme for Government. Section 19.3.3 of the Plan states that Ireland has made significant progress in managing waste streams, particularly in improving recycling rates and diversion from landfill, and that a range of policy tools have been successful, including the widespread segregation of waste which allows for the capture of recyclables and biodegradable waste. It further states that the already-successful policy tools need further improvement, particularly developing better prevention strategies; improving capture rates; and reducing both contamination and the amount of non-recyclable materials.

8.1.3. **National Waste Management Plan for a Circular Economy, 2024-2030:**

This sets out a framework for the prevention and management of waste in Ireland for the period 2024 to 2030 and is the first 'National Waste Management Plan for a Circular Economy'. It states that Ireland is moving away from the traditional linear 'take-make-use-dispose' model towards a 'circular economy' regenerative growth model where resources are reused or recycled as much as possible and the generation of waste is minimised. The Plan aims to support and supplement the wider policy base which establishes the framework for the national transition to a circular economy and includes specific targets, policies and actions to enable the waste and resource sector to meet the circularity challenge and accelerate the transition to a circular economy.

The ambition of the Plan is 0% total waste growth per person over the life of the Plan with an emphasis on non-household wastes including waste from commercial activities and the construction and demolition sector. Increasing recycling rates is also a key priority. The Plan also extends the target from household waste as per the 2015-2021 Regional Waste Management Plans, to a 6% aggregate reduction in all residual municipal waste by 2030 (including commercial and household).

8.1.4. **Waste Action Plan for a Circular Economy – National Waste Policy, 2020-2025:**

This Plan shifts the focus away from waste disposal and seeks to address how resources can be preserved by creating a circular economy. It goes beyond the management of waste and addresses how resources can be looked at more broadly, capturing and maximising the value of materials that may in the past have been

discarded. A key objective of the Plan is therefore to shift the focus away back up the product life cycle, to remove or design out harmful waste, to extend the life of products and goods, and to prevent waste arising in the first place – consistent with the concept of a zero-waste future. The plan identifies opportunities for the application of circular economy principles across a range of areas where improvements in the regulatory regime can divert material from waste to beneficial reuse. It also gives full effect to many of the commitments in the Programme for Government.

8.2. Regional Policy:

8.2.1. Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy, 2019-2031:

The RSES provides a long-term, strategic development framework for investment to better manage spatial planning and economic development throughout the Eastern & Midland Region. Section 10.4 of the strategy supports the Eastern and Midlands Region Waste Management Plan, 2015 – 2021 and the move to a more circular economy in order to save resources, increase resource efficiency, and help to reduce carbon emissions. It further states that the successful implementation of circular economy principles will help to reduce the volume of waste that the Region produces and has to manage and will assist in delivering the resource efficiency ambition of the Europe 2020 Strategy. Relevant policy objectives include:

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

8.2.2. Eastern - Midlands Region Waste Management Plan, 2015-2021:

This Plan sets out a framework for the prevention and management of wastes in a safe and sustainable manner within the region. Its overarching strategic vision aims to rethink the approach to managing waste and emphasises the leading role of the waste sector in the development and delivery of the circular economy.

8.3. Development Plan:

8.3.1. Fingal County Development Plan, 2023 – 2029:

Land Use Zoning:

The proposed development site is located in an area zoned as ‘GE: General Employment’ with the stated objective to ‘Provide opportunities for general enterprise and employment’ where the development of a ‘Waste Disposal and Recovery Facility (Excluding High Impact)’ is ‘Permitted in Principle’ whereas ‘Waste Disposal and Recovery Facility (High Impact)’ is ‘Not Permitted’.

Vision: 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.

Other Relevant Sections / Policies:

Chapter 7: Employment and Economy

Section 7.2.3: Excellent Employment Zoned Lands:

The Dublin Enterprise Zone (DEZ) continues to develop and attract businesses. The Dublin 15 location has many benefits for business, being situated very close to Dublin Airport, accessible via the M50, which runs right through the Dublin Enterprise Zone.

Section 7.4: Strategic Aims

Section 7.5: Policies and Objectives:

- *Policy EEP1: Overarching Policy for Employment and Economic Development:*

Support the economic development of Fingal in line with the policies and objectives stipulated in the National Planning Framework and the Regional Spatial and Economic Strategy and utilise active land measures such as implementation of existing Local Area Plans and Masterplans and provision of new Local Area Plans, Masterplans and Framework Plans across the County as part of the development approach for Strategic Development Areas and Corridors and other economic development generating lands.

- *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.

- *Objective EEO8: Dublin Enterprise Zone:*

Support the continued investment in, and management and promotion of the Dublin 15 Enterprise Zone in collaboration with key stakeholders, relevant agencies and sectoral representatives.

Chapter 11: Infrastructure and Utilities

Section 11.6: Waste Policies and Objectives:

Fingal's approach to waste management is consistent with the EU Waste Hierarchy and the circular economy approach to waste which promotes the principles of prevention, re-use, recycling, energy recovery and sustainable disposal. The transition towards a circular economy is already well underway and the Government's Waste Action Plan for a Circular Economy 2020–2025 outlines the new focus which goes beyond simple management of waste and moves towards how we look at resources more broadly, thereby capturing the maximum value of all materials. This Waste Action Plan provides Ireland with a roadmap for waste planning and management and is supported by the Circular Economy and Miscellaneous Provisions Act 2022 and the Whole of Government Circular Economy Strategy 2022 and the National Food Loss Prevention Roadmap to comply with EU Waste Directive obligations.

Fingal will continue to facilitate the implementation of national legislation and national and regional waste management policy having regard to the waste hierarchy, including the Eastern Midlands Region Waste Management Plan 2015–2021 (EMRWMP), which informs these Development Plan policies and objectives. The implementation of the EMRWMP must ensure that European and national mandatory targets are achieved and, in doing so, that the health of communities in the region, its people and the environment are not compromised. A National Waste Management Plan for a Circular Economy is currently in preparation and this will replace the existing Regional Waste Management Plans.

- *Policy IUP20: Implementation of Existing Waste Management Policy:*
Support the implementation of existing waste management policy and promote education and awareness on all issues associated with waste management, both at industry and community level, including the promotion of waste reduction by encouraging reuse, recycling and recovery of waste. Fingal County Council will continue to promote and support the objectives of the Eastern and Midlands Region Waste Management Plan 2015–2021, or such plans as may be updated.
- *Policy IUP21: Environmental Policy, Legislation and Guidance:*
Have regard to European Union, National and Regional waste and related environmental policy, legislation, guidance and codes of practice to improve management of material resources and wastes.
- *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, in accordance with the Whole of Government Circular Economy Strategy 2022.
- *Objective IUO28: Eastern Midlands Region Waste Management Plan:*
Implement the provisions of the Eastern Midlands Region Waste Management Plan 2015–2021 or any subsequent Waste Management Plan applicable within the lifetime of the Development Plan. All prospective developments in the County will be expected to take account of the provisions of the Regional Waste Management Plan and adhere to the requirements of that Plan.
- *Objective IUO29: Sustainable Waste Recovery and Disposal:*
Provide for, promote and facilitate high quality sustainable waste recovery and disposal infrastructure/technology in keeping with the EU waste hierarchy, national legislation and regional waste management policy to adequately cater for Fingal's growing population.

Chapter 13: Land Use Zoning:

Section 13.1: Non-Conforming Uses

- Objective ZO3: Non-Conforming Uses:

Generally, permit reasonable intensification of extensions to and improvement of premises accommodating non-conforming uses, subject to normal planning criteria.

Chapter 14: Development Management Standards

Section 14.2: Key Principles for all Planning Applications

Section 14.20.12: Waste Management

Section 14.20.13: Waste Recovery and Waste Disposal Facilities:

In assessing development proposals for, or including, waste recovery and waste disposal facilities, 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.

9.0 Natural Heritage Designations

9.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

9.1.1. Natural Heritage Areas:

None.

9.1.2. Proposed Natural Heritage Areas:

- The Royal Canal Proposed Natural Heritage Area (Site Code: 002103), approximately 3.0km south-southwest of the site.
- The Liffey Valley Proposed Natural Heritage Area (Site Code: 000128), approximately 5.0km southwest of the site.
- The Santry Demesne Proposed Natural Heritage Area (Site Code: 000178), approximately 5.5km east of the site.

- The Grand Canal Proposed Natural Heritage Area (Site Code: 002104), approximately 8.2km south-southeast of the site.
- The North Dublin Bay Proposed Natural Heritage Area (Site Code: 000206), approximately 9.0km southeast of the site.
- The Feltrim Hill Proposed Natural Heritage Area (Site Code: 001208), approximately 10.0km east-northeast of the site.
- The Rye Water Valley / Carton Proposed Natural Heritage Area (Site Code: 001398), approximately 10.8km southwest of the site.
- The Malahide Estuary Proposed Natural Heritage Area (Site Code: 000205), approximately 11.0km northeast of the site.
- The South Dublin Bay Proposed Natural Heritage Area (Site Code: 000210), approximately 11.7km southeast of the site.
- The Dolphins, Dublin Docks Proposed Natural Heritage Area (Site Code: 000201), approximately 11.9km southeast of the site.
- The Sluice River Marsh Proposed Natural Heritage Area (Site Code: 001763), approximately 12.7km east of the site.
- The Baldoyle Bay Proposed Natural Heritage Area (Site Code: 001398), approximately 13.2km east of the site.
- The Dodder Valley Proposed Natural Heritage Area (Site Code: 000991), approximately 13.3km south of the site.
- The Rogerstown Estuary Proposed Natural Heritage Area (Site Code: 000208), approximately 14.0km northwest of the site.
- The Booterstown Marsh Proposed Natural Heritage Area (Site Code: 001205), approximately 14.3km southeast of the site.

9.1.3. *Special Areas of Conservation:*

- The Rye Water Valley / Carton Special Area of Conservation (Site Code: 001398), approximately 10.9km southwest of the site.
- The Malahide Estuary Special Area of Conservation (Site Code: 000205), approximately 11.0km northeast of the site.

- The North Dublin Bay Special Area of Conservation (Site Code:000206), approximately 11.8km southeast of the site.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 11.8km southeast of the site.
- The Baldoyle Bay Special Area of Conservation (Site Code: 000199), approximately 13.2km east of the site.
- The Rogerstown Estuary Special Area of Conservation (Site Code: 000208), approximately 14.0km northwest of the site.

9.1.4. *Special Protection Areas:*

- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 9.1km southeast of the site.
- The Malahide Estuary Special Protection Area (Site Code: 004025), approximately 11.0km northeast of the site.
- The North Bull Island Special Protection Area (Site Code: 004006), approximately 12.2km southeast of the site.
- The Baldoyle Bay Special Protection Area (Site Code: 004016), approximately 13.3km east of the site.
- The North-West Irish Sea Special Protection Area (Site Code: 004236), approximately 14.6km southeast of the site.
- The Rogerstown Estuary Special Protection Area (Site Code: 004015), approximately 14.7km northeast of the site.

10.0 EIA Screening

- 10.1. Schedule 5 of the Planning and Development Regulations, 2001, as amended, transposes Annexes I and II of the EIA Directive and sets out prescribed classes of development for which an environmental impact assessment is required.
- 10.2. By reference to Class 11(b) of Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended, installations for the disposal of waste with an annual intake greater than 25,000 tonnes (not included in Part 1 of the Schedule) necessitate mandatory Environmental Impact Assessment (EIA).

10.3. Furthermore, as the project will be located entirely within the boundary of an existing facility that is already permitted to accept 270,000 tonnes of waste annually and for which an EIA was completed under ABP Ref. No. PL06F.202468, it has been submitted that the subject proposal amounts to a prescribed class of development by reference to Class 13(a)(ii) of Part 2 of Schedule 5 of the Regulations which states the following:

‘13. Changes, extensions, development and testing:

- a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:-*
 - i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and*
 - ii) result in an increase in size greater than –*
 - 25 per cent, or*
 - an amount equal to 50 per cent of the appropriate threshold,*
- whichever is the greater’.*

10.4. Given that the proposed development involves increasing the annual intake at the existing waste facility from 270,000 tonnes to 450,000 tonnes per year, it comprises a prescribed class of development for which an EIAR is required to be submitted.

10.5. Accordingly, the application has been accompanied by an EIAR prepared by O’Callaghan, Moran and Associates.

11.0 Assessment

11.1. From my reading of the file, inspection of the site, and assessment of the relevant policy provisions, I conclude that the key planning issues arising are:

- The principle of the development and planning policy
- Environmental impact assessment
- Appropriate assessment

These are assessed as follows:

11.2. The Principle of the Development and Planning Policy:

- 11.2.1. The proposed development involves the amendment of Condition No. 5 of PA Ref. No. FW18A/0079 in order to increase the annual waste acceptance rate at an existing facility from 270,000 tonnes to 450,000 tonnes per year so as to expand the recycling / recovery capacity of the site. It is anticipated that the facility will generally operate to a maximum of 400,000 tonnes per annum, however, permission has been sought for the worst-case scenario to avoid future restrictions should an emergency arise and thus provision has been made for an additional 50,000 tonnes of capacity for contingency purposes. The proposed increased intake will not require any new buildings or the extension of existing buildings although it is proposed to install an odour control unit to the rear (east) of Material Recovery Building No. 1 which will include an external flue extending to 18m in height above ground level. The application relates to development that comprises and is for the purposes of an activity requiring an Industrial Emissions Licence with the existing facility already operating under IE Licence (No. W0183-01) as issued by the Environmental Protection Agency.
- 11.2.2. There are a number of national and regional level policy provisions that are in my opinion consistent with the nature of the development proposed. For example, in a broader context, the National Planning Framework supports circular economy principles that minimise waste going to landfill and maximise waste as a resource with prevention, preparation for reuse, recycling and recovery being prioritised over the disposal of waste. The NPF also acknowledges that additional investment in waste management infrastructure, and in particular different types of waste treatment, will be required.
- 11.2.3. Similarly, the Climate Action Plan, 2023 – ‘Changing Ireland for the Better’ states that while Ireland has made significant progress in managing waste streams, particularly in improving recycling rates and diversion from landfill, further improvement is nevertheless required, including as regards developing better prevention strategies; improving capture rates; and reducing both contamination and the amount of non-recyclable materials.

- 11.2.4. Further support is lent to the proposal by reference to the 'Waste Action Plan for a Circular Economy – National Waste Policy, 2020-2025' which aims to shift the focus away from waste disposal and to address how resources can be preserved by creating a circular economy. Moreover, I would draw the Board's attention to the recent publication of the National Waste Management Plan for a Circular Economy, 2024-2030 (as a replacement for the existing Regional Waste Management Plans), which aims to move Ireland away from the traditional linear 'take-make-use-dispose' model towards a 'circular economy' regenerative growth model.
- 11.2.5. The Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy, 2019-2031 also supports the move to a more circular economy in order to save resources, increase resource efficiency, and help to reduce carbon emissions, with RPO 10.25 requiring development plans to identify how waste will be reduced in line with the principles of the circular economy.
- 11.2.6. In addition to the foregoing, and in a local planning policy context, the proposed development site is located in an area zoned as '*GE: General Employment*' with the stated objective to '*Provide opportunities for general enterprise and employment*' where the development of a '*Waste Disposal and Recovery Facility (Excluding High Impact)*' is 'Permitted in Principle' and 'Waste Disposal and Recovery Facility (High Impact)' is 'Not Permitted'. In this regard, I would advise the Board (by way of reference to Appendix 7: '*Technical Guidance*' of the Development Plan) that the difference between the aforementioned use classes is the high potential of the latter to result in odour, noise, dust and other nuisances, including putrescible waste. Therefore, it would be reasonable to categorise the existing (and proposed) operations on site as comprising a 'High Impact' waste disposal and recovery facility which would not be permitted within the current land use zoning. However, as outlined in Fingal County Council's submission to the Board, there is provision in the Development Plan to permit the reasonable intensification of extensions to and improvement of premises accommodating non-conforming uses, subject to normal planning criteria (with Objective ZO3 of the current Fingal Development Plan, 2023-2029 having superseded the near identical provision contained in Objective ZO5 of the Fingal Development Plan, 2017-2023 as cited by the Council). Accordingly, while the subject proposal amounts to the intensification of a non-conforming activity, I would concur with the analysis put forward by the Council that in light of the

established and permitted nature of the existing facility, the planning history of the site, the industrial / commercial character of surrounding lands, the site location at a remove from sensitive receptors, the arrangements for municipal solid waste on site which is only stored in the building to be fitted with an odour control system, and the requirement for adherence to the licensing regime imposed by the EPA, the proposed increase in the annual waste acceptance rate at the existing facility is permissible by reference to Objective ZO3 of the Development Plan.

- 11.2.7. On balance, it is apparent that 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. In this regard, it is my opinion that the proposed development accords with the current relevant policy provisions and is acceptable in principle.

11.3. **Environmental Impact Assessment:**

11.4. *Outline of Process:*

- 11.4.1. In accordance with the requirements of Article 3 of the European Directive 2011/92/EU, as amended by Directive 2014/52/EU, and Section 171A of the Planning & Development Act, 2000, as amended, this process requires the Board, as the competent authority, to identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of a project on the factors listed in Article 3 of that Directive as set out below:
- a) population and human health;
 - b) biodiversity, with particular attention to species and habitats protected under (Habitats) Directive 92/43/EEC and (Birds) 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).
- 11.4.2. The effects on the factors set out above are to include the expected effects deriving from the vulnerability of the project to risks of major accidents and / or disasters that are relevant to the project concerned.

- 11.4.3. This assessment of likely significant effects on the environment requires consideration to be given to the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the project.
- 11.4.4. The subject application has been accompanied by an Environmental Impact Assessment Report (EIAR) prepared by competent experts to ensure its completeness and quality (O’Callaghan Moran & Associates on behalf of the applicant) which follows a grouped format structure with the environmental topics broadly presented in separate chapters. It includes a satisfactory description of the receiving environment, the proposed development, the direct, indirect and cumulative effects of the proposed development on the environment, and proposed mitigation measures. It has been accompanied by a non-technical summary and includes the information required by Schedule 6 of the Planning and Development Regulations, 2001, as amended, and complies with Section 172 of the Planning and Development Act, 2000 and Article 94 of the Regulations (along with the provisions of Article 5 of the EIA Directive 2014).
- 11.4.5. Adequate opportunity for participation of the public has been afforded, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.
- 11.4.6. In general, this part of my assessment of the subject application is informed by the contents and conclusions of the EIAR and the information provided during the various stages of the application process in relation to the likely effects of the development on the environment and its likely consequences for the proper planning and sustainable development of the area in which it is proposed to be situate. My assessment also has regard to potential mitigation measures, including those indicated in the EIAR, and any others which might reasonably be incorporated into any decision to approve the development through the attachment of conditions.
- 11.5. *Consideration of Alternatives:*
- 11.5.1. Pursuant to Article 5(1)(d) of the 2014 EIA Directive, Schedule 6 of the Planning and Development Regulations, 2001, as amended, requires an EIAR to include the following:

‘A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment’.

- 11.5.2. In this respect, reasonable alternatives may relate to matters such as project design, technology, location, size and scale. The type of alternatives will depend on the nature of the project proposed and the characteristics of the receiving environment e.g. some projects may be site specific so the consideration of alternative sites may not be relevant.
- 11.5.3. Chapter 4 of the EIAR sets out the alternatives considered in relation to the proposed development.
- 11.5.4. In terms of alternative locations, the applicant has sought to emphasise at the outset that the subject site comprises an existing waste facility which is well-suited for the treatment of waste as it already benefits from a grant of planning permission and an Industrial Emissions licence authorising the acceptance and processing of wastes. Furthermore, it has been submitted that the existing infrastructure on site can accommodate the proposed increase in waste intake (without necessitating the construction of any new buildings or the extension of existing buildings) while the existing ground conditions and separation distances from sensitive environmental receptors minimise the risk of unexpected emissions giving rise to pollution. Additionally, reference has been made to the compatibility of waste recovery facilities with the applicable land use zoning (‘GE: General Employment’) and the prevailing pattern of development in the surrounding area.
- 11.5.5. At this point, I would suggest that cognisance should also be taken of the site location within the strategically important Dublin 15 Enterprise Zone given that such higher-level employment locations will have been assessed during the preparation of the Fingal Development Plan, 2023-2029 and its Strategic Environmental Assessment (SEA). Indeed, assessment at that tier is likely to have taken account of the environmental considerations associated with the cumulative impact of an area strategically identified for employment / enterprise purposes with the SEA having screened the policies and objectives of the Plan against Strategic Environmental

Objectives (SEOs) in order to evaluate their overall potential environmental impact (e.g. Objective EE08: *'Support the continued investment in, and management and promotion of the Dublin 15 Enterprise Zone in collaboration with key stakeholders, relevant agencies and sectoral representatives'* was found to have potentially positive / neutral effects for all SEOs).

- 11.5.6. With respect to alternative layouts, designs or processes, Section 4.3 of the EIAR states that the existing facility already complies with best practice and facilitates the implementation of effective mitigation measures. Moreover, it has been maintained that the prevention and mitigation measures set out in the EIAR comply with the regulatory requirements of the IE licence, are appropriate for the proposed development and represent best practice thereby negating any consideration of alternative measures.
- 11.5.7. Given that its other facilities in the Greater Dublin Region are already operating at maximum capacity, the applicant has stated that the only alternative to the proposed development would be to acquire a new site, obtain planning permission and the relevant licensing, and provide the required infrastructure. Such an option would not offer environmental or economic benefits compared to the continued operation (and proposed development) of the existing facility. In this regard, I would acknowledge that non-environmental factors may have equal or overriding importance to the developer such as project economics, land availability, engineering feasibility and planning considerations.
- 11.5.8. The applicant has also considered the 'do-nothing' scenario whereby the existing facility will continue to operate at an annual intake of 270,000 tonnes per year with no expansion of its waste treatment capacity to meet the projected demand and no contribution to meeting national recovery and recycling targets or national contingency waste treatment capacity.
- 11.5.9. Having regard to the foregoing, and following a review of the available information, in my opinion, the EIAR provides a satisfactory examination of the reasonable alternatives studied with regard to the proposal, in addition to an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment. The EIAR thus complies with the requirements of

the Planning and Development Regulations, 2001, as amended, and the EIA Directive.

11.6. Climate:

- 11.6.1. Chapter 5 of the EIAR examines the potential effects of the proposed development on climate as well as the vulnerability of the development itself to the possible effects of climate change. It states that greenhouse gas (GHG) emissions associated with the proposed development will arise from the handling and processing of the additional Municipal Solid Waste (MSW) intake along with the related transportation of the waste input materials and outgoing processed materials to / from the proposed development. Notably, given the capacity of the existing infrastructure on site to accommodate the proposed increase in waste, the proposed development does not involve any construction works, apart from the assembly of the odour control system, and therefore GHG emissions during the construction phase of the project will likely be negligible.
- 11.6.2. In terms of the receiving environment, the EIAR refers to the EPA's reporting of Ireland's greenhouse gas emissions between 1990 and 2020 and its subsequent publication of a report in 2022 ('Ireland's Greenhouse Gas Emissions Projections 2020-2040') which provides an assessment of Ireland's total projected greenhouse gas emissions from 2020 to 2040, updated using the latest inventory data for 2020, along with an analysis of progress towards achieving national emissions reduction targets for 2020 and 2030, as set out under the EU Effort Sharing Decision (ESD) and Effort Sharing Regulation (ESR). It is stated that waste processing activities such as the proposed development belong to the Non-Emissions Trading System (ETS) sector and that the EPA has previously predicted that Ireland could achieve its then binding annual GHG emission targets for non-ETS sectors under the EU Effort Sharing Regulation (a reduction of 30% in emissions by 2030 compared to 2005 levels) if the measures set out in the Climate Action Plan, 2021 were implemented. However, it has been acknowledged that under the EU Green Deal, the targets for the ETS and non-ETS sectors are to be revised upwards to reach an economy-wide 2030 reduction in emissions of at least 55%, compared to 1990 levels. Reference is also made to the Climate Action and Low Carbon Development (Amendment) Act, 2021 which requires Ireland to achieve a 51% reduction in emissions by 2030 (relative to 2018 levels) and net-zero emissions no later than 2050. In this regard,

the 'Climate Action Plan, 2023 – Changing Ireland for the Better' is the first such plan to be prepared under the Climate Action and Low Carbon Development (Amendment) Act, 2021 and since the introduction of economy-wide carbon budgets and sectoral emissions ceilings in 2022. It implements the carbon budgets and sectoral emissions ceilings and sets out a roadmap for Ireland's transition to net-zero and the achievement of a climate neutral economy no later than 2050.

- 11.6.3. In order to calculate the net impact on GHG emissions attributable to the operation of the proposed development, the methodology employed in the EIAR has sought to assess the waste processing activities in the 'Do-Nothing' and 'Do-Something' scenarios with a view to assigning a GHG emission factor to the process in order to determine the difference in GHG emissions generated from the activities as part of the 'Do-Nothing' and 'Do-Something' scenarios.
- 11.6.4. At the outset, it has been put forward that in the 'Do-Nothing' scenario the additional MSW arising would be sent to waste-to-energy (incineration) facilities in Ireland given the lack of any further waste handling or processing capacity in Dublin and as MSW needs to be bio-stabilised before being accepted at any landfill.
- 11.6.5. In the 'Do-Something' scenario, the proposed development will facilitate the handling and processing of the additional MSW to produce the following outputs:
- Refuse Derived Fuel (RDF), including Solid Recovered Fuel (SRF);
 - Separated organic fines;
 - Separated metals;
 - Separated glass; and
 - Separated wood
- 11.6.6. The RDF will be sent to waste-to-energy facilities with the SRF directed to cement kilns as a source of fuel. The separated organic fines will go to composting facilities for bio-stabilisation while the separated metals and glass will be sent to dedicated recycling facilities.
- 11.6.7. The EIAR proceeds to detail that a literature review has established suitable GHG emission factors for the various waste streams arising in the 'Do-Nothing' and 'Do-Something' scenarios (with GHG emission factors for the various types of household waste generated in Ireland sourced from 'The Carbon Footprint of Waste', ACRplus,

2021). The emission factors thus include for emissions associated with the material category being generated, recycled, incinerated or landfilled.

- 11.6.8. With respect to the GHG emissions attributable to the increased vehicle movements resulting from the proposed development, these have been calculated by reference to the traffic volumes set out in the Traffic & Transport Assessment submitted in support of the planning application and the air quality spreadsheet issued by the Highways Agency of England.
- 11.6.9. Section 5.6 of the EIAR proceeds to detail how the type and proportion of the constituent materials present in residual MSW (as sourced from data published by the EPA in 2018) have been used to estimate the quantities of each waste constituent that will be processed by the proposed development. By applying the relevant emission factors to these waste streams, Table 5.4 allows for a direct comparison of the GHG emissions generated from the activities under both the 'Do-Nothing' and 'Do-Something' scenarios. In this regard, it has been submitted that the processing of the additional MSW facilitated by the proposed development will result in a GHG reduction of 14,791 tCO₂-e/annum when compared to the 'Do-Nothing' scenario. Furthermore, it has been calculated that the additional traffic consequent on the proposed development will result in an increase in GHG emissions of 107.3 tCO₂-e/annum. In effect, although the proposed increase in capacity (the 'Do-Something' scenario) will have a negative impact on climate linked to additional GHG emissions arising from the increased processing activities (as well as the off-site disposal of RSF and SRF) and the additional traffic generated, this will be offset by the processing of the MSW to remove recyclables and the diversion of material from incineration which will give rise to a net reduction in GHG emissions when compared to the 'Do-Nothing' option. If the development were not to proceed there would be no increase in GHG emissions from the additional waste processing activities and associated traffic movements, however, there would similarly be no net reduction in GHG emissions.
- 11.6.10. Further prevention and mitigation measures are set out in Section 5.8 of the EIAR to further reduce the potential impact on climate considerations. These include various energy efficiency strategies, good practice as regards minimising the use of diesel fuelled plant, the gradual switch from diesel fuelled collection and transport vehicles

to compressed natural gas and electrically powered units, and the installation of roof solar panels to reduce demand on the national electricity grid.

- 11.6.11. The residual operational impact of the proposed development on climate when compared to the 'Do-Nothing' scenario will be a net reduction in GHG emissions equating to -14,684 tCO₂-e/annum. Therefore, it has been submitted that the normal operation of the proposal will have a negative, imperceptible, likely, national and long-term impact on climate. Furthermore, it has been acknowledged that GHG emissions would be generated through the combustion of material and waste in the event of a fire on site, however, it is anticipated that the brief duration of any such event would ensure that the residual impact would be negative, imperceptible, likely, national and long-term.
- 11.6.12. With respect to the vulnerability of the proposed development to the impacts of climate change, the EIAR refers to Fingal County Council's Climate Action Plan, 2019-2024 which states that future projections for climate change indicate that the county will face increasing risks associated with rising temperatures, sea level rise, flooding and an increase in the frequency and intensity of extreme weather events. In this regard, I note the application site is not located in an area at risk of fluvial flooding taking into consideration the effects of climate change. I am also cognisant that the proposed development will not require any new buildings or the extension of existing buildings with only minor construction works arising from the installation of the odour control unit. Accordingly, I am satisfied that the implications of climate change for the proposed development will be both minor and localised.
- 11.6.13. Having considered the available information, including the EIAR, I am satisfied that the proposed development, along with the implementation of suitable mitigation measures, is unlikely to have any unacceptable significant direct, indirect or cumulative impact on climate. Furthermore, it is my opinion that the proposed development will have a net positive impact on climatic considerations in terms of reducing carbon emissions thereby contributing to the achievement of national and international emission reduction targets.

11.7. Land and Soil:

- 11.7.1. Chapter 6 of the EIAR examines the potential for impacts to arise in relation to land, soil and geology as a result of the proposed development. Baseline data has been

informed by a desk-top study of various resources in addition to the findings of a geotechnical investigation previously carried out during the development of the Millenium Business Park. It is further stated that given the available information on ground conditions and as the site has already been extensively developed, and as the proposed development does not involve either any land take outside the existing site boundary or construction works / ground disturbance inside the boundary, further site investigations were not required.

- 11.7.2. The site comprises an existing waste facility which extends over a site area of c. 4.43 hectares and is largely covered by buildings and paved areas, with the exception of narrow landscaped areas alongside the perimeter boundary and at the site entrance.
- 11.7.3. With regard to the dominant bedrock geology underlying the study area, reference to the GSI database indicates that the site is underlain by a calcareous shale, limestone conglomerate of the Tober Colleen Formation, although the southernmost periphery of the site area is underlain by massive unbedded lime-mudstone of the Waulstorian Limestones Formation. In respect of the overlying soils and subsoils, soil mapping for the area indicates that the subsoils across the site predominantly comprise tills derived from limestone of Carboniferous age. Section 6.5.2 of the EIAR further states that the subsoils are between 1.3m and 8.45m thick and comprise sandy gravelly boulder clays.
- 11.7.4. Considering the nature of the proposed development, it will not result in any land take or ground disturbance while the construction works will be limited to the installation of an odour control unit within the confines of an existing building and atop an existing area of external hardstanding. During the operational stage of the development, although there will be no direct or indirect emissions to ground, the potential arises for negative impacts on soil, in conjunction with the permitted operations, by way of accidental spills and oil leaks from vehicles and mobile plant which may infiltrate to ground via damaged paving; leaks from foul sewers; and, in a worst-case scenario, for contaminated firewater runoff to percolate to ground. If the proposed development were not to proceed, the existing facility will continue to operate as permitted with no change to the potential impact on land and soil.
- 11.7.5. Section 6.8 of the EIAR submits that various preventative and mitigation measures have already been incorporated into the design and operating practices of the

permitted facility and that additional design stage prevention measures are not therefore required. Reference is also made to the requirements of the current EPA licensing of the activities on site which requires the following mandatory control measures:

- The provision of impermeable surfaces in all operational and vehicle parking areas;
- The provision of impervious surfaces and secondary spill containment at all drum and tank storage areas
- Watertight underground foul and surface water drainage systems;
- The adoption of an emergency response procedure that addresses any emergency situations that may originate on the facility and shall include provision for minimising the effects of any emergency on the environment;
- An adequate supply of containment booms and / or suitable absorbent material to contain and absorb any spillage at the facility; and
- The provision of appropriate firewater retention capacity.

11.7.6. It has been submitted that these existing measures already provide the required level of protection to soil quality and that additional measures are not needed. Furthermore, the monitoring of these measures is a mandatory requirement of the EPA licence.

11.7.7. Given that the proposed development will not involve any landtake or ground disturbance, no cumulative impacts on land and soil are anticipated.

11.7.8. Under normal operating conditions, with the existing mitigation measures and licensing requirements already in place, the proposed development is not expected to give rise to any significant residual impact. However, in the event of a fire, the potential arises for contaminated firewater to infiltrate to ground through any damaged paving and, therefore, the applicant has prepared an Environmental Liability Risk Assessment (ELRA) for the facility as required by its EPA licence. This ELRA (included at Appendix 2.6 of the EIAR) addresses the 'worst-case' impacts on land and soil associated with a fire and quantifies the costs to effectively remediate those impacts. The Risk Analysis Form included at Table 4.6 of the ELRA notes that with the routine inspection and repair of any damaged paved areas (along with

integrity testing of surface water drains and repairs as necessary), the likelihood of any soil / groundwater contamination is low. Furthermore, as water is supplied locally by Irish Water, the severity of any impact is expected to be 'trivial'. Accordingly, the risk of any impact to land / soil as a result of any infiltration of firewater has been calculated to be 'low' (risk = severity x occurrence).

- 11.7.9. Having reviewed the available information, it is my opinion that the likelihood of significant impacts on land and soil can be avoided, managed and / or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area, are not likely to arise.

11.8. **Water:**

- 11.8.1. Chapter 7 of the EIAR describes the hydrological and hydrogeological conditions at the site and examines the potential impacts of the proposed development on surface and ground waters both within and beyond the site boundary, including a 'baseline' scenario. It also identifies the prevention, mitigation and monitoring measures that will be implemented to reduce the significance of the impacts and assesses the residual impacts.
- 11.8.2. By way of context, the proposed development site is situated within the catchment of the Tolka River (c. 2.5km to the southwest) with no significant streams or watercourses either on site or in the surrounding lands. The bedrock underlying the site primarily comprises a calcareous shale, limestone conglomerate of the Tober Colleen Formation which is classified as a 'Poor Aquifer' and is 'Generally Unproductive except for Local Zones', although the southernmost periphery of the site is underlain by the Waulstorian Limestones Formation classified as a 'Locally Important Bedrock Aquifer' which is 'Moderately Productive only in Local Zones'. Although Section 7.5.2.2 of the EIAR has stated that the aquifer vulnerability ranges from 'High' to 'Moderate' across the Millenium Business Park, it can be confirmed from a review of the GSI's groundwater vulnerability mapping that the application site actually overlies a bedrock aquifer deemed to be of 'Extreme' vulnerability. The direction of groundwater flow in the region is to the southwest towards the Tolka River, although it is thought likely to be influenced at a local level by the quarrying

activities to the south and east of the site. No details are available as regards groundwater quality beneath the site, however, it lies within the Dublin Area Groundwater Body which is categorised as being of 'Good' status with its 'Risk' status under review. The OPW's flood maps do not identify the site as being at risk of pluvial, fluvial or groundwater flooding.

- 11.8.3. At present, wastewater from sanitary facilities, wash water from the vehicle wash, and rainwater runoff from open paved areas that are susceptible to contamination (i.e. those areas where wastes are stored) are discharged to the foul sewer serving the Business Park. Uncontaminated surface water runoff from building roofs and paved areas where waste is not stored is intended to drain to the storm water management system serving the entire Business Park, however, following the detection of contamination in the storm water discharge, it has been established that there is a problem with the flow in the sewer system serving the Business Park which was causing backflow into the facility resulting in contamination at monitoring locations. Therefore, given that responsibility for addressing the drainage problems rests with the Millenium Business Park Management Company, and pending resolution of the issue, surface water runoff from the site has been diverted to the foul sewer. Accordingly, there are no discharges to the surface water sewer system at present although this is intended to recommence once the drainage problems have been repaired by the Management Company.
- 11.8.4. Considering that the works proposed as part of the subject proposal will be limited to the assembly of an odour control unit both within the confines of an existing building and over an area of external hardstanding, the construction of the proposed development will not give rise to any noticeable impacts on hydrological or hydrogeological conditions on site.
- 11.8.5. With respect to the operational phase, the proposed development will not increase the impermeable area on site nor will it result in any change to the quality or quantity of the surface water discharged. Similarly, as there will be no change in the staffing numbers on site (as stated in Section 3.1 of the EIAR), the quantum of wastewater will remain unchanged. Finally, there will be no new emissions to ground while the proposal will not require any increase in the groundwater abstraction rate for dust suppression purposes.

- 11.8.6. When taken in conjunction with the permitted operations, the potential arises for negative cumulative impacts associated with the accidental spillage / leakage of contaminants to the drainage systems or their infiltration to groundwater via damaged paving; leaks from foul sewers; and (in a 'worst-case' scenario) for contaminated firewater runoff to enter the drainage systems or to infiltrate to ground.
- 11.8.7. With regard to mitigation measures, it has been submitted that the design of the existing facility and its method of operation already incorporates sufficient provision to protect water considerations. In this regard, reference is made to those mandatory control measures required as part of the facility's licensing that provide for the protection of water and which include the provision of oil interceptors on storm water drains, the installation of isolation valves on the foul and surface water drainage systems that allow for the containment of contaminated water within the site, impermeable paving across all operational areas, the routine inspection and repair of paved areas, regular integrity tests of storage containment areas and drainage systems, the adoption of an emergency response procedure, and staff training on appropriate spill response actions. Further reassurance is provided by the monitoring requirements of the IE licence as well as the operator's regular monitoring of wastewater discharge or the foul sewer; the monitoring of surface water runoff to the storm sewer serving the Business Park (following completion of the necessary repair works); and the regular inspection of oil interceptors on the surface water drainage system.
- 11.8.8. Having regard to the nature of the proposed development and the existing operations and measures in place to protect both surface and ground water, I am satisfied that no significant residual impacts are likely to arise in relation to the proposed development.
- 11.8.9. Upon consideration of the available information, including the EIAR, it is my opinion that the likelihood of significant impacts on water can be avoided, managed and / or mitigated by measures that form part of the existing operation on site, by the proposed mitigation measures and with suitable conditions. I am also satisfied that cumulative effects, in the context of existing and permitted development in the vicinity of the site, are not likely to arise.

11.9. Biodiversity:

- 11.9.1. Chapter 9 of the EIAR describes the baseline conditions at the development site and examines the likelihood for significant effects in relation to biodiversity. It also identifies the prevention, mitigation and monitoring measures that will be implemented to reduce the significance of any impacts arising and assesses the residual impacts.
- 11.9.2. In reference to the receiving environment, habitats within the study area have been classified using the descriptions and codes contained in The Heritage Council's '*A Guide to Habitats in Ireland*' (Fossitt, 2000) and '*Best Practice Guidance for Habitat Survey and Mapping* (2011). In this respect, it has been submitted that the application site is almost completely covered by concrete paving and buildings classified as '*BL3: Buildings and Artificial Surfaces*', save for some hedgerows along the eastern and northern boundaries ('*WL1: Hedgerows*') and some minor ornamental landscaping (comprising grassed areas and shrubs) around the buildings at the site entrance and staff car park. Accordingly, in light of the current site condition and the nature of the proposed development, which involves no disturbance of on-site habitats and no disturbance of any off-site ecosystems, ecological surveys of the site were not considered necessary. The EIAR proceeds to outline how the '*BL3: Buildings and Artificial Surfaces*' habitat within the operational area would not typically be considered species diverse and thus the likelihood of protected species within the site boundary is very low. Furthermore, while the remaining hedgerows (WL1) along the site perimeter are described as having formed part of the original field boundaries retained when the facility was first developed, it has been emphasised that although surrounding lands were previously dominated by arable agriculture, the broader site context has changed significantly over the years with the development of the Millenium Business Park contributing to a predominance of '*BL3: Buildings and Artificial Surfaces*' while the lands to the east & northeast comprise Huntstown Quarry ('*ED4: Active Quarries and Mines*') with untended former agricultural grasslands ('*GA1: Improved Agricultural Grassland*'). In effect, the case has been put forward that the local biodiversity value of the remaining hedgerows on site has lessened with the development of the surrounding area.
- 11.9.3. It has further been contended that given the nature and layout of the existing facility and the surrounding pattern of land use, the likelihood of any protected flora or fauna

either within the site boundary or in the vicinity of the site is very low. In addition, it has been submitted that there are no invasive species within the site boundary.

- 11.9.4. The proposed development site is not located within or adjacent to any European (Natura 2000) site with the closest such designation being the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 9.1km to the southeast. Potential impacts on Natura 2000 sites are addressed in the accompanying Stage 1 Appropriate Assessment Screening Report wherein it is acknowledged that while there is a potential hydrological connection between the development site and the South Dublin Bay and River Tolka Estuary SPA by way of surface water runoff to the storm water drainage system serving the Business Park which in turn discharges to the River Tolka before flowing into the SPA, the proposed development will not result in any changes to either the volume or quality of surface water runoff from the facility which, when taken in conjunction with the separation distance and dilution factors involved, means that the potential for adverse impact on the SPA is not significant.
- 11.9.5. Although there are several Proposed Natural Heritage Areas within a 15km radius of the application site (the closest of which is the Royal Canal Proposed Natural Heritage Area (Site Code: 002103), approximately 3.0km to the south-southwest), given the separation distances involved and the lack of any hydrological or hydrogeological connections, it has been submitted that there are no viable ecological pathways between the facility and any pNHA.
- 11.9.6. On the basis that the proposed development does not involve any land take, ground disturbance or construction works, save for the assembly of the odour control system, the construction phase of the proposal will not result in the loss of any ecologically significant habitat or otherwise impact on biodiversity considerations.
- 11.9.7. Similarly, the operational phase of the development will not result in any loss of habitat within or beyond the site boundary. Furthermore, there will be no changes to the emissions associated with the waste operations at the facility, with the exception of the odour control system, and no potential for the disturbance of bird or mammal species within the area. Although the increased traffic volumes will generate some additional vehicle exhaust emissions, I am inclined to suggest that these will be comparatively minor and unlikely to significantly impact on biodiversity

considerations in light of the low ecological value of site, while the separation distances involved will serve to avoid any impact on more ecologically sensitive sites.

- 11.9.8. Given the absence of any significant effects on biodiversity attributable to the proposed development (including cumulative impacts) and noting the prevention and mitigation measures already in place at the existing facility (such as those required by the IE licence), no additional mitigation measures are proposed as part of the development.
- 11.9.9. No residual impacts are expected during normal site operations. In the unlikely event of a fire, the potential arises for damage to the hedgerows and other planting present on site, however, these are of comparatively low ecological value and can be readily replaced.
- 11.9.10. Having reviewed the available information, and following a site inspection, I am satisfied that the proposed development is unlikely to give rise to any significant impact on biodiversity considerations. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area, are not likely to arise.

11.10. Air:

- 11.10.1. Chapter 9 of the EIAR describes air quality in the area and examines the potential for impacts to arise on air quality as a result of the proposed development having regard to relevant environmental emission limit values. Baseline data has been derived from ambient air quality databases maintained by the Environmental Protection Agency; the results of dust deposition monitoring carried out by the applicant at the existing facility in accordance with its licensing requirements; meteorological data from the closest Met Eireann station at Dublin Airport; and an odour impact & air quality assessment compiled by Katestone Environmental Pty Ltd. (please refer to Appendix 9.1 of the EIAR).
- 11.10.2. In terms of baseline air quality, it is of relevance to note the site location in an expanding commercial / industrial area that encompasses the Dublin 15 Enterprise Zone while the site itself is bounded by quarrying operations to the north and east, Kilsaran Concrete to the south, and by other enterprise buildings within the Millenium Business Park to the west. Moreover, the development site lies within Air Quality

Zone A (Dublin Conurbation) while the results of background air quality monitoring at locations thought to be conservatively representative of the subject site have not recorded any exceedance of air quality guideline levels between 2019 and 2021. Furthermore, the results of dust deposition monitoring undertaken at the site boundary as part of the existing facility's EPA licensing regime has confirmed that on all occasions during 2021 & 2022 dust levels were below the specified deposition limit. With regard to odour emissions, the closest sensitive receptors are the commercial and industrial premises to the immediate south and west of the site boundary, however, it is the receptors to the south which are of particular interest given the positioning of Materials Recovery Building 1 (mistakenly identified as MRP 2 in the EIAR when compared to the site plan) where odorous materials are handled and processed. Notably, the odorous emissions from Materials Recovery Building 1 are to be treated by the Odour Control Unit proposed as part of the subject development. The closest high sensitivity residential receptors are located in excess of 800m from the site boundary.

11.10.3. Potential impacts to air quality as a result of the proposed development will arise during the operational phase from fugitive dust and odorous emissions to the atmosphere, exhaust emissions from processing plant and the additional traffic, and the cumulative effects of operations in conjunction with the existing permitted activities. In the absence of mitigation, dust emissions have the potential to impact on sensitive receptors outside the site boundary (through soiling / dust deposition) and can also affect air quality. Similarly, the processing of odorous wastes has the potential to be a source of off-site odour nuisance. The range of compounds contained in vehicle exhausts can also affect air quality.

11.10.4. In terms of mitigation measures, the proposed development includes for the installation of an Odour Control Unit to serve the Materials Recovery Building (MRB 1 as shown on the site plan) where odorous materials such as mixed municipal waste and 'brown bin' waste are handled and processed. The design of this odour management system will meet the requirements of the EU BREF Waste Treatment for odour control systems installed in licensed waste management facilities and will achieve an odour exposure level of >1.5 odour units at off-site sensitive receptors (with the detailed design to be submitted to the EPA for prior approval as per the facility's licensing regime). In further support of the proposal, the Board is referred to

the odour dispersion modelling contained in Appendix 9.1 of the EIAR which shows that the predicted annual average ground-level concentrations of odour with the development in place will comply with the odour criterion recommended by the EPA for waste facilities of 1.5 oug/m^3 at all identified sensitive receptors in the immediate site surrounds. By extension, given that the dispersion modelling has demonstrated that odour concentrations fall with distance, it can be inferred that odour levels at more sensitive residential locations further from the site boundary will likewise be within the relevant odour criterion.

11.10.5. The applicant has also prepared an Odour Management Plan that specifies the control measures to be implemented to ensure that operations do not cause off-site odour nuisance. These existing measures include:

- Fast turnaround times to prevent the accumulation of large volumes of odour generating waste.
- The bulking up and transfer all 'brown bin' waste as soon as possible to designated off-site facilities for processing.
- A maximum of 200 No. tonnes of MSW and 100 No. tonnes of 'brown bin' waste inside the building at any one time.
- Weekly cleaning of all bays where MSW and 'brown bin' waste is stored.
- Fast-acting doors on the entrances to MP1 that minimises door opening times when vehicles enter and leave the building.
- A mobile odour neutralising atomiser is maintained at the site and deployed in the event of extended periods of warm weather or if a particularly odorous load is delivered.
- The regular inspection of the odour management system as part of a critical plant preventative maintenance programme. A supply of replacement carbon and critical spare parts will be maintained on site in order to minimise down time during planned replacements and unexpected breakdown.

11.10.6. It is anticipated that these existing measures (along with the adherence to the EPA's licensing requirements) in conjunction with the proposed Odour Control Unit to serve the Materials Recovery Building will provide the required level of protection to air quality. Emissions from the OCU will also be monitored to ensure compliance with

specified Emission Limit Values while the operating performance of the OCU will be checked regularly to ensure that its filters are cleaned / changed to allow for proper functioning.

- 11.10.7. While acknowledging the potential for dust emissions to impact on sensitive receptors beyond the site boundary and to affect air quality, recent monitoring has confirmed that dust deposition rates at the site boundary are within acceptable limits. In this regard, it is proposed to continue monitoring dust levels as part of the facility's licensing regime.
- 11.10.8. With regard to exhaust emissions, all vehicles that transport wastes are typically fitted with Selective Catalytic Reduction (SCR) systems that utilise a fuel additive to reduce nitrous oxide levels in the exhaust gases. Good operational practices will also involve minimising the use of diesel fuelled plant and ensuring that engines are not allowed to idle.
- 11.10.9. Based on the information submitted, cumulative impacts on air quality as a result of fugitive dust and odorous emissions during the operational phase of the proposed development will not arise. Furthermore, the air quality impact assessment provided with the application has established that the exhaust emissions from traffic associated with the proposed development, in combination with relevant background concentrations, will be below the relevant air quality criteria at all modelled sensitive locations.
- 11.10.10. No significant residual impacts on air quality are anticipated. While there is the potential for odour nuisance off site should the OCU breakdown and for smoke emissions in the event of a fire, based on the brief duration of such occurrences, the residual impact of such events is considered to be negative, imperceptible, likely, local and brief.
- 11.10.11. Having reviewed the available information, and following a site inspection, I am satisfied that the proposed development is unlikely to give rise to any significant impact on air quality considerations, subject to the implementation of the relevant mitigation and monitoring measures. I am also satisfied that cumulative effects are not likely to arise.

11.11. Population and Human Health:

- 11.11.1. Chapter 10 of the EIAR describes the population distribution in the vicinity of the proposed development and assesses the impact of the proposal on population and human health considerations.
- 11.11.2. In terms of the receiving environment, it is reiterated that the proposed development site is located in an expanding commercial / industrial area which forms part of the Dublin 15 Enterprise Zone. The site itself is bounded by quarrying operations to the north and east, a cement plant to the south, and by other enterprise buildings within the Millenium Business Park to the west. Undeveloped lands in the broader area are zoned for general employment, high technology, and heavy industry purposes, which demonstrates the Local Authority's objectives in relation to the future development of the area. There are no recreational areas, schools, nursing homes or medical centres within 1km of the site while the nearest occupied dwelling is c. 1km to the south. Furthermore, the proposal does not involve an 'establishment' for the purposes of the Major Accidents / Seveso III Directive (2012/18/EU) as implemented by the Chemicals Act (Control of Major Accident Hazards involving Dangerous Substances) Regulations, 2015, with the closest Seveso facility located c. 7km away on Corballis Road. In addition, the site is not in an area at risk of land instability or pluvial, fluvial or groundwater flooding.
- 11.11.3. By reference to Chapter 9 of the EIAR, it has already been established that the site lies within Air Quality Zone 'A' and that background air quality monitoring at representative locations has not recorded any exceedances of the relevant guideline levels. Dust deposition monitoring at the site boundary has further confirmed that recorded dust emissions from the existing facility are below the specified limit.
- 11.11.4. In relation to the baseline noise environment, the existing waste processing activities are a source of continuous noise emissions while transport vehicles, private cars and mobile plant are sources of intermittent emissions during operational hours. The IE licence stipulates that there shall be no clearly audible tonal component or impulsive component in noise emissions from the activity at noise sensitive locations. It also specifies daytime (45dBA) and night-time (55dBA) noise emission limits that must be complied with at off-site noise sensitive locations. The results of noise monitoring undertaken in July, 2022 as summarised in Table 10.1 of the EIAR would seem to

support the assertion that noise from the existing operation is inaudible at off-site noise sensitive locations and compliant with the emission limits set by the EPA.

- 11.11.5. No impacts on population or human health considerations are anticipated during the construction stage, given that the proposed development will not involve any construction works, save for the assembly of the odour control system.
- 11.11.6. During the operational stage, in the absence of mitigation, the increased waste processing activities have the potential to impact on impact on air quality (which can affect human health) and to be a source of off-site nuisance that gives rise to a loss of amenity as a result of noise, dust, odour, increased traffic, and inadequate pest / vermin control. The accidental spillage / leakage of contaminants or the release of contaminated waters could also impact on surface and ground water quality with possible consequences for water supply abstractions and human health.
- 11.11.7. With regard to potential impacts on air quality arising from fugitive dust and odorous emissions as well as exhaust gases, these matters have already been assessed to the effect that the proposed development is unlikely to give rise to any significant impact on air quality considerations, subject to the implementation of the relevant mitigation and monitoring measures. Similarly, it has also been established that the likelihood of significant impacts on water can be avoided, managed and / or mitigated by measures that form part of the existing operations on site, by the proposed mitigation measures, and with suitable conditions.
- 11.11.8. In terms of potential noise impacts, the proposed development will not involve any alteration of the facility's hours of operation or any new sources of noise emissions, other than the odour control system which will include extraction fans. In this regard, it has been submitted that noise emissions from the proposed OCU are unlikely to exceed the EPA's emission limits at off-site sensitive locations given the applicant's experience of a comparable odour management system in operation at another of its waste facilities. Nevertheless, by way of mitigation, and as a precautionary measure, the design stage of the OCU will include an assessment of the noise rating of the extraction fans to determine the likelihood of any exceedances of the IE licence's noise emission limits and characteristics. In the event this assessment identifies the potential for exceedances to occur, appropriate acoustic screening will be incorporated into the assembly with the final design to be approved in advance by

the EPA. The OCU will also be subject to regular maintenance checks to ensure effective operation. Further mitigation will be offered through the applicant's implementation of the control measures specified in the EPA's licence that are designed to ensure operations do not give rise to noise emissions that could be a cause of nuisance beyond the site boundary. Indeed, given that noise levels from the existing operation already comply with the emission limits set by the EPA, I would suggest that continued adherence to the noise emission limits stipulated in the IE licence will mitigate against any potential noise nuisance attributable to the proposed development.

11.11.9. Although the increased traffic volumes to and from the site will generate some vehicular noise, it has been submitted that these movements are part of the normal activities of the Business Park and will not require any prevention or mitigation measures. Reference has also been made to the applicant's policy of not allowing engine idling on site as a mechanism by which to reduce unnecessary noise. While I would acknowledge the foregoing, I would further suggest that in light of the site location in an expanding commercial / industrial area, which includes waste processing operations and heavy industry, the anticipated trip generation as set out in the Traffic & Transport Assessment, and as the dominant source of noise in the locality is road traffic, the additional traffic noise generated by the proposed development will not be of such magnitude as to impact on any off-site noise sensitive locations by way of nuisance.

11.11.10. With regard to the actual traffic impact of the proposed development, and in order to avoid unnecessary repetition, this is assessed later in this report.

11.11.11. Given the nature of the materials accepted and processed at the facility, concerns arise as regards the potential for vermin, insects and birds to be attracted to the site which could be a cause of significant nuisance to local residents. Similarly, the potential arises for the site to become a source of litter to the detriment of the area. In response, the applicant has submitted that the control measures specified in the facility's EPA licence are designed to ensure operations do not cause nuisance outside the site boundary. These include daily litter patrols and regular inspections by a pest control specialist with the implementation of appropriate pest and vermin control measures as required.

- 11.11.12. The remaining potentially significant impact is the possibility of a major fire posing a risk to site staff and, depending on weather conditions, for smoke to affect the surrounding population, including the occupants of residential, commercial and industrial properties in the vicinity. Fire prevention, detection and suppression measures are set out in Section 2.22 of the EIAR and should be read in conjunction the accompanying Emergency Response Plan (Appendix 2.3), Fire Risk Assessment (Appendix 2.4), Firewater Retention Assessment (Appendix 2.5) and the Environmental Liability Risk Assessment (Appendix 2.6) prepared as a requirement of the EPA licence for the facility.
- 11.11.13. A Decommissioning Management Plan (Appendix 2.7) has also been prepared which sets out the actions that will be taken in the event the facility is closed to ensure that there will be no long-term environmental liabilities.
- 11.11.14. Section 10.9 of the EIAR further highlights that the existing EPA licensing regime requires the regular monitoring of surface water, foul water, emissions to air and noise, with any exceedance of an emission limit value specified in the licence deemed to be an incident that must be investigated to identify the cause with appropriate corrective actions implemented.
- 11.11.15. No significant residual impacts are anticipated.
- 11.11.16. Having reviewed the available information, and following a site inspection, I am satisfied that the proposed development is unlikely to give rise to any significant impact on population and human health considerations, subject to the implementation of the relevant mitigation and monitoring measures. I am also satisfied that cumulative effects are not likely to arise.

11.12. Landscape and Visual Impact:

- 11.12.1. Chapter 11 of the EIAR describes the baseline conditions at the development site and examines the likelihood for significant effects on landscape and visual amenity. It also identifies the prevention, mitigation and monitoring measures that will be implemented to reduce the significance of any impacts arising and assesses the residual impacts.
- 11.12.2. The proposed development site is located in the Millenium Business Park which forms part of an expanding commercial / industrial area that encompasses the Dublin 15 Enterprise Zone where the surrounding pattern of development is dominated by

larger structures that accommodate logistics, warehousing, waste processing and other enterprise uses to the south and west while the lands to the north and east include the Huntstown quarry. Neither the site nor its immediate surrounds are subject to any special or high amenity designation while the applicable 'Low Lying Agricultural' Landscape Character Type is categorised as having a modest value. Furthermore, the proposed works will not interfere with any view or prospect listed for preservation in the Development Plan. The site itself is occupied by an existing waste facility that includes 2 No. waste recovery and transfer buildings and an administration building with Materials Recovery Building No. 1 (as shown on the site plan) extending up to 18.3m in height. Notably, the shape and massing of these existing buildings is similar to that of other structures in the wider area. Due to a combination of the layout and internal landscaping of the Business Park, full views of the site are limited to the approach roads to the main site entrance with only intermittent views available from access roads in the wider area. The broader site layout, when in conjunction with the orientation of the existing buildings, further serves to obstruct public views of the internal site operations.

- 11.12.3. The only change proposed to the external appearance of any of the existing buildings on site will be the installation of the Odour Control Unit to the rear (eastern) elevation of Materials Recovery Building No. 1. Notwithstanding that the top of the emission stack will be 18m above ground level and will be visible from certain viewpoints within the business park, it will be largely screened by existing construction and will not appear as an obtrusive feature given its similarity to external air handling equipment and telecommunications masts across the park as well as nearby high voltage electricity pylons to the east.
- 11.12.4. On balance, I am satisfied that the principal impact of the proposed development on landscape and visual considerations will be that attributable to the post-construction appearance of the Odour Control Unit. However, given the site context, including the surrounding pattern of development and the site location in an expanding commercial / industrial area, I would consider the significance of this residual impact to be negligible. I am further satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area, are not likely to arise.

11.13. Cultural Heritage:

- 11.13.1. Chapter 12.0 of the EIAR has sought, as far as reasonably possible from existing records, to detail the archaeological, architectural, and cultural heritage context of the development site and its environs. In this regard, as the proposal does not involve any ground disturbance, the assessment has been based on an analysis of information derived from the Record of Monuments of Places, the County Development Plan, and the original EIS prepared for the existing facility.
- 11.13.2. From a review of the available information, including the mapping for the Sites and Monuments Record and the Registered Monuments Manual, it can be confirmed that there are no known items of archaeological or cultural significance on site with the closest such feature being a fulacht fia (Ref. No. DU014-050) located approximately 350m west of the application site. Similarly, there are no recorded built heritage features in the immediate site surrounds while the site itself is not located within an Architectural Conservation Area.
- 11.13.3. Accordingly, on the basis of the available information, and noting that the proposed works will not involve any ground disturbance (with the OCU to be erected atop an existing area of hardstanding), I am satisfied that the proposed development will not have any unacceptable direct, indirect, or cumulative impacts in terms of archaeological, architectural or cultural heritage.

11.14. Material Assets: Built Services:

- 11.14.1. Chapter 13.0 of EIAR assesses the impact of the proposal on specified material assets (i.e. built services and infrastructure, including water services, electricity, gas, and waste management). This examination of assets is based on information derived from the Fingal Development Plan, the Eastern - Midlands Region Waste Management Plan, Uisce Éireann's database, and the applicant's own records of resource consumption. The impact on roads and traffic considerations is discussed elsewhere in this report.
- 11.14.2. Potable water for the existing facility is obtained from the mains supply although water is also abstracted from an on-site well for dust suppression purposes during periods of dry weather. Wastewater from sanitary facilities, wash water from the vehicle wash, and rainwater runoff from open paved areas where wastes are stored, are all discharged to the foul sewer serving the Business Park.

- 11.14.3. Although uncontaminated surface water runoff from building roofs and paved areas originally drained to the storm water management system serving the wider Business Park, it has been established that there is a problem with the flow in the sewer system serving the Business Park which is causing backflow into the facility resulting in contamination at monitoring locations. Therefore, given that responsibility for addressing the drainage problems rests with the Millenium Business Park Management Company, and pending resolution of the issue, surface water runoff from the site is currently diverted to the foul sewer (although it is intended to recommence discharging to the mains storm sewer once the necessary repairs have been completed). Further works are planned to the drainage system serving the northern part of the development site pursuant to PA Ref No. FW/22A/0016 in order to incorporate SUDS measures, including the provision of an attenuation tank and the restriction of the outflow from the site to a greenfield runoff value.
- 11.14.4. By way of further clarity on baseline conditions, it has been confirmed that the heating of on-site offices is achieved by way of a natural gas fired boiler and that the applicant regularly monitors its resource consumption (i.e. electricity usage, oil, natural gas, and water).
- 11.14.5. In terms of the waste management policy context for both the existing and proposed facility, reference is made to the provisions of the 'Waste Action Plan for a Circular Economy' etc. and the need for increased treatment capacity in support of the Circular Economy initiatives as well as the demands arising from the unsuccessful efforts to date of decoupling waste generation from economic growth and the continuing increase in the quantities of waste produced both nationally and in the Greater Dublin Area.
- 11.14.6. No changes are anticipated in the hydraulic loadings placed on the foul and storm water sewerage systems or in water and natural gas consumption, however, it is acknowledged that the additional processing activities and the operation of the OCU will increase the on-site electricity demand. By way of mitigation, the applicant employs a policy of procuring only the most energy efficient plant and equipment (with the detailed design of the OCU to involve an assessment of the energy efficiency of the extraction fans to minimise electricity usage) and is further committed to complying with the requirements of the European Commission's Reference Document BAT for Energy Efficiency. Other measures aimed at reducing

overall resource consumption on site include the implementation of a preventative maintenance programme for all fixed and mobile plant to ensure their energy efficiency is optimised, the use of 'grey water' from runoff in the staff toilets and water from an on-site well for dust suppression in order to reduce the demand on the public mains water supply, and the installation of roof mounted solar panels to reduce the electricity demand from the national grid.

- 11.14.7. It has been submitted that the proposed development will have a negative, slight, likely, national and long-term impact on electricity supply as a result of increased usage. In turn, the operational stage of the development will contribute to the cumulative natural resource consumption in the Greater Dublin Area, although this will be mitigated in part by the permitted installation of rooftop solar panels on the processing buildings thereby reducing reliance on non-renewable energy resources. A positive, slight, likely, national and long-term impact is expected as regards the waste management capacity for the region.
- 11.14.8. Having regard to the foregoing, I am satisfied that the impacts relating to material assets can be satisfactorily avoided, managed, and mitigated by the measures which form part of the proposed scheme in tandem with the mitigation measures set out in the EIAR. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative effects in respect of material assets.

11.15. Material Assets: Traffic & Transport:

- 11.15.1. Chapter 14.0 of the EIAR describes the existing road network and traffic conditions and assesses the impact of the proposal on traffic and transport considerations (including the cumulative impacts of the additional traffic associated with the permitted expansion of waste activities at the applicant's other nearby waste management facility on Cappagh Road as approved under ABP Ref. No. ABP-310332-21). It has been informed by the accompanying Traffic and Transport Assessment prepared by ORS Consulting Engineers (included at Appendix 10.1 of the EIAR). The EIAR also identifies the prevention, mitigation and monitoring measures that will be implemented to reduce the significance of the impacts identified and assesses the residual impacts.
- 11.15.2. With respect to the receiving environment, it has been submitted that the site surrounds encompass the Dublin 15 Enterprise Zone which in turn forms part of the

wider Blanchardstown area. All roads in the vicinity of the site are provided with pedestrian footpaths and cycle lanes that are flanked by grass verges on both sides of the carriageway. The nearest bus stops are located an approximate five-minute walking distance from the facility, with routes to various locations across the Greater Dublin Area.

11.15.3. All traffic to the existing facility travels along Cappagh Road (a single lane carriageway with two-way traffic and a shared central lane facilitating left and right hand turning movements) which provides access to the Millenium Business Park. Upon entering the Park, traffic encounters an internal roundabout with the second and third arms providing access to the site. All HGV traffic accesses the site from the second exit and follows a designated one-way traffic system through the facility. Although private vehicles can also avail of this entrance, the main access to the office / reception area for staff and visitors is via a priority junction onto the access road leading from the third arm of the roundabout.

11.15.4. In a policy context, it is a strategic aim of the Fingal Development Plan, 2023-2029 to strengthen the integration of land-use and transport planning with a priority focus on increased provision of walking, cycling and public transport infrastructure. In this regard, cognisance should be taken of the Greater Dublin Area Cycle Network Plan adopted as part of the GDA Transport Strategy 2022-2042 which proposes to expand the cycle network and includes for a 'Secondary' cycleway along Cappagh Road in addition to a Primary Radial cycleway along Ballycoolin Road to the south / southwest. Similarly, it is of relevance to note the planned improvements to public transport provision in the surrounding area, including BusConnects, Metrolink and DART+ West.

11.15.5. Existing traffic flows have been informed in part by reference to traffic counts previously completed on 11th March, 2020 (pre-pandemic) as part of ABP Ref. No. ABP-310332-21. These traffic counts were carried out over a 24-hour period and encompass all movements at the following 6 No. junctions in the vicinity of the application site:

- Site 1 – Development site access road junction
- Site 2 – Millenium Business Park – Cappagh Road roundabout junction
- Site 3 – Huntstown Business Park – Cappagh Road roundabout junction

- Site 4 – Panda Cappagh Road MRF access road junction
- Site 5 - Cappagh Road – Mitchelstown Road roundabout junction
- Site 6 - Cappagh Road – Ballycoolin Road roundabout junction

- 11.15.6. From this traffic data, it was observed that the peak morning traffic at Site 1 (the development site access junction) occurred between 11:45 and 12:45 with the afternoon peak being 12:45 -13:30. At all other junctions (i.e. Site Nos. 2, 3, 4, 5 & 6) the peak morning traffic occurred between 08:00 and 09:15 with an evening peak of 16:45 -17:45.
- 11.15.7. Additional traffic counts were undertaken at the Cappagh Road / Mitchelstown Roundabout (Site 5) to enable remodelling of this junction to account for the latest traffic scenarios along the roundabout. These counts were carried out over a 12-hour period from 07:00 to 19:00 hours on 10th November, 2022 and recorded peak morning traffic between 07:30 and 08:30 with an evening peak of 16:15-17:15. Notably, the traffic levels recorded in 2022 exceeded the previously predicted 2022 levels derived from the 2020 survey figures in the AM peak and, therefore, an adjustment factor of 1.11 has been applied to the traffic count data to ensure it is representative of a worst-case scenario. Accordingly, the maximum Passenger Car Units (PCU) traffic counts at Site 5 have been calculated as 1,776.6 in the AM peak and 1,646.4 in the PM peak.
- 11.15.8. Road collision data sourced from the Road Safety Authority does not contain any records of incidents of any kind in the vicinity of the development site.
- 11.15.9. To establish a trip rate for the proposed development, the existing levels of traffic entering and exiting the facility were analysed and an additional traffic figure extrapolated based on a comparison of the expanded waste volumes versus current waste volumes (a growth factor has not been applied on top of the 2020 counts as traffic to and from the facility is already established). Accordingly, the proposed expansion of the annual waste intake from 270,000 to 450,000 tonnes has been calculated to equate to a 67% increase in the number of vehicles accessing the facility (with this trip generation to be split across the junctions assessed as per the existing traffic distribution).
- 11.15.10. Having established the trip generation and distribution attributable to the proposed development, the expected traffic flows from committed development in the vicinity of

the facility (as set out in Table 4.3 of the TTA) were also considered in the junction modelling to provide for a robust assessment of the impact on the condition of the surrounding road network for the future year scenarios. In addition, cognisance has been taken of the projected growth in background traffic levels for the design years specified by reference to the Transport Infrastructure Ireland Publication '*Project Appraisal Guidelines for National Roads Unit 5.3 – Travel Demand Projection*' published in 2021.

11.15.11. On the basis that the proposed development is expected to be fully operational in 2025 (and having regard to the traffic levels expected for 2025, the committed developments in the area, and the predicted traffic to and from the site), its traffic impact on the 6 No. junctions assessed in the vicinity of the application site can be determined for the peak AM and PM periods. In this regard, it has been noted that the '*Traffic and Transport Assessment Guidelines*' issued by Transport Infrastructure Ireland recommend that junction modelling should be carried out where new traffic exceeds 5% of the existing flows if congestion already exists and if traffic generated by the proposed development exceeds 10% where no traffic congestion is present. The future traffic projections show that only Sites 1 & 2 fall above the aforementioned thresholds while the remaining junctions will experience a maximum increase in traffic of 2%.

11.15.12. Capacity assessments have been carried out for the 6 No. junctions along Cappagh Road in the vicinity of the site in order to determine if they will be able to cater for the predicted levels of traffic during the AM and PM peak hours for the following design years:

- 2023 - Base year
- 2025 - The planned year of the expansion conclusion
- 2030 - 5 years after the conclusion
- 2040 - 15-year future design scenario

11.15.13. These capacity assessments were modelled for three different scenarios:

- Base-year: 2023 traffic flows modelled according to traffic counts obtained in 2020 and factored up using TII Traffic Growth Rates with a seasonal adjustment factor of 1.11 applied in the AM peak.

- Do-nothing: Modelled without the intervention of the proposed development. For this analysis, the traffic counts were factored up using TII's Growth Factor for the design years 2025, 2030 & 2040. The committed developments previously identified were included in this analysis.
- Do-something: The impact of the traffic generated by the development added to the design years 2025, 2030 & 2040. This enables a comparison with the 'Do-Nothing' scenario.

11.15.14. In addition, further modelling of the Cappagh Road / Mitchelstown Roundabout (Site 5) was carried out to take into account the latest traffic situation at that junction following findings from historic 2019 traffic data.

11.15.15. The detailed results of the modelling have established that the proposed increase in the annual waste intake at the existing facility will not give rise to significant volumes of traffic and that Site Nos. 1, 2, 3 & 4 will operate below capacity in all scenarios for all future design years. Although Site 5 (Cappagh Road / Mitchelstown Roundabout) and Site 6 (Cappagh Road / Ballycoolin Road) will experience some capacity issues and delays in future years, the increase in traffic from the development site will account for a maximum of 2% of the junction capacity and thus the inclusion of the proposed development is not the reason for the capacity issues. In effect, the capacity issues identified are pre-existing and thus will require attention irrespective of whether the proposed development proceeds.

11.15.16. Therefore, no mitigation measures specific to the development are proposed, however, it is anticipated that future planned public transport initiatives, including additional BusConnects routes and Metrolink, will reduce private vehicle movements in the vicinity of the site in future years. Increasing adoption of flexible working hours and remote working options are also thought likely to reduce the number of vehicles accessing the area at peak times.

11.15.17. In terms of monitoring, the IE licence already requires that all transport vehicles delivering to and removing waste from the facility be recorded on the on-site weighbridge and records maintained.

11.15.18. Having reviewed the available information, and given the limited increase in traffic generated by the proposed development in the context of existing and anticipated traffic flows in the area, I am in agreement with the position adopted by Fingal

County Council that while the additional trips consequent on the proposed development will contribute to future capacity issues at Junctions 5 & 6, they would not be considered significant in the context of the overall background traffic which will be the primary source of the capacity issues at those junctions.

11.15.19. On the basis of the foregoing, I am satisfied that the proposed development will not have any unacceptable direct, indirect, or cumulative impacts in terms of traffic or transport considerations. However, I would concur with Fingal County Council as regards the need for an Operational Traffic Management Plan to prevent any possible queueing of traffic from the site access onto the public road.

11.15.20. With respect to the desirability of providing a pedestrian crossing on the Cappagh Road (by way of a special contribution) due to the anticipated increase in HGV activity, while I would acknowledge the submission by Fingal County Council in this regard, in my opinion, given the site location in an expanding commercial / industrial area, the existing and permitted pattern of development in the surrounding area, and the trip generation attributable to the proposed development as set out in the Traffic & Transport Assessment, I am not convinced that it has been demonstrated that specific exceptional costs arise which would warrant the imposition of a special development contribution in this instance.

11.16. Risk Management for Major Accidents and / or Disasters:

11.16.1. The requirements of Article 3(2) of the EIA Directive include the expected effects deriving from the vulnerability of the project to risks of major accidents and / or disasters that are relevant to the project concerned. Section 10.5.3.1 of the EIAR deals with the risk of major accidents and disasters. It states that the proposed development will not be subject to the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations and that the nearest SEVESO facility is a Lower Tier Establishment on Corballis Road, approximately 7km away. With respect to natural disasters, it is further stated that the application site is not in an area at risk of land instability nor has it been identified as being at risk of pluvial, fluvial or groundwater flooding.

11.16.2. The surrounding site context is characterised by an expanding commercial / industrial area that encompasses the Dublin 15 Enterprise Zone with Huntstown Quarry to the north and east, Kilsaran Concrete to the south, and other enterprise

buildings within the Millenium Business Park to the west. It is not in an area prone to natural disasters. There is no site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations (SEVESO) either at or in the immediate vicinity of the development site (the separation from the closest such facilities at Huntstown Power Station, Dublin Airport and Mulhuddart being considerably in excess of the required consultation distances). There are no significant risks of major accidents or sources of pollution associated with the development while matters pertaining to issues such as health and safety, fire safety, and compliance with the IE licence are governed by normal protocols and other statutory requirements. It has also been established that the site is not at risk of flooding and lies within Flood Zone 'C' as per '*The Planning System and Flood Risk Management, Guidelines for Planning Authorities*'.

- 11.16.3. Having regard to the location of the site and the existing land use as well as the zoning of the site, I am satisfied that there are unlikely to be any effects deriving from major accidents and / or disasters.

11.17. Interaction of the Foregoing:

- 11.17.1. EIAR Chapter 15.0 examines interactions between the above factors. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. In conclusion, I am satisfied that effects arising can be avoided, managed, and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions.

11.18. Cumulative Impact:

- 11.18.1. It is my opinion that the EIAR presents a comprehensive consideration of the relevant developments within the wider area where there is potential for cumulative impacts with the proposed development. In conclusion, I am satisfied that the effects arising can be avoided, managed, and mitigated by the measures which form part of the proposed development, the proposed mitigation measures, and the attachment of suitable conditions. There is, therefore, nothing to prevent the granting of permission on the grounds of cumulative impact.

11.19. Mitigation and Monitoring Measures:

- 11.19.1. Each chapter of the EIAR has set out the mitigation and monitoring measures for each environmental factor that are considered necessary to protect the environment for the construction and operation phases of the proposed development. A summary of these measures is contained in Chapter 16.0 of the EIAR.

11.20. Reasoned Conclusion on the Significant Effects:

- 11.20.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and the supplementary information provided by the applicant, the report from the planning authority, and submissions by prescribed bodies and observers in the course of the application, I am satisfied that the potential effects of the proposed development have been adequately identified, described and assessed and that there will be no other likely significant environmental effects arising from the proposed development. It is considered that the main significant direct and indirect effects of the proposed development on the environment, including mitigation measures, are as follows:

- **Population and Human Health:** Operational impacts on population and human health considerations as a result of the generation of noise, odours, dust, increased traffic and general nuisance will be adequately mitigated through the application of various measures and best practice site management.
- **Land and Soils:** During the operational stage of the development, the potential arises for negative impacts on soil, in conjunction with the permitted operations, by way of accidental spills and oil leaks from vehicles and mobile plant which may infiltrate to ground via damaged paving; leaks from foul sewers; and, in a worst-case scenario, for contaminated firewater runoff to percolate to ground. The preventative and mitigation measures incorporated into the design and operating practices of the existing facility, when taken in combination with the licensing requirements already in place, will negate any significant residual impacts on land or soils.
- **Water:** In conjunction with the permitted operations, the potential arises for negative cumulative impacts associated with the accidental spillage / leakage of contaminants to drainage systems or their infiltration to groundwater via

damaged paving; leaks from foul sewers; and (in a 'worst-case' scenario) for contaminated firewater runoff to enter the drainage systems or to infiltrate to ground. The design of the existing facility and its method of operation, including adherence to its licensing requirements, already incorporates sufficient provision to protect water considerations and, therefore, no significant residual impacts are likely to arise in relation to the proposed development.

- **Air Quality and Climate:** The proposed development will generate greenhouse gas emissions from the handling and processing of the additional waste intake along with the related transport of materials to / from the facility. However, the residual operational impact on climate considerations when compared to the 'Do-Nothing' scenario will be a net reduction in greenhouse gas emissions.

Potential negative operational impacts on air quality relate to fugitive dust and odorous emissions, exhaust emissions from processing plant and traffic, and the cumulative effects of the operation in conjunction with the existing permitted activities. Such impacts can be satisfactorily addressed with the implementation of the mitigation and monitoring measures set out in the EIAR.

- **Noise:** Negative noise impacts could arise during the operational phase of the development, however, these will be mitigated through adherence to best practice, the implementation of the mitigation measures set out in the EIAR, and compliance with the applicable licensing requirements. Noise disturbance is not likely to arise given the mitigation proposed and the separation distances from noise sensitive receptors. Impacts arising from noise disturbance during the operational stage can therefore be ruled out.
- **Material Assets - Traffic and Transportation:** During the operational phase there will be an increase in traffic associated with the proposed development, however, these impacts are not significant in terms of magnitude and can therefore be ruled out.

11.20.2. Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described, and assessed. The environmental impacts identified are not significant

and would not require or justify refusing permission for the proposed development or require substantial amendments.

11.21. Appropriate Assessment:

11.21.1. Compliance with Article 6(3) of the Habitats Directive:

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under Part XAB, Section 177U of the Planning and Development Act, 2000 (as amended) are considered fully in this section.

11.21.2. Background on the Application:

The applicant has submitted a screening exercise for Appropriate Assessment with the application (please refer to the '*Appropriate Assessment: Stage 1 Screening: Starrus Eco Holdings Ltd., Millenium Business Park, Ballycoolin, Dublin 15*' dated February, 2023 and prepared by O'Callaghan Moran & Associates). This Stage 1 AA screening exercise provides a description of the proposed development and the receiving environment before identifying those European Sites within a 15km zone of influence of the development. The report has concluded that the proposed changes will have no direct or indirect effects on Natura 2000 sites and that the proposed development does not present a risk of significant effects on the Qualifying Interests and Conservation Objectives of any Natura 2000 site.

11.21.3. Having reviewed the documents & submissions provided, I am satisfied that there is adequate information to allow for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

11.21.4. Screening for Appropriate Assessment - Test of likely significant effects:

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

11.21.5. The proposed development is examined in relation to any possible interaction with European Sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

11.21.6. **Brief Description of the Development:**

The applicant provides a description of the proposed development in Section 2.8 of the AA report. In summary, the proposed development involves increasing the annual waste acceptance rate at the existing facility from 270,000 tonnes to 450,000 tonnes per year so as to expand the recycling / recovery capacity of the site. It is anticipated that the facility will generally operate to a maximum of 400,000 tonnes per annum, however, permission has been sought for the worst-case scenario to avoid future restrictions should an emergency arise and thus provision has been made for an additional 50,000 tonnes of capacity for contingency purposes.

Associated works comprise the installation of an odour control unit to the rear (east) of Material Recovery Building No. 1 which will include an external flue extending to 18m in height above ground level. The application has been accompanied by supporting information that includes an Environmental Impact Assessment Report and a 'Traffic & Transport Assessment'.

11.21.7. The proposed development site and its environmental setting are described in Section 2 of the AA report (with additional details of the receiving environment set out in the EIAR). This includes a summation of the existing waste facility and its operations along with its servicing arrangements and environmental emissions and controls. It is further stated that the site lies within the catchment of the Tolka River, which is approximately 2km to the southwest & south, and that there are no streams on watercourses either on site or in the surrounding area. Reference is also made to the underlying geological and hydrogeological characteristics of the site which are detailed elsewhere in this report.

11.21.8. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Operation related - Uncontrolled ground and surface water pollution / spillage of contaminants.

11.21.9. **Submissions and Observations:**

All submissions and observations received from interested parties are set out in Section 5.0 of this report.

11.21.10. European Sites:

The development site is not located in or immediately adjacent to a European site. The closest European site is the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 9.1km southeast of the site. A summary of European Sites that occur within a possible 15km zone of influence of the proposed development is presented in the table below.

11.21.11. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

European Site	Qualifying Interest / Special Conservation Interest	Distance from the proposed development	Connections (source-pathway-receptor)	Considered Further in Screening
South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024)	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p>	c. 9.1km southeast of the site.	Although there is a surface water hydrological connection between the facility and the SPA, there is no meaningful pathway due to the downstream separation distance to the Tolka Estuary and the dilution and dispersion offered by the River Tolka.	Yes.

	<p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>			
Rye Water Valley / Carton Special Area of Conservation (Site Code: 001398)	<p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]</p> <p>Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]</p>	c. 10.9km southwest of the site.	The site is located upstream of the proposed development and, therefore, there is no meaningful pathway between it and the development site.	No.
Malahide Estuary Special Protection Area (Site Code: 004025)	<p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p>	c. 11.0km northeast of the site.	No meaningful pathway from the development site due to the distance and the dilution and dispersion action of the Irish Sea.	No.

	<p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Wetland and Waterbirds [A999]</p>			
<p>Malahide Estuary Special Area of Conservation (Site Code: 000205)</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Shifting dunes along the shoreline with</p>	<p>c. 11.0km northeast of the site.</p>	<p>No meaningful pathway from the development site due to the distance and the dilution and dispersion action of the Irish Sea.</p>	<p>No.</p>

	<p><i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>			
<p>North Dublin Bay Special Area of Conservation (Site Code:000206)</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p><i>Salicornia</i> and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>	c. 11.8km southeast of the site	No meaningful pathway from the development site due to the distance and the dilution and dispersion action of the Irish Sea.	No.
<p>South Dublin Bay Special Area of Conservation</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p>	c. 11.8km southeast of the site.	No meaningful pathway from the development site due to the	No.

(Site Code: 000210)	Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]		distance and the dilution and dispersion action of the Irish Sea.	
North Bull Island Special Protection Area (Site Code: 004006)	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156]	c. 12.2km southeast of the site.	No meaningful pathway from the development site due to the distance and the dilution and dispersion action of the Irish Sea.	No.

	<p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>			
<p>Baldoye Bay Special Area of Conservation (Site Code: 000199)</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p>	c. 13.2km east of the site	No meaningful pathway from the development site due to the distance and the dilution and dispersion action of the Irish Sea.	No.
<p>Baldoye Bay Special Protection Area (Site Code: 004016)</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p>	c. 13.3km east of the site.	No meaningful pathway from the development site due to the distance and the dilution and dispersion action of the Irish Sea.	No.

	<p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Wetland and Waterbirds [A999]</p>			
<p>Rogerstown Estuary Special Area of Conservation (Site Code: 000208)</p>	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>	<p>c. 14.0km northwest of the site.</p>	<p>No meaningful pathway from the development site due to the distance and the dilution and dispersion action of the Irish Sea.</p>	<p>No.</p>
<p>North-West Irish Sea Special Protection Area (Site Code: 004236)</p>	<p>Red-throated Diver (<i>Gavia stellata</i>) [A001]</p> <p>Great Northern Diver (<i>Gavia immer</i>) [A003]</p> <p>Fulmar (<i>Fulmarus glacialis</i>) [A009]</p>	<p>c. 14.6km southeast of the site.</p>	<p>No meaningful pathway from the development site due to the distance and the dilution and</p>	<p>No.</p>

	<p>Manx Shearwater (<i>Puffinus puffinus</i>) [A013]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Shag (<i>Phalacrocorax aristotelis</i>) [A018]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Little Gull (<i>Larus minutus</i>) [A177]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Great Black-backed Gull (<i>Larus marinus</i>) [A187]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Little Tern (<i>Sterna albifrons</i>) [A195]</p>		dispersion action of the Irish Sea.	
--	---	--	-------------------------------------	--

	<p>Guillemot (<i>Uria aalge</i>) [A199]</p> <p>Razorbill (<i>Alca torda</i>) [A200]</p> <p>Puffin (<i>Fratercula arctica</i>) [A204]</p>			
<p>Rogerstown Estuary Special Protection Area (Site Code: 004015)</p>	<p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Wetland and Waterbirds [A999]</p>	<p>c. 14.7km northeast of the site.</p>	<p>No meaningful pathway from the development site due to the distance and the dilution and dispersion action of the Irish Sea.</p>	<p>No.</p>

11.97.1. Specific conservation objectives have been included for the SACs and the SPAs to maintain or restore the various qualifying interests by reference to a list of specified attributes and targets.

11.97.2. **Identification of Likely Effects:**

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

11.97.3. The applicant's Appropriate Assessment screening report details that the closest Natura 2000 site to the proposed development site is the South Dublin Bay and River Tolka Estuary SPA and that the only potential direct connection between the subject proposal and that site is via the discharge of surface water runoff from the facility to the storm water drainage system serving the Millenium Business Park which ultimately enters the River Tolka, whose estuary is part of the Dublin Bay and River Tolka Estuary SPA approximately 9.1km to the southeast. In this regard, it has been submitted that the proposed development will not result in any changes to either the volume or quantity of surface water runoff from the application site which, when taken in conjunction with the separation distance to the Tolka Estuary and the dilution and dispersion offered by the River Tolka, means that the potential for adverse impact on the SPA is not significant.

11.97.4. Having reviewed the available information, I would concur with the applicant's screening assessment that, given the significant separation distances (both physically and hydrologically) between the proposed development and the Natura 2000 sites listed in the foregoing table, in the event of pollution or contaminants entering the surface water drainage network serving the application site, this would be diluted and dispersed to an imperceptible level at the point of contact with any of the designated sites and as such significant effects to these designated sites are not likely to arise and can be ruled out.

11.97.5. It is not envisaged that the proposed development will give rise to any significant in-combination / cumulative effects.

11.97.6. **Screening Determination:**

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European site, in view of their Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required. This determination is based on the following:

- The nature and scale of the proposed development;
- The nature of the receiving environment, particularly its location in an area served by public mains water services;
- The separation distance of the proposed development from the European Sites and the demonstrated lack of any ecological connections; and
- The considerable downstream dilution and dispersion effect attributable to the Tolka River and the Irish Sea.

12.0 **Recommendation**

12.1. Having regard to the foregoing, I recommend that the permission be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below:

13.0 **Recommended Draft Order**

Proposed development comprises of the following:

An amendment of Condition 5 of Reg. Ref. FW18A/0079 to increase the annual waste acceptance rate from 270,000 tonnes to 450,000 tonnes per year so as to expand the recycling / recovery capacity and the installation of odour control unit to the rear (east) of Material Recovery Building No. 1. The unit will include an external flue some 18m in height above ground. The increased intake does not require buildings, or extensions to existing buildings. The application relates to development that comprises and is for the purposes of an activity requiring an Industrial Emissions

Licence. The facility operates under an IE Licence (No. W0183-01) issued by the Environmental Protection Agency.

All at Millennium Business Park, Cappagh Road, Dublin 11.

Decision:

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations:

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

European legislation, including of particular relevance:

- the Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC, as amended by 2009/147/EC (Birds Directives) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.

National and regional planning and related policy, including:

- the National Planning Framework: Project Ireland 2040
- the Climate Action Plan, 2023 – Changing Ireland for the Better
- the National Waste Management Plan for a Circular Economy, 2024-2030
- the Waste Action Plan for a Circular Economy – Ireland’s National Waste Policy, 2020-2025:

Regional and local level policy, including:

- the Eastern & Midland Regional Assembly’s Regional Spatial & Economic Strategy, 2019-2031:

The local planning policy, including:

- the Fingal County Development Plan, 2023 – 2029,
- other relevant guidance documents,
- the nature, scale of the proposed development as set out in the planning application and the pattern of development in the vicinity, including the

permitted development within the vicinity of the proposed development site within an established industrial and commercial area,

- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
- the submissions made to An Bord Pleanála in connection with the planning application, and

the report and recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to the environmental impact assessment.

Screening for Appropriate Assessment:

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the 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 the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

Environmental Impact Assessment:

The Board completed an environmental impact assessment of the proposed development taking account of:

- a) the nature, scale, location and extent of the proposed development on site,
- b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,

- c) the submissions received from the prescribed bodies and planning authority and,
- d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are:

- Population and Human Health: Operational impacts on population and human health considerations as a result of the generation of noise, odours, dust, increased traffic and general nuisance will be adequately mitigated through the application of various measures and best practice site management.
- Land and Soils: During the operational stage of the development, the potential arises for negative impacts on soil, in conjunction with the permitted operations, by way of accidental spills and oil leaks from vehicles and mobile plant which may infiltrate to ground via damaged paving; leaks from foul sewers; and, in a worst-case scenario, for contaminated firewater runoff to percolate to ground. The preventative and mitigation measures incorporated into the design and operating practices of the existing facility, when taken in combination with the licensing requirements already in place, will negate any significant residual impacts on land or soils.
- Water: In conjunction with the permitted operations, the potential arises for negative cumulative impacts associated with the accidental spillage / leakage of contaminants to drainage systems or their infiltration to groundwater via damaged paving; leaks from foul sewers; and (in a 'worst-case' scenario) for contaminated firewater runoff to enter the drainage systems or to infiltrate to ground. The design of the existing facility and its method of operation, including adherence to its licensing requirements, already incorporates

sufficient provision to protect water considerations and, therefore, no significant residual impacts are likely to arise in relation to the proposed development.

- **Air Quality and Climate:** The proposed development will generate greenhouse gas emissions from the handling and processing of the additional waste intake along with the related transportation of materials to / from the facility. However, the residual operational impact on climate considerations when compared to the 'Do-Nothing' scenario will be a net reduction in greenhouse gas emissions.

Potential negative operational impacts on air quality relate to fugitive dust and odorous emissions, exhaust emissions from processing plant and traffic, and the cumulative effects of the operation in conjunction with the existing permitted activities. Such impacts can be satisfactorily addressed with the implementation of the mitigation and monitoring measures set out in the EIAR.

- **Noise:** Negative noise impacts could arise during the operational phase of the development, however, these will be mitigated through adherence to best practice, the implementation of the mitigation measures set out in the EIAR, and compliance with the applicable licensing requirements. Noise disturbance is not likely to arise given the mitigation proposed and the separation distances from noise sensitive receptors. Impacts arising from noise disturbance during the operational stage can therefore be ruled out.
- **Material Assets - Traffic and Transportation:** During the operational phase there will be an increase in traffic associated with the proposed development, however, these impacts are not significant in terms of magnitude and can therefore be ruled out.

Proper Planning and Sustainable Development:

It is considered that the proposed development would accord with European, national, regional and local planning policy and that it is acceptable in respect of its likely effects on the environment and its likely consequences for the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

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

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

4. Prior to the commencement of development, an operational management plan shall be submitted for the written agreement of the Planning Authority which clearly sets out mitigation measures to prevent any possible traffic queuing on the public road from the entrance to the development in the event of internal issues or a backlog of arrivals.

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

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.

Robert Speer
Planning Inspector

25th April, 2024