



An  
Bord  
Pleanála

## Inspector's Report ABP-316916-23

### Development

Retention: Waste plastics recycling facility for product and materials storage and pre-processing activity and all associated ancillary development.

### Location

Unit 8A, Rosemount Business Park,  
Ballycoolin Road, Dublin 11, D11  
W024.

### Planning Authority

Fingal County Council.

### Planning Authority Reg. Ref.

FW23A/0028.

### Applicant

Cloughwater Plastics (Ireland)  
Limited.

### Type of Application

Retention Permission.

### Planning Authority Decision

Refusal of Retention Permission.

### Type of Appeal

First Party v Refusal of Retention  
Permission.

<b>Appellant</b>	Cloughwater Plastics (Ireland) Limited.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	23/05/2024.
<b>Inspector</b>	Enda Duignan

## **1.0 Site Location and Description**

- 1.1.** The address of the appeal site is Unit 8A, Rosemount Business Park, Ballycoolin Road, Dublin 11. The site has a stated area of c. 0.98ha. and is currently in use as a waste processing/recycling facility. The site is located on the eastern and southern sides of the internal estate road, c. 120m to the north of the junction with Rosemount Park Road. The existing waste process building occupies the majority of the appeal site and has a maximum height of c. 10.3m. Access to the site is provided via an existing entrance at the southern end of the site's western boundary and there is a vehicle circulation area to the west of the main building.
- 1.2.** There are material storage areas located along the northern and western site boundaries which are being utilised for the storage of waste plastic materials. I note that these storage areas form the subject of the retention application. However, no materials were present at the time of my site inspection. The existing boundary treatments along the respective boundaries at this location comprise mature hedgerows/trees. In terms of the site surrounds, Rosemount Business Park is an established business park which is characterised by variety of light industrial/commercial/logistics uses. There is also an existing café located to the immediate north-east of the site.

## **2.0 Proposed Development**

- 2.1.** The development seeks retention permission for the use of the external area of the existing Waste Plastics Recycling Facility at the site for product and materials storage and pre-processing activity. The development description notes that the proposal includes all associated ancillary development, including staff and visitor car parking and it is indicated that the site is licensed under Waste Facility Permit WFP-FG-08-0002-05.
- 2.2.** The submitted Site Layout Plan identifies material storage bays along the full length of the northern site boundary. A product storage area is also identified along the western boundary of the site, to the north of the existing site entrance. A total of 8 no. visitor car park bays are provided to the immediate west of the existing building on

site. Between the building and the product storage area is a vehicle loading area.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Fingal County Council refused retention permission for the following 2 no. reasons.

1. The proposal seeking retention is contrary to Table 12.7 of the Fingal Development Plan 2017-2023 specifically in relation to waste and recycling which requires that 'all waste and recycling areas should be covered/enclosed and appropriately screened from wind and public view', associated Objective DMS103 and to the vision for the General Employment zoning which applies to the land and seeks well design and good quality physical environment. The development would result a significant negative visual impact on the surrounding area, in a haphazard poor-quality environment, set a poor precedent for other similar development and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The Planning Authority is not satisfied, based on the information submitted, that the proposed development would not result in adverse impacts on the amenities area of the area by virtue of noise or nuisance and that adequate surface water management arrangements are in place to serve the development. The proposed development would therefore be prejudicial to public health, may give rise to pollution and would therefore be contrary to the proper planning and sustainable development of the area.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Report**

The Fingal County Council Planning Report form the basis for the decision. Within their assessment of the application, the Planning Authority refers to the site's planning history (Ref. F94A/0402) and in particular, a condition of this permission which stipulated that the area between the building and the roads must not be used for truck parking or other storage or display purposes but must be reserved for car parking and landscaping. Therefore, it was noted that the area of the site which forms the subject of retention represents a material change in the use of the land in question and

reference is made to Table 12.7 of the Fingal Development Plan which provides design guidance in relation to business parks and industrial areas. In relation to waste/recycling, the policy states that all waste and recycling areas should be covered/enclosed and appropriately screened from wind and public view. As the proposal is not in compliance with the guidance, the view is formed by the Planning Authority that the development results in a significant negative visual impact due to the extent and haphazard nature of the storage areas on site. In addition, the Planning Authority noted that insufficient information had also been submitted in terms of potential impacts arising from the proposed development on the amenities of the area including noise, dust and pollution. A refusal of retention permission was therefore recommended for 2 no. reasons.

### 3.2.2. Other Technical Reports

Environment: Report received noting that the planning decision should take account of the overhead high voltage ESB Networks cables running across the northern boundary of the site. Further commentary included which noted that a revised or amended facility permit application may be required.

Transportation: Report received recommending additional information with respect to following items:

- Cycle parking (4 minimum) and staff lockers to be provided for staff that cycle to work and indicated on the revised layout.
- A revised layout to be provided showing the parking relocated from the HGV manoeuvring area and a lined footpath route from the parking area to the main entrance to the building should be provided.
- Directional signage and bollards to be provided at the entrance to indicate the route to be taken by cars and by HGV's. Bollards to also be included to highlight the weighbridge area and differentiate it from the car access point/route.

Water Services: No objection to the proposed development subject to compliance with conditions.

### 3.2.3. Prescribed Bodies

Irish Water: No objection subject to compliance with a condition.

### 3.2.4. Third Party Observations

None.

## 4.0 Planning History

### 4.1. The Subject Site.

4.1.1. **F94A/0402**: Planning permission granted for the construction of detached industrial unit for waste paper processing. Condition No. 8 was included as follows:

- That the area between the building and the roads must not be used for truck parking or other storage or display purposes but must be reserved for car parking and landscaping as shown on lodged plans.

REASON: In the interest of the proper planning and development of the area.

4.1.2. The Planning Authority in their report on file have identified other permissions on the appeal site which include F95A/0663 (ESB substation), F97A/0795 (Erection of a 24m support structure to form part of the digital cellular communications network (GSM)), F03A/0160 (extension to existing waste paper warehouse) and F03A/1261 (Retention of a 24m telecommunications support structure).

## 5.0 Policy and Context

### 5.1. Fingal County Development Plan, 2023-2029 (CDP)

5.1.1. The Fingal County Development Plan, 2023-2029 (CDP) came into effect on 5<sup>th</sup> April 2023, and after the decision of the Planning Authority to refuse retention permission. Under the current Plan, the appeal site is zoned 'GE' (General Employment), the objective of which seeks to 'Provide opportunities for general enterprise and employment'. The vision for GE zoned lands is to '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'. I note that all lands within the surrounds of the

appeal site are also zoned GE.

5.1.2. Policies and objectives relevant to the subject proposal include:

- **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 EEO14** (Permeability in General Employment Lands): Encourage high quality sustainable design, permeability and pedestrian and/ or cyclist friendly environments within general employment zoned areas.
- **Objective DMSO89** (Design and Siting of Business Parks and Industrial Areas): Ensure that the design and siting of any new Business Parks and Industrial Areas, including office developments, conforms to the principles of Design Guidelines as outlined in Table 14.15.

5.1.3. In terms of 'Waste/Recycling', Table 14.15 notes that all waste and recycling areas should be covered/enclosed and appropriately screened from wind and public view.

5.1.4. As there are overhead power lines which traverse the appeal site, regard is given to Objective DMSO233 (Overhead Power Lines) of the Plan which notes that in determining applications proximate to overhead power lines, the Planning Authority will have regard to the clearance distances as recommended by the Electricity Supply Board (ESB) and other service providers:

- For development in proximity to a 10kV or a 38kV overhead line, no specific clearance is required.
- With regard to development adjacent to an 110kV overhead line, a clearance distance of 20 metres either side of the centre line or 23 metres around a pylon is recommended.
- For a 220kV overhead line, a clearance distance of 30 metres either side of the centre line or around a pylon is required.

5.1.5. Additional objectives of note include:

- **Objective DMSO1** (Screening for Appropriate Assessment): Ensure that all plans and projects in the County which could, either individually or in combination with other plans and projects, have a significant effect on a European site or sites are subject to Screening for Appropriate Assessment.
- **Objective DMSO2** (Screening for Environmental Impact Assessment): Ensure that all development projects within the County that are below the mandatory thresholds for Environmental Impact assessment, which could individually or in combination with other projects have significant effects on the environment are subject to EIA Screening.

## **5.2. Natural Heritage Designations**

- 5.2.1. The nearest designated sites are those associated with Dublin Bay and include the South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) (004024), the South Dublin Bay Special Area of Conservation SAC (000210), the North Dublin Bay SAC (000206) and the North Bull Island SPA (004006). The designated sites are located a minimum of c. 9.6km to the south-east of the appeal site. The Rye Water Valley / Carton SAC (Site Code: 001398) is also located c. 10.4km to the south-west of the site.

## **5.3. EIA Screening**

- 5.3.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. A first party appeal has been prepared and submitted on behalf of the Applicant. The submission provides a description of the site, the subject proposal and details of the established use on site. The submission then set outs the planning policy context and provides an analysis of the Planning Authority's decision. This analysis is elaborated



further in my assessment of the appeal.

6.1.2. In terms of the appellant's grounds of appeal, the submission contends that the refusal reasons cited by the Planning Authority cannot be justified as the development for retention:

- Does not result in negative visual impact on the surrounding area.
- Is well screened from wind and public view.
- Is in keeping with Development Plan zoning and policy.
- Is in keeping with the character of the surrounding area.
- Does not establish a negative precedent for similar development.
- Does not have a negative impact on amenities due to noise.
- Is subject to an approved site drainage plan.
- Does not prejudice public health.
- Does not give rise to pollution.

6.1.3. It is contended that the Planning Authority's assessment has failed to take any account of the site's continuous waste facility permitting history and has reached conclusions on matters without any apparent assessment of evidence. It has not taken the opportunity to request clarification on areas of concern, despite the established nature of the use, its consistency with the character of the surrounding area, and its compliance with the applicable zoning. Whilst the Planning Authority has areas of concern with the site, it is stated they could be easily addressed through further information and/or the use of appropriate planning conditions and the decision to refuse permission is neither appropriate nor justified.

6.1.4. In response to the items raised by the Planning Authority's Transportation Department, an updated layout and tracking analysis has been enclosed with the appeal and it is stated that the Applicant would be happy for this revised layout to be conditioned as part of any grant of planning permission. It is also noted that cycle parking and lockers are located within the building which was detailed in the application documents.

6.1.5. In support of the appeal, the Applicant has enclosed the following documentation for

the Board's consideration:

- Statement from New-Environmental regarding Appropriate Assessment Screening.
- Statement from Enviroguide confirming that the conclusions of the submitted EIA Screening Report remain valid.
- Updated layout and tracking analysis prepared by GWCE.
- A Noise Impact Assessment prepared by Enfonc Noise and Vibration Solutions.
- Correspondence from Fingal County Council.

6.1.6. The Applicant refers to the Planning Authority's preference for external storage bays to be covered, and it is stated that they have instructed the design of a bespoke covering for the existing bays. Accordingly, the following condition has been suggested that could be attached to a grant of permission for retention:

- Details of the cover/enclosure proposed for the external storage areas will be submitted to the planning authority for approval within 3 months of this decision.

## **6.2. Planning Authority Response**

The Planning Authority confirms its decision and requests the Board to uphold the decision to refuse retention permission.

## **6.3. Observations**

None.

## **6.4. Further Responses**

None.

## **7.0 Assessment**

Having examined the application details and all other documentation on file, including the reports of the Local Authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development

- Visual Impact & Amenity
- Transportation & Drainage
- Appropriate Assessment

## **7.1. Principle of Development**

- 7.1.1. The Applicant is seeking retention permission for the use of external areas associated with an existing Waste Plastics Recycling Facility for product and materials storage and pre-processing activity. As indicated earlier in this report, material storage areas are located along the northern site boundary, extending for a length of c. 100m. The appeal submission notes that waste plastic material is stored and shredded at this location, prior to processing within the building and the storage areas are open to the air and are separated by concrete walls. The processed material (product) is then stored along the western site boundary in 2 no. product storage areas, before being transferred on either for export or for use in manufacturing/industrial processes in Ireland. Upon inspecting the appeal site, it was evident that the recycling facility was not operating. The concrete bays along the northern boundary have been removed and there was no remnants of waste being stored on the site.
- 7.1.2. Under the current Plan, the appeal site is zoned 'GE' (General Employment), the objective of which seeks to 'Provide opportunities for general enterprise and employment'. In terms of the existing use on site, the appeal submission notes that the site has been operating as a waste processing facility since the 1990s, on foot of the parent permission (i.e. F94A/0402). It is stated that the original waste-paper processing activity within the site evolved to incorporate other waste materials, including timber, following confirmation from the Planning Authority in 1999 that there was "no specific user condition" applying to the premises. I note that it is not clear from the appeal documentation where this Planning Authority commentary is taken from. The appellant goes on to note that the Applicant has operated from the site since 2017 and the existing operations accept, bale and process waste plastics for re-use in manufacturing/industrial processes. It is contended that the use is in keeping with the character of the area, the Development Plan zoning, and the planning history applying to the site.

7.1.3. I note that the Planning Authority have not raised any concerns regarding the nature of the established use on site. However, they have referred to a historic condition (Condition No. 8 of Ref. F94A/0402) that applies to the site which states that the area between the building and the roads must not be used for truck parking or other storage or display purposes but must be reserved for car parking and landscaping. The Applicant is therefore seeking to regularise this aspect of the existing operations. The Planning Authority have referred in their assessment to Table 12.7 of the Fingal Development Plan (2017-2023) which provided design guidance in relation to business parks and industrial areas. Under the current Plan, similar policy is provided within Table 14.15, and under the heading of 'waste/recycling' it is stated that all waste and recycling areas should be covered/enclosed and appropriately screened from wind and public view. The Planning Authority in their response to the appeal have reiterated that the proposed development does not comply with this requirement, and it is contended that the proposed development would result in a significant negative visual impact. Other concerns raised by the Planning Authority relate to the potential for amenity impacts arising from noise, dust and pollution.

7.1.4. Having regard to the nature of the development to be retained, i.e. the storage and pre-processing of waste material for recycling, it is my view that the development to be retained is generally consistent with the pattern of development in the surrounding area and is fully compatible with the relevant zoning objective. However, the issue that needs to be ascertained is whether the proposed development is acceptable on the site, taking into consideration the various concerns raised by the Planning Authority and the relevant policy provisions of the current Plan. The following sections of this report will discuss these matters in further detail.

## **7.2. Visual Impact & Amenity**

7.2.1. Within their assessment of the application, the Planning Authority noted that the Applicant had not provided any information as to why the storage of materials cannot take place within the existing warehouse and it was considered the development will result in a significant negative visual impact due to the extent and haphazard nature

of the storage areas on site. In this regard, it was considered that the development failed to comply with the Plan's guidance (i.e. Table 14.15) and was therefore unacceptable. This was largely due to the fact that the various storage areas were not enclosed.

7.2.2. In response, it is contended within the appeal submission that the Planning Authority have failed to take account of the fact that the site is very well screened by mature boundary planting and the storage areas are therefore not readily visible from the public realm. In terms of the relevant policy of the current Plan, the submission notes that the guidelines contained within the Plan (i.e. Table 14.15) relate to the development of new business parks and industrial areas. It is stated that Rosemount Business Park is not a new development, and the use of the site in question, including its external areas, is very well-established. Irrespective of the appellant's view, Section 14.15.1 (Business Parks and Industrial Areas) is clear insofar as its principal aim is to achieve high quality design, visual continuity and pedestrian/cycle friendly environments, whilst ensuring the functioning of business and industrial locations. The policy also notes that good design will assist in the long-term economic viability of these areas. Whilst Objective DMSO89 of the Plan refers to new Business Parks and Industrial Areas, it is reasonable to conclude that the policy is also directly applicable development proposals within established business parks/industrial areas. In addition, it is set out within the vision for GE zoned lands and Policy EEP2 for all developments within these areas to be well designed.

7.2.3. Having inspected the appeal site and surrounds, it was evident that the existing storage areas within the site are screened to a degree from public view by the existing perimeter vegetation along the western and northern site boundaries. Notwithstanding this, I would share the Planning Authority's concerns regarding the haphazard nature of the storage areas and in my view, it is not appropriate to rely on landscaping to fully mitigate the proposal's potential visual impact. Whilst the screening is currently effective, I note that its longevity cannot be guaranteed. When inspecting the appeal site, it was evident that a large number of trees were damaged and in a poor condition. Although all the waste had been removed from site, there is a potential that the

damage was caused by the placement of the waste in close proximity to the permitter vegetation. In addition, the proposal as it stands would afford the storage areas little protection from wind. In its current form, the development fails to accord with the relevant policy provisions of the current Plan, and I have concerns that its retention would set an undesirable precedent for similar development in the surrounding area.

- 7.2.4. Nonetheless, the appeal submission has sought to address the Planning Authority's concerns and it is confirmed that the Applicant has instructed the design of a bespoke covering for the existing bays. In addition, the submission has suggested the wording for a potential condition which would require the details of same to be agreed with the Planning Authority within a specified time period. Whilst the Board may consider this to be an appropriate solution, I note that storage bays cover an extensive area of the site (i.e. distance of c. 100m along the northern boundary and a portion of the site adjacent to the western boundary), and a structure to cover the entirety of the area could not be deemed to be insignificant. There are no details as to how tall these structures would need to be, nor have any indicative proposals for the cover/enclosure accompanied the submission. In addition, the potential impact of a structure of this nature on the existing boundary vegetation remains unclear. Notwithstanding the lack of sensitive residential interfaces, it is not appropriate in my view for structures of this nature and potential scale to be agreed by way of condition and should therefore be subject to the normal application process. Whilst I am generally satisfied that the enclosure of the storage areas would be an acceptable solution and would accord with the current Plan policy, the inclusion of a condition of this ilk would render the current development materially different. In my view, this could have reasonably been dealt with by way of significant further information during the application process. However, as noted above, addressing this issue by way of condition in the absence of public notification is not appropriate course of action to take. In this regard, the development to be retained fails to comply with Objective DMSO89 of the current Plan, would set an undesirable precedent for similar development in Business Parks and Industrial Areas and would therefore be contrary to the proper planning and sustainable development of the area. For this reason, the development to be retained should be refused permission.

7.2.5. In their assessment, the Planning Authority noted that no information had been provided regarding the level of noise which would arise from the development. In addition, impacts on air quality associated with dust from activities on site had not been addressed, particularly the shredding process and the storage of material outdoors. This was then cited as an issue in the second reason for refusal. The appeal submission contents that the Planning Authority's position on this matter was not based on any assessment of the noise environment of site and surrounding area, and the Council had not requested any detail relating to same. As part of the appeal, the Applicant has now enclosed a Noise Impact Assessment that was submitted with the most recent Waste Facility Permit. Section 3 of the Noise Impact Assessment indicated that noise levels were monitored at 2 no. locations close to the site boundary (Appendix B) and it was noted that the most dominant source of noise from the site was from the shredder unit. Measurements were taken with and without the site operating and the assessment stated that switching the site sources on and off (i.e. including the shredder machine) had no discernible effect on the measured noise levels. It goes on to note that there is in fact no practical way to assess the specific site noise as it was dominated by other sources in the industrial estate (other than switching off all other noise sources). Therefore, this infers the following:

- The current license condition is not fit for the purpose of assessing or controlling the noise impact from this site,
- The noise to have any impact must have a receiver i.e. a Noise Sensitive Location, of which there are none,
- The overall noise impact of the site is undetectable given the dominance of other sources in the vicinity.

Having regard to the information contained within the Applicant's Noise Impact Assessment, the nature of the existing development, the lack of sensitive uses within the surrounds and the prevailing pattern of development in the surrounding area, which predominantly comprises similar industrial uses, I am satisfied that the ongoing operation of the existing development would not result in undue noise impacts and is therefore acceptable in principle.

7.2.6. In terms of impacts on air quality, I note that the Applicant originally submitted an Environmental Impact Assessment (EIA) Screening report which was associated their application for the renewal of the Waste Facility Permit for the existing operations. The report notes that during the Operational Phase, noise and dust monitoring are carried out and complied with as part of any permit granted by the Local Authority. It is stated that this ensures that levels do not exceed those which are set out in the permit or cause potential nuisances in the area. In addition, the potential for any noise, vibration or dust related pollution and nuisances are mitigated against by an environmental management system (EMS). The EMS details operational procedures to be followed for material movement and processing to ensure that the activities on-site do not give rise to environmental nuisances at any stage. It is stated that housekeeping checks are maintained by the Facility Manager in accordance with conditions set by the Local Authority. In addition, large hedgerows trees surround the northern and western site boundary, further mitigating against any potential noise/dust pollution that may arise as a result of recycling activities. The report goes on to note that the facility does not give rise to odours as it operates as a waste transfer and baling facility for plastic waste only, which is non putrescible and therefore does not cause odours (originating from recycling centres, waste sorting companies and manufacturing waste). I note that the Applicant's consultant has also undertaken a review of the Proposed Development against the 2020 EIA Screening Report (Appendix G of appeal submission). It is stated within this review that there have been no material changes to the development, legislation, guidance, methodology and baseline Proposed Development since the 2020 EIA Screening Report and it is considered that the conclusions of the 2020 EIA Screening Report remains valid, and there is no requirement for an EIAR for this development. Given the nature of the operations, the prevailing pattern of development in the surrounding area and given the existing operations are subject to a Waste Facility Permit, I am satisfied that the development is generally acceptable, and it would not give rise to adverse impacts on the amenities of the surrounding area.

### **7.3. Transportation & Drainage**

7.3.1. As part of the proposed development, the Applicant is seeking permission to retain a total of 8 no, visitor car parking spaces which are located to the immediate west of the



existing waste processing facility. At application stage, the Planning Authority's Transportation Department in their report on file recommended the Applicant to submit a revised layout which relocated the parking spaces from the HGV manoeuvring area and a lined footpath route from the parking area to the building's main entrance identified. In addition, the Applicant was requested to provide cycle parking, staff lockers and directional signage and bollards to be provided at the entrance to indicate the route to be taken by cars and by HGV's. The appeal submission refers to the assessment on the manoeuvring of vehicles and HGVs that accompanied the application to demonstrate that the proposed car parking area is sufficiently segregated from the reversing manoeuvre of HGVs. Notwithstanding this, the Applicant has enclosed an updated layout and tracking analysis with the appeal in response to Planning Authority's commentary. Having examined the amended plans (Drawing Nos. G1387-01 & G1387-02), it is evident that a number of spaces within the site have now been relocated and 2 no. spaces appear to have been omitted. The revised layout plan demarcates the pedestrian path and ensures that all spaces are located outside the HGV manoeuvring area. The submission also confirms that cycle parking and lockers are currently provided on site and within the existing waste processing facility. Overall, I am satisfied that the Applicant's proposals are now acceptable and would satisfy the concerns raised by the Planning Authority with respect to this element of the development. Should the Board be minded to grant permission, I recommend the inclusion of a condition which would require the Applicant to comply with the amended layout plans (i.e. Drawing Nos. G1387-01 & G1387-02).

- 7.3.2. I note that the Planning Authority had raised some concerns with the respect to the development's surface water drainage strategy, with this being cited as an issue in the second reason for refusal. Appendix D of the appeal submission includes a Site Drainage Plan. This identifies the site's surface water drainage network which discharges to the storm sewer network adjacent to the site's entrance on the public road. A surface water interceptor has also been provided on the submitted plans. The appeal submission confirms that the site is subject to detailed conditions controlling surface water management as part of its Waste Facility Permit and there is an

approved Site Drainage Plan in place under the site's Waste Facility Permit (Appendix D). Under the terms of its Waste Facility Permit, it is stated that the site must ensure that all surface water is captured within an enclosed drainage system with no flows onto the public road or adjoining properties, and no process water discharging to the sewer network. The submission also notes that:

- The existing system which has recently been upgraded to include the provision of extra sumps around the external perimeter of the site, with pumps to ensure that all surface water is contained within the enclosed drains.
- A number of drains to the south of the site have been excavated and replaced due to age and corrosion.
- A shut off valve has been integrated into the drainage system prior to its entry to a 3-stage interceptor, in accordance with the Waste Facility Permit.
- The interceptor has recently been serviced and cleaned extensively to ensure that is operating to optimal levels.
- All process water for the recycling plant is contained within a closed system where the water is recirculated around the system through a series of sumps and pumps. Process water is tankered off site on a weekly basis by a licensed contractor for disposal in a water treatment facility.

7.3.3. Having regard to the foregoing, it is evident that the existing facility has a robust surface drainage water strategy. I also note that the Planning Authority's Water Services Department has raised no concerns with respect to the proposed development and recommended suitable conditions in the event of a grant of planning permission. Should the Board be minded to grant permission to retain the development, I recommend the inclusion of a condition requiring the drainage arrangements, including the disposal of surface water, to comply with the requirements of the Planning Authority for such works and services. The Applicant would also need to submit drainage proposals for any enclosures associated with the storage areas should their inclusion be deemed necessary by the Board.

#### **7.4. Appropriate Assessment – Screening Determination**

7.4.1. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as

amended) and on the basis of objective information I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000, as amended) is not required.

7.4.2. This conclusion is based on:

- Objective information presented in the Screening Report associated with the operations Waste Facility Permit.
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.
- Distance from European Sites.
- The absence of meaningful pathway to any European site.
- Impacts predicted would not affect the conservation objectives.

7.4.3. I note that no measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

## **8.0 Recommendation**

I recommend that the planning application be refused for the following reasons and considerations.

## **9.0 Reasons and Considerations**

1. The proposed development, for which retention permission is sought, fails to accord with Table 14.5 of the Fingal Development Plan 2023-2029 which stipulates that 'all waste and recycling areas should be covered/enclosed and appropriately screened from wind and public view'. Given the haphazard nature of the development, the works are considered to be contrary to Objective DMSO89 of the Plan, which seeks to 'Ensure that the design and siting of any

new Business Parks and Industrial Areas, including office developments, conforms to the principles of Design Guidelines as outlined in Table 14.15.' The development to be retained would result a significant negative visual impact on the surrounding area, would set an undesirable precedent for similar development in Business Parks and Industrial Areas and would therefore be contrary to the proper planning and sustainable development of the area.

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.

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Enda Duignan  
Planning Inspector

27/05/2024

**Appendix 1 - Form 1**  
**EIA Pre-Screening**  
**[EIAR not submitted]**

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-316916-23		
<b>Proposed Development</b> <b>Summary</b>	Retention: Waste plastics recycling facility for product and materials storage and pre-processing activity and all associated ancillary development.		
<b>Development Address</b>	Unit 8A, Rosemount Business Park, Ballycoolin Road, Dublin 11, D11 W024.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	Yes
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			

		Threshold	Comment (if relevant)	Conclusion
No				No EIAR or Preliminary Examination required
Yes	X	Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule	Class 11(b)	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: \_\_\_\_\_

Date: 27<sup>th</sup> May 2024

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-316916-23	
<b>Proposed Development Summary</b>	Retention: Waste plastics recycling facility for product and materials storage and pre-processing activity and all associated ancillary development.	
<b>Development Address</b>	Unit 8A, Rosemount Business Park, Ballycoolin Road, Dublin 11, D11 W024.	
<p><b>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</b></p>		
•	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<ul style="list-style-type: none"> <li>• <b>Nature of the Development</b></li> <li>• Is the nature of the proposed development exceptional in the context of the existing environment?</li> </ul>	<p>The development seeks retention permission for the use of the external area of the existing Waste Plastics Recycling Facility at the site for product and materials storage and pre-processing activity which includes the shredding of plastic waste. It is understood that the existing facility has a Waste Facility Permit and the proposal seeks to regularise this aspect of the development. The appeals site is located in an established industrial area which is characterised by a range of similar uses and the development could not be described as being exceptional in the context of the existing environment.</p>	No
<ul style="list-style-type: none"> <li>• Will the development result</li> </ul>	<p>No, the development seeks permission to regularise the storage and pre-processing of plastic waste</p>	No

in the production of any significant waste, emissions or pollutants?	associated with an existing waste processing facility. The development will not result in the production of any significant waste, emissions or pollutants. Further analysis with respect to emissions is detailed in Section 7 of this report.	
<ul style="list-style-type: none"> <li>• <b>Size of the Development</b></li> <li>• Is the size of the proposed development exceptional in the context of the existing environment?</li> <li>• Are there significant cumulative considerations having regard to other existing and/or permitted projects?</li> </ul>	<p>The proposal relates to a relatively small area of the site along the northern and western site boundaries and its size is therefore not exceptional in the context of the existing environment.</p> <p>The Applicant originally submitted an Environmental Impact Assessment (EIA) Screening report which was associated their application for the renewal of the Waste Facility Permit for the existing operations. This report examined plans and projects that could have the potential to result in cumulative impacts at Rosemount Business Park and concluded that there will be no likely significant effects on the environment, considered in-combination with other developments in the area such as the above, during operations of the facility. Enviroguide Consulting have also undertaken a review of the Proposed Development against the 2020 EIA Screening Report (Appendix G of appeal submission). It is stated here have been no material changes to the Proposed Development, legislation, guidance, methodology and baseline of the development since the 2020 EIA Screening Report and it is considered that the conclusions of the 2020 EIA Screening Report remains valid, and there is no requirement for an EIAR for this development. Having examined more recent permissions in the area, it is evident that there are no significant cumulative considerations.</p>	<p>No</p> <p>No</p>
<ul style="list-style-type: none"> <li>• <b>Location of the Development</b></li> <li>• Is the proposed development</li> </ul>	No designations apply to the subject site.	No



<p>located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <ul style="list-style-type: none"> <li>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</li> </ul>	<p>The development is connected to the public wastewater services.</p>	<p>No</p>
<p>• <b>Conclusion</b></p>		
<ul style="list-style-type: none"> <li><b>There is no real likelihood of significant effects on the environment.</b></li> <li>EIA not required.</li> </ul>		

Inspector: \_\_\_\_\_

Date: 27<sup>th</sup> May 2024

DP/ADP: \_\_\_\_\_

Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Appendix 2

### Screening for Appropriate Assessment

#### Screening Determination

##### Step 1: Description of the project

I have considered the proposed residential development, in light of the requirements of S177U of the Planning and Development Act 2000 as amended. An Appropriate Assessment Screening Report was originally submitted with the application. This report was prepared in 2020 in support of an application for the renewal of a Waste Facility Permit and was prepared by Neo Environmental. In support of the appeal (Appendix F), the Applicant submitted an ecological statement on the conclusions of the Appropriate Assessment report undertaken in 2020. These documents have been prepared on behalf of the Applicant and the objective information presented informs the screening determination.

The address of the appeal site is Unit 8A, Rosemount Business Park, Ballycoolin Road, Dublin 11. The site has a stated area of c. 0.98ha. and is currently in use as a waste processing/recycling facility. Rosemount Business Park is an established business park which is characterised by variety of light industrial/commercial/logistics uses. The nearest designated sites are those associated with Dublin Bay and include the South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) (004024), the South Dublin Bay Special Area of Conservation SAC (000210), the North Dublin Bay SAC (000206), the North Bull Island SPA (004006) and the North-West Irish Sea SPA (004236). The designated sites are located a minimum of c. 9.6km to the south-east of the appeal site. The Rye Water Valley / Carton SAC (Site Code: 001398) is also located c. 10.4km to the south-west of the site.

The site comprises entirely of a building and hard standing of roads, footpaths, with no habitats present on the site.

I have provided a detailed description of the site location and its surrounding context in section 1 of my report, while the development is described in detail in section 2. Detailed specifications of the proposed development are provided in the AA Screening Report and in other planning documents provided by the applicant.

In summary, the development seeks retention permission for the use of the external area of the existing Waste Plastics Recycling Facility at the site for product and materials storage and pre-processing activity which includes the shredding of plastic waste.

No submissions were received in respect of the proposed development from prescribed bodies.

## **Step 2: Potential impact mechanisms from the project**

The proposed development would not result in any direct effects such as habitat loss on any European site.

The original AA Screening report concluded that no connectivity whether hydrological, ecological or ornithological (i.e., potential pathways for impact) exists between the Application Site and any Natura 2000 Sites. It was stated that the Application Site comprises built structures, hardstanding and a boundary hedgerow (i.e. none of the relevant Annex I habitats) and is unlikely to support any of the Annex II species or assemblages listed above. Furthermore, the Application Site is wholly isolated within Ballycoolin by extensive built form and hardstanding. There is no hydrological connectivity with any of the Natura 2000 sites. There is no discharge associated with the works. As there is no connectivity, there is no potential for significant impacts. Appendix F of the appeal submission also notes that since the production of the 2020 report, there have been no changes to the proposed development, and therefore it can be concluded that the impacts would remain the same. In addition, it is noted that the habitat composition remains the same, comprising built structures, hardstanding and a boundary hedgerow. Therefore, there remains to be no suitability for qualifying species, or change in anticipated connectivity. It is therefore concluded that there will be no changes to the conclusions of the AA Screening report.

## **Steps 3 & 4: European Sites at risk from impacts of the proposed project and likely significant effects on the European site(s) 'alone'**

The applicant has included 10 European sites in the Screening Report, all of which are located partially or entirely within 15km of the development site. There is no ecological justification for the inclusion of many of those sites. The submitted AA Screening Report did not consider the North-West Irish Sea SPA (004236) because it was designated after the screening report was prepared. The qualifying interests for the SPA are 21 species of seabirds. Having reviewed the Conservation Objectives for the North-West Irish Sea SPA in light of the separation distance of c. 15km across the built up urban area, the size and brownfield nature of the development site, which does not present a suitable environment for breeding and/or foraging seabirds and the nature and scale of the potential impacts from the development, I am satisfied that the proposed development would not have the potential for significant impacts on the qualifying interests of the SPA.

In the absence of connectivity with any of the 10 Natura 2000 designated sites, I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying feature(s) of the relevant European sites. I further conclude that the development proposed development would have no likely significant effect 'alone' on any qualifying feature(s) of any other European sites, such that it would undermine the conservation objectives of that qualifying interest.

**Step 5: Where relevant, likely significant effects on the European site(s) ‘in-combination with other plans and projects’**

The development of the business park is catered for through land use planning, including the Fingal County Development Plan, 2023-2029 covering the location of the application site. This has been subject to AA by the Planning Authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I note also the development is located on GE zoned lands in a heavily urbanised area. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water.

Section 7 of the applicant’s Screening Report considered ‘Cumulative Impacts’ and States that cumulative impacts can be an issue when proposals have a small impact on Natura 2000 sites. If other proposals also have a small impact, the combined result can have a significant impact on the Natura site. However, it is stated that the Proposed Development will have no effects for any Natura 2000 site. It is therefore confirmed within the report that no cumulative effects will occur for any Natura 2000 sites from the proposed development. The Screening Report does not refer to any specific permitted developments. However, applications of note within the surrounds of the site, include:

ABP-316027-23: Application currently under consideration for the proposed increase of waste intake from 270,000 to 450,000 tonnes per year and associated works at an existing waste facility at Millenium Business Park, Cappagh Road, Dublin 11.

FW22A/0168 (ABP-314884-22): Permission granted for development which will consist of modifications to permission Ref. FW17A/0167 (for demolition of existing warehouse and construction of 3 no. data centres and associated works) and permission Ref. FW18A/0114 (Amendments to the permitted 3 no. data centres and associated works). the proposed modifications will relate to the first phase of the permitted development which encompasses Building No. 1, Energy Centre No. 1, the main site entrance, internal access roads, ancillary infrastructure, 35 no. car parking spaces and 24 no. bicycle spaces.

ABP-307296-20: Permission granted for the construction of a 2 storey 110kV Gas Insulated Switchgear (GIS) substation, underground cable and all associated and ancillary site works.

Whilst the Screening Report has failed to mention a number of significant permitted development within the site surrounds, these mainly relate to other industrial/commercial developments and would be subject to the similar construction management and drainage arrangements as the subject proposal (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites).

Therefore, I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s). No further assessment is required for the project.

### **Overall Conclusion - Screening Determination**

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000, as amended) is not required.

This conclusion is based on:

Objective information presented in the Screening Report & Ecological Statement.

The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.

Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.

Distance from European Sites.

The absence of meaningful pathway to any European site

Impacts predicted would not affect the conservation objectives.

I note that no measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.