An Bord Pleanála

Inspector's Report
ABP-318683-23

Development	Demolition of all existing waste processing buildings on site and construction of a new modernised multi-processing facility.
Location	Panda Waste, Ballymount Road Upper, Ballymount, Dublin 24
Planning Authority	South Dublin County Council
Applicant(s)	Starrus Eco Holdings Limited
Type of Application	Section 37E
Observers	TII EPA
Date of Site Inspection	11th June 2024
Inspector	Alaine Clarke

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1.0 Introduction

1.1. Pre-application Consultation

1.1.1. An application under the provisions of Section 37B of the Planning and Development Act, 2000, as amended, was received by An Bord Pleanála from Starrus Eco Holdings Ltd for the demolition of a material recovery facility, and the construction of a new materials recovery facility (MRF) and increasing the annual waste intake from 150,000 tonnes to 350,000 tonnes per year and associated infrastructure.

1.1.2. One pre-application meeting was held between the prospective applicant and the Board's representatives on 14th February 2023 (ABP ref. 315276-22). The prospective applicant outlined their case in support of their view that the proposed development constituted SID. The details of the meeting are set out in the written record contained on the Board's file. The Board determined that the proposed development would be strategic infrastructure development within the meaning of section 37A of the Planning and Development Act, as amended, and that any application for permission for the proposed development must therefore be made directly to An Bord Pleanála under section 37E of the Act.

2.0 Site Location and Description

2.1. The existing facility is located at Ballymount Industrial Estate, Dublin 24 on a site measuring c. 1.18ha. The site is located to the east of the M50 and south of the Naas Road R110 and is accessed via the Ballymount Road Upper which runs along the south-western boundary.

2.2. There is an existing waste transfer building, comprising two adjoining units, a two-storey office block, two weighbridges, portacabins, fuel tank, truck wash, paved and parking areas. There is an open construction and demolition (C&D) waste storage bay to the north and a timber storage bay to the east of the processing buildings. A palisade fence runs along the south-eastern, northern and western boundary, with a block wall along the north-eastern boundary. The site is generally flat and slopes gradually from south-east to north-west.

2.3. The land use surrounding the site is predominantly commercial and industrial. The closest large residential area is c.440 m to the west, with the closest individual

private residence approximately 40m from the eastern boundary. The lands to the east and north-east are under construction for a development comprising 5 warehouse/logistics units, 3 office buildings and a café/restaurant.

2.4. The existing facility operates under an Industrial Emissions (IE) licence issued by the EPA, Reg. no. W0039-02. The facility has permission to accept and process 150,000 tonnes of non-hazardous, mixed municipal waste (dry commercial and domestic and commercial black bin), source segregated biodegradable waste (brown bin – commercial and domestic), mixed construction & demolition waste and wood. It is authorised to operate 24 hours a day, 7 days a week.

2.5. Ferrous, non-ferrous, wood and bulky waste are segregated from the incoming materials using a loading shovel and manually picked and stored in the building for onward movement. The remaining mixed waste is then bulked up and sent to other authorised waste management facilities for further processing or disposal facilities. Recovered materials are stored inside and outside the buildings in accordance with a Materials and Waste Storage Plan agreed with the EPA. The wastes stored inside the buildings include unprocessed and processed materials. The wastes stored outside are tyres, hard plastic, metal, glass, green waste, and timber.

2.6. The site is serviced with existing connections to mains water and municipal foul water. Rainwater run-off from the roofs and majority of the paved yards discharges to the Uisce Éireann storm sewer via grit trap and oil interceptor. There is no flow attenuation on the rainfall run-off to the storm sewer.

3.0 **Proposed Development**

3.1. The proposed development will involve the construction and operation of a Materials Recovery Facility which will accept and process up to 350,000 tpa of waste material, to include:

- Commercial and Domestic Dry Mixed Recyclables;
- Commercial and Domestic Mixed Residual Waste-Black Bin;
- Commercial and Domestic Source Segregated Biodegradable Waste -Brown Bin;
- Source Segregated Commercial Dry Recyclables, and

- Mixed Construction & Demolition Waste.

3.2. A description of the proposed development is set out in Chapter 3 of the EIAR and consist of the following:

- The demolition of the office building (612m2) and waste transfer building (1648m2);
- The removal of the portacabins, truck wash and external storage bays;
- The relocation of the weighbridges;
- The relocation of the vehicle entrance;
- The removal of identified trees along the line of new site entrance, the western boundary and along the northern boundary.
- The construction of a new MRF (4,710m2), which will have roof mounted solar panels (c. 4,351m2) and an odour control unit;
- The provision of a SuDs based storm water drainage system that maximises infiltration to ground, while complying with EPA requirements on firewater retention;
- Provision of a noise barrier along the south-eastern boundary; and,
- Provision of an electrical substation.

3.3. The MRF will operate 24 hours a day, 7 days a week and there will be approximately 24 full time staff comprising management, administration and general operatives.

3.4. Construction is expected to take 14 months. The normal working hours will be 07:00 to 19:00 Monday to Friday (excluding bank holidays) and 08:00 to 14:00 Saturdays. Works will not be carried out on Sundays and Public Holidays.

3.5. It is intended that the proposed development will provide an increase in capacity to cater for immediate and future expected requirements within South Dublin and surrounding area.

3.6. The site will continue to be accessed directly from the Ballymount Road Upper via a new entrance. The wastes will be delivered by waste collectors, typically in kerb side waste collection vehicles and rigid body vehicles that have up to date Waste Collection Permits and wastes will not be accepted from members of the public.

3.7. Water will be obtained from Uisce Eireann water main via a connection at the Ballymount Road Upper. The mains supply will be augmented by rainwater harvesting, with the water used as grey water in the welfare facilities. The wastewater from the entire development will fall by gravity and connect into an existing Uisce Eireann 225mm diameter wastewater sewer located on Ballymount Road Upper.

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

4.0 Planning History & Licence Details

On site

- ABP 315276-22 The Board decided that the proposed waste development of an increase in annual intake of waste by 200,000 tonnes to a total annual waste intake of 350,000 constitutes strategic infrastructure development.
- SD20A/0076 Permission granted for the installation of roof mounted solar panels.
- S98A/0288 Permission granted to build a two-storey extension to the existing office.
- S96A/0282 Permission was granted in 1996 for alterations to previously approved office accommodation to waste handling facility.
- S94A/0203 Permission granted for the up-grade of the waste handling facility.
- YA/1638 Permission granted in 1984 for retention of use of the site as a transfer station.

Adjacent/Nearby:

- SD23A/0179 Permission granted for the construction of 3 no. enterprise / light industrial / wholesale outlet unit including offices, car parking, substation and landscaping.

- SD22A/0099 Permission granted for the construction of 5 warehouse/logistics units immediately east of subject site.
- SD23A/0127 Permission granted for alterations to permitted SD22A/0099.
- ABP-316828-23 Tallaght/Clondalkin to City Centre Bus Connect Core Bus Corridor Scheme (c. 500m from the site)

EPA IE Licence W0039-02

The Environmental Protection Agency issued a licence to IPODEC Ireland Limited in 2000. Licence Reg No W0039-02 was transferred to Nurendale Limited trading as Panda Waste Services in 2012. The Licence was transferred to Starrus Eco Holdings Limited in 2018. Conditions include:

- Condition 5.4: The quantity of waste to be accepted at the facility shall not exceed 150,000 tonnes.
- Condition 5.11.1 Waste may be accepted 24 hours a day, 7 days a week. Condition 5.11.2 Waste which is received at night-time, following its acceptance, shall only be deposited on the floor of the Transfer Station. Unless agreed otherwise by the Agency, cardboard baling and transferring of waste from the floor of the Transfer Station (unless it is unacceptable waste) or any other waste handling or processing shall be restricted to daytime hours.

5.0 Policy Context

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

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

5.1.2. The Waste Action Plan for a Circular Economy sets out a range of aims and targets for the State and the measures by which these will be achieved, including increased regulation and measures across various waste areas such as Circular Economy,

Municipal Waste, Consumer Protection and Citizen Engagement, Plastics and Packaging, Construction and Demolition, Textiles, Green Public Procurement and Waste Enforcement.

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

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

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

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

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

5.2. **Climate Action Plan 2024**

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

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

5.2.3. The GHG emissions from waste come from waste treatment and are reported under the waste sector. These are predominantly methane emissions as a result of

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

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

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

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

5.3.2. 16 ‘focus areas’ are identified, a number of which relate to infrastructure and each of which set out ‘target policies’ are relevant. Relevant policies include:

- TP11.1: The development or enhancement of existing or new infrastructure or initiatives will be subject to the application of the waste hierarchy and the waste facility siting guidance for all new infrastructure.
- TP11.2: Enhance national self-sufficiency with the development of sustainable waste management infrastructure where feasible and viable.
- TP11.3: Ensure that future authorisations of waste infrastructure take account of the authorised and available capacity in the market.
- TP11.4:… expedite the consenting processes for new or modified infrastructure and operations..

- TP13.1: Support the development of pre-treatment (for recycling), reprocessing and recycling capacity where technically, economically and environmentally practicable in line with the proximity principle.
- TP14.1 Support the development of pre-treatment capacity for recovery where technically, economically and environmentally practicable in line with the proximity principle.

5.3.3. The appendices include a glossary of terms. Of note: “material recovery facility (MRF): Facilities where recyclables are sorted into specific categories and processed, or further transported to processors for remanufacturing.” Appendix 9 further clarifies that MRFs are “facilities that separate, process and store dry recyclable materials, which have been collected separately.”

5.3.4. Appendix 9, Volume IV, is titled ‘Guidance for Siting Waste Management Facilities’, section 1.4 of which states this guidance does not apply to new waste facilities lodged prior to 1st January 2024, nor does it apply to applications for revisions to existing waste facility permission where there are no alterations to the boundary of the site/change of use/or extended site footprint. Appendix 9 contains Appendix A - Facility Siting Setback and Location Distances, and Appendix B – National Waste Plan Policies and Actions and refers to a number of specific targeted policies including TP11-1 to TP11-4 referenced above.

5.4. National Planning Framework (NPF)

5.4.1. One of the shared goals of the National Planning Framework is the sustainable management of water, waste and other environmental resources. The capacity to create beneficial uses from products previously considered as waste, creating circular economic benefits, is recognised. One of the key future growth enablers for Dublin includes improving sustainability in terms of energy, waste and water, to include district heating and water conservation. National Policy Objective 56 states:

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

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

5.5.1. Under Section 10.4 Waste Management:

RPO 10.25: Development plans shall identify how waste will be reduced, in line with the principles of the circular economy….and shall promote the inclusion in developments of adequate and easily accessible storage space that supports the separate collection of dry recyclables and food and shall take account of the requirements of the Eastern and Midlands Region Waste Management Plan.

5.6. Development Plan – South Dublin County Development Plan 2022-2028

5.6.1. The operative development plan is the South Dublin County Development Plan 2022-2028. The site is located in an area that is subject to the zoning designation 'EE' (Enterprise/Employment). The objective of this zoning category is to 'To provide for enterprise and employment-related uses'. 'Recycling Facility' and 'Refuse Transfer Station' are permitted in principle under this zoning objective.

5.6.2. Section 2.6 sets out the Core Strategy, and the following policy and objectives are relevant:

- Policy CS2: City Edge Regeneration Lands – Deliver a development framework for the regeneration of the City Edge lands in conjunction with Dublin City Council which underpins the strategic aims of the NPF and RSES.
- CS2 Objective 1 – prepare a LAP or other mechanism for zoned Regeneration lands and other lands at Naas Road/Ballymount as defined by the City Edge Project boundary.
- CS7 Objective 2: To promote and support the regeneration of underutilised industrial areas designated with the regeneration Zoning Objective 'REGEN'…

5.6.3. Chapter 4 deals with green infrastructure. GI5 Objective 4 is to require developers to demonstrate compliance with Green Factor Scoring Requirement.

5.6.4. Chapter 9 deals with 'Economic Development and Employment'. It is an overarching policy EDE1 to support sustainable enterprise and employment growth in South Dublin County recognizing the County's role in the Dublin region as a driver of economic growth.

5.6.5. Chapter 11 deals with 'Infrastructure and Environment Services'. Section 11.6 deals with waste management. Policy IE7, Waste Management, seeks to "implement European Union, National and Regional waste and related environmental policy, legislation, guidance and codes of practice to improve management of material resources and wastes". The following objectives are relevant:

- IE7 Objective 1 - To encourage a just transition from a waste management economy to a green circular economy to enhance employment and increase the value, recovery and recirculation of resources…
- IE7 Objective 2 - To support the implementation of the Eastern Midlands Region Waste Management Plan 2015-2021 or as amended…
- IE7 Objective 3 - To provide for, promote and facilitate high quality sustainable waste recovery and disposal infrastructure / technology in keeping with the EU waste hierarchy and to adequately cater for a growing residential population and business sector.
- IE7 Objective 9 - To support the development of indigenous capacity for the treatment of non-hazardous and hazardous wastes where technically, economically and environmentally practicable….

5.6.6. Chapter 12 deals with 'Implementation and Monitoring', section 12.9 deals with Economic Development and Employment. Table 12.27 sets out the key principles for development within enterprise and employment zones, and deals with Access and Movement, Open Space and Landscape, Green Infrastructure, Built Form and Corporate Identity. Section 12.11.3 Waste Management and states that:

- In assessing waste recovery and waste disposal facilities proposals, regard will be had to the Eastern-Midlands Region Waste Management Plan (2015-2021) or any superseding document other relevant planning documents.
- the objectives of the Waste Management Plan are deemed to be included in the Development Plan.
- The provision of waste recovery facilities, pre–treatment infrastructure and development of indigenous secondary waste processing, including Material Recovery Facilities (MRF) and Waste Transfer Stations will be facilitated at appropriate locations within the County.

- to prevent an excessive concentration, no new facilities will be permitted inside the M50.
- Facilities will only be permitted where they do not materially detract from the Land Use Zoning Objective and are at a scale appropriate to their surrounding environment and adjoining amenities.
- In the event of a conflict arising between an objective in the Regional Waste Plan and that of the County Development Plan, the Waste Plan objective takes precedence, and a planning decision may be made on that basis.
- Considerations such as AA Screening, SuDs and others, including that in general, new waste disposal facility or Refuse Transfer Station shall be located within 200 metres of a residence.

5.7. City Edge Strategic Framework Plan

5.7.1. The City Edge Strategic Framework Plan is a non-statutory Strategic Framework Plan that has been prepared jointly between South Dublin County Council and Dublin City Council. The City Edge Framework Plan seeks to replace a substantial amount of existing industrial development, including waste processing units, with large numbers of housing units. One of the guiding principles of the City Edge Framework Plan is compact growth and consolidation.

5.8. Natural Heritage Designations

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

- Grand Canal pNHA (Site Code 002104) (c. 2km North)
- Dodder Valley pNHA (Site Code 000991) (c. 2.9km South)
- Lugmore Glen pNHA (Site Code 001212) (c. 5.7km South-west)
- Glenasmole Valley SAC (Site Code 001209) (c. 6km South)
- Wicklow SAC (Site Code 002122) (c. 9.3km South-east)
- South Dublin Bay SAC (Site Code 00210) (c. 10km East)
- Rye Water Valley/ Carton SAC (Site Code 001398) (c. 10.6km South-east)

- North Dublin Bay SAC (Site Code 000206) (c. 12.7km North-east)
- Wicklow Mountains SPA (Site Code 004040) (c. 9km South-east)
- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) (c. 9.9km East)
- North Bull Island SPA (Site Code 004006) (c. 13km North-east)
- North-West Irish Sea SPA (Site Code004236) (c. 14.2km North-east)

5.9. Consultations

5.9.1. Appendix A, attached to the Application Form, includes details on the pre-application consultation undertaken in respect of the proposed development with An Bord Pleanála.

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

- Minister for Housing, Loal Government & Heritage
- Minister for Environment, Climate Action 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
- EPA
- The Heritage Council
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Irish Aviation Authority

- Health Service Executive

Responses were received from South Dublin County Council, TII and the EPA. TII indicated that it had no comment to make. The observations of SDCC and the EPA are summarised below.

5.9.3. **Prescribed Bodies**

5.9.4. South Dublin County Council (SDCC)

The key points are:

- Sets out the context, statutory process, relevant legislation and guidelines in Section A. In Section B, the report sets out the site description, zoning, reports received, details of pre-application consultation held with SDCC, relevant planning history and relevant local, regional and national policy.
- The site is indicated to be zoned 'EE', to provide for enterprise and employment related uses in the South Dublin County Development Plan 2022-2028 and noting that recycling facility and refuse transfer station uses are permitted in principle under the EE zoning.
- Internally, reports/comments were received from the Roads Department and Waste Enforcement and Licencing. Externally, reports were received from Uisce Éireann and the Environmental Health Officer.
- Advises of overlap with SEA sensitivity screening areas including, M50 corridor, aviation safeguarding, solar safeguarding and city edge (pre-draft) plan area.
- Cites the following policies in relation to regeneration lands at Naas Road / Ballymount / City Edge; and, consolidation and intensification areas: Policy CS2, CS2 Objective 1, CS2 Objective 2, Policy CS7, CS7 Objective 2, EDEI Objective 5.
- Cites the following policies in relation to green infrastructure, biodiversity and SuDs: G11 Objective 4, G12 Objective 4, G14 Objective 1.
- In relation to Waste Management, the following policy and objectives: Policy IE7 and IE7 Objectives 1-9.

- A wide range of other policies and objectives are referenced and include, for example, climate resilience, walking and cycling, car parking, major accidence, flood risk, environmental quality, appropriate assessment, environmental impact assessment, public realm.
- The site is located within the City Edge Framework Plan area which is identified for a large-scale regeneration project, however, the framework is presently non-statutory in nature, and the assessment of any current application will be reviewed in the context of the 2022-2028 CDP. Advise that the City Edge Delivery Team have reviewed the application and comment as follows:
    - Noting Six Year Road Proposals on various streets in the Ballymount employment area lands – ensure implementation will not be hindered.
    - The site is not located within any of the emerging City Edge Priority Development Areas.
    - An objective of the Urban Industry designation of the Strategic Framework are to facilitate existing industrial activity and deliver intensification.
    - Promote zero waste and circular economy; proposal will contribute to achieving these aims.
    - Site does not overlap with proposed areas for open space or Green Infrastructure, or flood risk area.
    - Site should adhere to greening agenda, including provision of a green roof.
    - The Delivery Team are not opposed to the proposal.
- Request the Board to consider a condition to investigate the possibility of green roof, green wall and street tree provision.
- The Roads Department make the following comments:
    - Noting the separation of vehicular and pedestrian/cycle access and stating that sightlines at the vehicle access point are acceptable.

- Consider the width of the access to be excessive but notes that the autotrack details the HGVs using the entire width. A pedestrian crossing requires a footpath on both sides of the access.
- Car parking is excessive – consider reducing by 50%.
- Note the findings of the traffic and transport assessment, including % impact on the overall traffic and Ballymount Road Upper junction. Notes that the potential on-street cycle facility will not be affected by the proposal.
- Referencing the mobility management plan, note that provision of bus connects and cycle links on Calmount Ave., and the initial reduction of car parking should be implemented.
- It has no objection, subject to conditions including: pedestrian footpaths to be provided either side of vehicular entrance, submittal of a Stage 1 Road Safety Audit and reduction of car parking.

- The HSE EHO has no objection subject to conditions relating to wastewater network, surface water drainage, demolition and construction noise and air quality controls. Other conditions relate to general emissions control in relation to operation and C&D waste, external lighting. A 5 year permission is suggested for the ESB substation, whereupon the telecommunications structures shall be removed other a further permission is granted.
- The Waste Enforcement and Licencing section note that EPA will approve, or not, the proposal to increase licence limits.
- Uisce Éireann indicate that a Confirmation of Feasibility (COF) issued in respect of the proposal and that, as of February 2024, capacity exists in the network for the proposed development and recommend standard conditions to be attached in the event that permission is granted.

  It is not clear whether any telecommunications infrastructure is proposed and refer to Circular Letter PL 07/12 with regard to attaching a condition which limit their life to a set temporary period.

  [The Board should note that no telecommunications structures are proposed].

- In the event of permission, conditions requiring the submissions of a Construction Waste and Demolition Management Plan, Construction Traffic Management Plan should apply.
- No concerns relating to heritage designations.
- Noting the submission of a civil engineering report and a site-specific flood Risk Assessment, mitigation measures in Chapter 7 of the EIAR to be adhered to.
- The urban landscape in which the site is located is not categorised for sensitivity.
- Recommend a condition is attached that requires the applicant to submit revised plans and particulars to ensure compliance with the Green Space Factor of the CDP.
- Recommend a condition is attached relating to mitigation measures to protect and enhance biodiversity.
- A public Lighting Plan shall be subject to agreement by the planning authority.
- Operation of cranes should be co-ordinated with Air Corps Air Traffic Services, given the proximity to Casement Aerodrome.
- Noting relevant sections of the EIAR in relation to residential amenity impact, mitigation measures should be adhered to.
- Note that ABP is the competent authority in respect of AA and EIA.
- Community gain condition is not warranted in this instance, having regard to the nature and location of the proposal.
- In conclusion, recognises that the proposal would facilitate an expansion of the recycling/recovery capacity of the existing facility and is required to satisfy the growing demand for South Dublin and surrounding area and do not oppose the principle of the proposed development.
- Set out several conditions to be attached in the event of a grant of permission.

5.9.5. EPA

States that IPODEC Ireland Limited, Ballymount Cross, Tallaght, Dublin 24 was issued a Waste Licence (Reg. no. W0039-02) in 2000; that the proposed development appears to be the same location as the licensed facility. This licence

was transferred to Nurendale Limited trading as Panda Wate Services in 2012, and subsequently transferred to Starrus Eco Holding Limited in 2018. The licence was amended in 2016 to incorporate the requirements of an industrial Emissions Licence. Notes that the licence may need to be reviewed or amended to accommodate the changes proposed in the planning application. Sets out EIA requirements in respect of a licence review. Notes that the agency cannot issue a proposed determination on a licence application until a planning decision has been made.

5.10. Observations - Third Party

None

5.11. Oral Hearing

5.11.1. No request for an oral hearing was made. No determination for an oral hearing required in this instance.

6.0 Assessment

6.1. Introduction

I have examined the file, considered national, regional and local policy and I have inspected the site and its surrounds. I have assessed the proposed development and considered the various submissions received from the applicant and prescribed bodies. I consider that the key issues that arise for consideration in this case are as follows:

- Principle and Need for Development
- Residential Amenity
- Traffic and Transportation
- Glint and Glare
- Green Infrastructure
- Environmental Impact Assessment
- Appropriate Assessment

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

6.2. Principle of and Need for the Proposed Development

Introduction

6.2.1. The proposed development seeks to increase the waste tonnage currently processed on site from 150,000 tonnes per year to 350,000 tonnes per year at the Ballymount Road Upper facility. Presently, the wastes streams include:

- Mixed Municipal Waste (Dry Commercial and Domestic and Commercial Black Bin)
- Source Segregated Biodegradable waste (Brown Bin – Commercial and Domestic)
- Mixed Construction & Demolition waste.

It is proposed that the new waste recovery facility will accommodate:

- Commercial and Domestic Dry Mixed Recyclables;
- Commercial and Domestic Mixed Residual Waste-Black Bin;
- Commercial and Domestic Source Segregated Biodegradable Waste-Brown Bin;
- Source Segregated Commercial Dry Recyclables, and
- Mixed Construction & Demolition Waste.

A breakdown of quantities of waste streams is not provided in the application documentation.

6.2.2. Section 1.2 of the Cover Letter submitted with the application makes the following points with respect to the need for the proposed development:

- Municipal Solid Waste (MSW) production is growing, evidenced by the compounded annual increase in waste production in Ireland of 1.5% on average per year from 2010 (2.8 million tonnes of MSW) to 2020 (3.2 million tonnes of MSW; 3.17 million tonnes of MSW in 2021).
- The EPA waste report published in November 2023 for 2021 reveals that there was 10% increase in construction and demolition waste between 2020

and 2021. Infrastructure to manage waste must grow alongside these increases.

- There is pressure to increase recycling rates in transitioning towards a circular economy and this requires more processing capacity.
- The EU is moving towards requiring all waste to be pre-processed prior to incineration.
- The SDCC Bailing Station is located on lands which are zoned REGEN and as part of the City Edge Project will transition to a mix of more sensitive uses such as residential.

6.2.3. The EIAR states that there is a need to maximise waste processing efficiencies in the South Dublin County Council administrative area. The proposed development will consolidate SEHL's processing capacity currently provided by the existing facility and the nearby SDCC owned Baling Station, which is leased and operated by SEHL, into one purpose-built materials recovery facility (MRF).

National and Regional Policy

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

6.2.5. The Waste Action Plan for a Circular Economy sets out a range of aims and targets for the State and the measures by which these will be achieved, including increased regulation and measures across various waste areas such as Circular Economy and Municipal Waste. 60% of waste comes from household and commercial sources and at a national level, food waste is identified as a priority waste stream within the National Waste Prevention Programme managed by the EPA. Additional capacity for facilities which segregate wastes and feed into the circular economy, such as that proposed, are supported at a national level and in recent years increased resources have been assigned to the area in recognition of its strategic importance.

6.2.6. The Waste Action Plan for a Circular Economy 2020-2025 acknowledges the pressure on our infrastructure to cope with the amount of waste we are generating

and states that it is a primary objective to support the development – for environmental and economic reasons – of adequate and appropriate treatment capacity at indigenous facilities to ensure that the full circularity and resource potential of materials is captured in Ireland. The circular economy approach is also reflected in the Regional Spatial and Economic Strategy for the Eastern and Midland Region (objective RPO 10.25 refers).

6.2.7. The National Waste Management Plan for a Circular Economy 2024-2030 (NWMP) sets out a framework for the prevention and management of waste in Ireland for that period and replaces the former regional waste management plans. This Plan recognises climate change as a key driver for both behavioural change and improved waste management practices towards a circular economy. This Plan provides for continued and expanded residual waste treatment capacity within the State to move towards self-sufficiency and reduce the reliance on the export of waste materials, in addition, there is a national capacity deficit for non-hazardous construction and demolition waste and dedicated facilities are required to meet this demand. Core policy 12 is relevant and supports the need for nationally and regionally important waste infrastructure, including infrastructure of the type, scale and proximity essential to maintain waste services and infrastructure that contributes to the ambition and policies of the Plan. Targeted policies TP11.2, TP11.3, TP11.4 and TP14.1 referenced above in section 5.3 of this Inspector's report support the development of waste management infrastructure, including expediating the consenting process.

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

- "*Based on projected rMSW growth and a review of available treatment capacity, there is a projected continued and significant deficit in treatment capacity within the State of the order of 200,000 to 300,000 tonnes. The continued reliance on export of rMSW for treatment is unsustainable and there is a need for additional indigenous treatment infrastructure to meet current demand*…"

- "*There is a well-established gap in treatment capacity for non-hazardous C&D waste streams as this stream should no longer be allowed to compete with MSW for void space in MSW landfills. There is an urgent and growing need for additional infrastructure for this stream to ensure a regulated supply chain is maintained for the construction industry to manage these wastes.*"

6.2.9. Regionally, the RSES for the Midlands and Eastern Region support a move towards achieving a circular economy and calls on local authorities to increase in material re-use and recycling as well as to achieve waste reduction.

Development Plan Policy

6.2.10. The subject site is located in an area that is subject to the zoning designation 'EE' (Enterprise/Employment). The objective of this zoning category is to 'To provide for enterprise and employment-related uses'. 'Recycling Facility' and 'Refuse Transfer Station' are permitted in principle under this zoning objective.

6.2.11. Chapter 9 (Economic Development and Employment) of the Development Plan states that it is policy to support sustainable enterprise and employment growth in South Dublin County recognising the County's role in the Dublin region as a driver of economic growth (Policy EDE1).

6.2.12. The importance of proper waste management in South Dublin is acknowledged in Chapter 11, 'Infrastructure and Environment Services' and in Section 11.6 of the Development Plan, which states that a main strategic aim (Policy IE7) of the Plan is to "*Implement European Union, National and Regional waste and related environmental policy, legislation, guidance and codes of practice to improve management of material resources and wastes*". Relevant objectives listed under policy IE7: Waste Management include IE7 Objective 1 (encourage a transition from a waste management economy to a green circular economy); IE7 Objective 2 (support the implementation of the Eastern Midlands Region Waste Management Plan 2015-2021 or as amended); IE7 Objective 3 (facilitate high quality sustainable waste recovery and disposal infrastructure) and IE7 Objective 9 (support the development of indigenous capacity for the treatment of non-hazardous wastes).

6.2.13. Chapter 12 of the development plan deals with 'Implementation and Monitoring', section 12.9 deals with Economic Development and Employment. Table 12.27 sets out the key principles for development within enterprise and employment zones, and deals with Access and Movement, Open Space and Landscape, Green

Infrastructure, Built Form and Corporate Identity and requires for example the provision of a detailed landscape plan, the retention of natural features, buffer zones, building heights to respond to surrounding context. I am satisfied that the proposed development generally accords with the key principles for development in enterprise and employment zones as set out in Table 12.27.

6.2.14. Section 12.11.3 (iii) of the Development Plan deals with Waste Recovery and Waste Disposal Facilities and states the provision of waste recovery facilities, pre–treatment infrastructure and development of indigenous secondary waste processing, including Material Recovery Facilities (MRF) and Waste Transfer Stations will be facilitated at appropriate locations within the County. It states that to prevent an excessive concentration no new facilities will be permitted inside the M50 and, that in general new waste disposal facility or Refuse Transfer Station shall be located within 200 metres of a residence. It further states that facilities will only be permitted where they do not materially detract from the Land Use Zoning Objective and are at a scale appropriate to their surrounding environment and adjoining amenities.

6.2.15. I note that the proposed development will be located within 200m of residences, however there is an existing waste transfer facility at the site and the zoning provision expressly permits waste recovery facilities on these lands. The recently published National Waste Management Plan provides siting guidance for new facilities, appendix 9 refers, for applications for new waste facilities submitted after January 2024. Notwithstanding the application was lodged prior to this I note that a guidance setback distance from the location of the principal processing area to the nearest residential property of 50m is recommended for licensed facilities, however this can be reduced if the operator designs and implements appropriate mitigation measures to address key nuisance risks from the facility. I am satisfied having regard to the zoning provision of the land, the existing use on site, the regulatory requirements under which the proposed development will operate and the EIA undertaken in Section 7.0 of this Inspector's Report which concludes that the proposed development will not have a detrimental impact on the residential amenities of nearby residential properties subject to the mitigation measures, that the proposed development accords with section 12.11.3 of the Development Plan.

6.2.16. According to the SDCC Chief Executive's Report the site is located within the City Edge Framework Plan area. According to the development plan, there are two large scale regeneration areas within the County which currently accommodate low

density industrial lands that are close to existing and planned transport nodes. These areas are City Edge lands at Naas Road / Ballymount and the Cookstown and Broomhill Industrial estates in Tallaght and are designated with the regeneration Zoning Objective 'REGEN' (to facilitate enterprise and / or residential led regeneration subject to a development framework or plan for the area incorporating phasing and infrastructure delivery). The site is not zoned for 'REGEN' though it is proximate to REGEN lands. I note, however that the framework is non-statutory, and the application must be assessed in the context of the SDCC development plan.

6.2.17. SDCC, in its report, notes the zoning provision of the site and that recycling facility and refuse transfer stations uses are permitted in principle on EE zoned lands. The report also acknowledges the established use of the existing waste facility. With respect to the City Edge Framework Plan, the report notes that the site is not located within any of the emerging City Edge Priority Development Areas, and that the principle of the proposed development would not inhibit the implementation of the non-statutory City Edge Strategic Framework or the forthcoming proposed City Edge Variation to the Development Plan.

6.2.18. Conclusion

Overall, the policy position at national, regional and local level supports the provision or enhancement of existing or new waste infrastructure including pre-treatment capacity for recovery, national self-sufficiency with the development of sustainable waste management infrastructure and generally supports the circular economy approach. The proposed development is therefore in accordance with the relevant policy position in this regard. The additional capacity will meet an identified requirement for additional indigenous treatment capacity for the recovery of wastes. I conclude that it is appropriate to facilitate an increase in waste tonnage processed on site from 150,000 tonnes per year to 350,000 tonnes per year having regard to the provisions of the Climate Action Plan and the National Waste Management Plan which seeks to develop a circular economy and to facilitate the growth of additional pre-treatment waste facilities.

6.3. **Residential Amenity**

6.3.1. This section should be read in conjunction with sections 7.9, Air and 7.10, Population and Human Health (including noise impact) in the EIA section of this Inspector's

Report. The surrounding area is characterised by a part-established and part developing industrial and commercial area. There are a number of residential properties located in the area, on Ballymount Road Upper to the southeast of the site, some of which have commercial interests from these properties. The closest residential receptor is located c.40m southeast of the site boundary. Presently, the site boundary to the southeast comprises palisade fencing, beyond which are mature trees – outside the site boundary. An access road which serves several commercial and industrial properties separates the site and the nearest residential property.

6.3.2. Having regard to the proximity of several residential properties to the site, I consider noise and odours to be the most prominent potential sources of disturbance and nuisance to these surrounding residential dwellings.

6.3.3. Technical detail in relation to noise and odours are examined within the EIA section hereunder and will not be repeated here, however it is important to note at this juncture that the waste management activities associated with the proposed development will be regulated under an EPA Industrial Emissions (IE) Licence whereby emission threshold limits are set and monitored. The facility is currently authorised under IE Licence Reg. no. W0039-02, as amended.

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

6.3.5. With respect to odour, the operational phase of the proposed development has the potential to result in odorous emissions that could cause adverse impacts that could in the absence of mitigation be described as significant, negative and long-term. Mitigation, in the form of an onsite odour abatement unit and fast acting roller shutter doors will be required to reduce potential impacts of operational activities to levels that can be described as not significant. The modelling results in the EIAR show that predicted concentrations comply with the odour criterion recommended by EPA for waste facilities of 1.5 µg/m^3 at all sensitive receptors included in the modelling

assessment. The results also show that operation of the OCU stack will ensure that levels of impact identified in the assessment in terms of odour will be minimised to levels that are imperceptible, negative and long-term.

6.3.6. With respect to noise, the MKO noise assessment (appendix 10.1. of the EIAR) concludes that average noise levels from demolition works, ground works and construction works will remain below the 65 dB BS 5228:2009 criterion at all receptors, apart from one house throughout the construction phase outside the southeast corner of the site, where demolition works will reach 69 dB at their highest. The traffic impact assessment (Chapter 14 and appendix 14.1 of the EIAR) indicates that the increase in construction work traffic will not be significant in the context of the urban road network. Having regard to the foregoing, I conclude in the EIA (Section 7.0 of this Inspector's Report) that subject to the implementation of mitigation measure, including the CEMP, levels of impact in combination with the construction phase of neighbouring developments will be maintained at levels that are insignificant and temporary.

6.3.7. During operation, the MKO noise model, identified the need for an acoustic barrier along the southeast boundary to attenuate noise emissions at the nearest dwelling. The barrier will be 4m high of solid construction using insulated cladding to provide a minimum 10dB transmission loss. The MKO noise model concluded that in all cases, and taking account of the noise barrier, impacts will be imperceptible, due to the high existing baseline noise levels resulting from road traffic. In addition, predictive noise modelling indicates that noise emissions from the proposed development will be lower than baseline noise levels at receptors and thus cumulative impacts will not arise. Having regard to the foregoing, and the EIA undertaken in Section 7.10 of this Inspector's report which deals with noise impacts, I am satisfied that the noise operational impacts will be negative but imperceptible and will not have a detrimental impact on nearby residential amenity.

6.3.8. Operations will continue on 24 hr/7 days a week upon completion of construction works and associated light spillage which would inevitably arise from a 24-hour operation could negatively impact on the residential amenity of nearby residents. I note that the EIAR states the floodlights will be cowled and angled downwards to minimise spillage to surrounding properties. In addition, any lighting required during the construction phase will be located sensitively to avoid unnecessary light spill into the surrounding premises.

6.3.9. Overall, having regard to the EIAR and the EIA undertaken in section 7.0 of this Inspector's Report, I am satisfied that the proposed development, subject to mitigation measures detailed in the EIAR and through EPA licence regulation that the proposed development will not have a detrimental impact on nearby residential amenity and can be appropriately regulated to minimise nuisance on residential amenity.

6.4. Traffic and Transportation

6.4.1. The environmental impact relating to Traffic and Transportation is assessed in Chapter 14 of the EIAR and in section 7.13 of this Inspector's report. This section of this Inspector's Report examines policy context, physical alterations regarding access and parking and associated concerns raised in the SDCC Chief Executive's Report.

6.4.2. The proposed development is located in Ballymount Industrial Estate, to the east of the M50 (c. 500m), between Junctions 9 and 10. From the site, Junction 10 of the M50 is accessed via Ballymount Road Upper, and then Calmount Road. The site is accessed via a simple priority junction on Ballymount Road Upper that is the single point of access for vehicles, cyclists and pedestrians.

6.4.3. As part of the proposed development, the following traffic related works are proposed:

- Relocation of the facility's entrance c. 20m southeast,
- Provision of a dedicated pedestrian access to the northwest of the site frontage.
- Relocation of the weighbridges and waiting area in the path of the revised refuse vehicle route,
- Relocation of the skip storage and trailer parking to the northeast of the site,
- Reduction and rearrangement of car parking provision (from some 70 No. to 43 No. total car parking spaces, including the provision of 9 No. EV car parking spaces and 3 No. disabled car parking spaces,
- Provision of 24 No. bicycle stands;

6.4.4. Section 16.2.10 of the EIAR relates to the design approach to traffic and transport, however in parts it appears to relate to another site. For this reason, I am guided by

ORS's Civil Engineering Report (appendix 3.1 of the EIAR) and which is relied upon in the Planning Report which accompanied the planning application.

6.4.5. Regarding traffic design guidelines, it is stated that guidance has been taken from DMURS for the engineering design of streets and footpaths in the development and that sightlines of 49m will be achieved at the site entrance in accordance with DMURS given the 50kph speed limit and use of the road by public buses. Internal road markings are proposed to be limited to the approach to internal junctions and STOP lines and STOP signs. Dropped kerbs and line marking will be used at the site entrance to allow for pedestrian desire lines across the entrance and the proposed internal pedestrian pathways will be linked via dropped kerbs and tactile paving. A number of raised uncontrolled, pedestrian crossings are proposed throughout the site also. All turning areas have been checked by swept path analysis (Autotrack) to ensure sufficient space to allow for emergency vehicles.

6.4.6. The SDCC Chief Executive's Report states, with respect to access and roads layout, that the proposed separate pedestrian and cycle access into the site will provide a safe entry and exit point. Turning space is provided within the site to allow HGVs to enter and leave in a forward motion. The Report notes that an autotrack of HGV movements is acceptable and that sightlines at the vehicle access point are acceptable. It further considers that the width of the vehicle access point is excessive, but that the autotrack details the HGVs using the entire width to enter and exit, and that having regard to the industrial nature of the area, this is acceptable. With respect to car parking, SDCC consider that 42 no. car parking spaces is excessive and note that a mobility management plan has been submitted which details the reduction in car use in favour of public transport and active travel.

6.4.7. The SDCC recommend that additional information is sought as follows:

- A layout showing pedestrian footpaths on both sides of the vehicle access point;
- The submittal of a Stage 1 Road Safety Audit;
- A revised layout showing a further reduction in car parking in line with the submitted mobility management plan.

6.4.8. While I note that the footpath to the southeast of the proposed vehicular entrance is indicated in ORS drawing no. 221244-ORSZZ-00-DR-TR-700, 'Proposed Traffic

Layout', and I am satisfied this addresses SDCC's first point, as referenced in the preceding section.

6.4.9. I note the request for a stage 1 Road Safety Audit and revised car parking layout and consider as these are the only outstanding matters, should the Board be minded to grant permission, that the audit and the revised car parking layout can be submitted prior to commencement of development. A condition to this effect is included in the schedule of conditions below for the Board's consideration.

6.4.10. SDCC's County Development Plan (CDP) sets out maximum parking standards for different land uses in Zone 1 and Zone 2. There is no specific rate specified for a waste facility such as proposed. I note that the Transport Assessment submitted with the EIAR states that the parking rate for 'Warehousing' has been applied to the development, which I consider to be reasonable given the nature of the proposed development. Table 12.25 of the CDP states that for Warehousing in Zone 1, a maximum 1 parking space per 100m2 shall be provided, which would equate to 47 parking spaces for the 4,710m2 facility. 43 car parking spaces are proposed, which I note would not exceed the maximum rate set down in the development plan. The 9 No. EV parking spaces meets the Council's requirements to have 20% EV parking spaces. With respect to the Mobility Plan submitted with the application, I note that it an objective to reduce single occupancy vehicle trips by 10% and that implementation of the plan will be agreed with SDCC. Twenty-four cycle parking spaces are also proposed. The development plan requires a minimum of 1 long-term cycle space per 200m2 GFA for Warehousing land uses, which equates to 24 spaces. Having regard to the foregoing, I am satisfied that the proposed development complies with the parking requirements of the CDP.

6.4.11. Overall, I am satisfied that, subject to conditions the proposed development meets the requirements and objectives of the South Dublin County Development Plan 2022-2028 with respect to traffic access and car and cycle parking arrangements.

6.5. **Glint & Glare Assessment**

6.5.1. The development description includes a proposal for an electrical sub-station (20kV) and rooftop photovoltaic solar panels (with a cumulative area of c. 4,351m2). A Glint and Glare Assessment was completed by MacroWorks (Appendix 10.2 of the EIAR refers) to assess the risks to users of the helipad at Tallaght University Hospital

which is located c. 2.8km southwest of the site as the proposed PV panels fall within the Tallaght University Hospital Solar Safeguarding Zone. I note that the roof of the MRF building, on which the solar panels will be mounted will be surrounded by a parapet designed to effectively mitigate glint and glare from roof mounted solar panels.

6.5.2. A number of flight scenarios to and from the hospital was deemed appropriate to analyse receptor points at multiple height intervals above the helipad. The results show that none of the thirteen Observation Points analysed have the theoretical potential to receive glare as a result of the proposed PV panels, and it was therefore considered highly unlikely for there to be any potential for hazardous impacts on helicopters in relation to the helipad in Tallaght Hospital.

6.5.3. With respect to the M50, I note the glint and glare assessment and EIAR is silent with respect to impact. The application was referred to TII and no concerns were raised with regard to glint and glare impact. I note too, that the SDCC Chief Executive Report, did not raise a concern with regard to impact from the proposed solar PV panels.

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

6.6. **Green Infrastructure**

6.6.1. Chapter 4 of the SDCC Development Plan deals with green infrastructure (GI). GI1 Objective 4 requires development to incorporate GI as an integral of design and layout. GI5 Objective 7 requires the provision of green roofs and green walls, wherever possible. GI5 Objective 4 is to require developers to demonstrate compliance with Green Space Factor (GSF) Scoring Requirement, including for any development with a floor area in excess of 500 sq m.

6.6.2. The GSF is a measurement that describes the quantity and quality of landscaping and GI across a defined spatial area. This measurement comprises a ratio that compares the amount of green space to the amount of impermeable 'grey' space in a subject site. As a planning tool, this ratio is used to assess both the existing green cover within a site and the impact of new development, based on the quantity and quality of new green space provided.

6.6.3. The Development Plan itself does not contain any specific guidance on the desired green space factor ratio instead it directs the reader to future guidance that will be made available to developments. A Green Space Factor Guidance Note is available on the Council's website, and it appears that the Green Space Factor, prepared by Hayes Ryan, Landscape Architects, is based on this guidance. A green space factor of 0.12 has been calculated by the applicant, which falls short of the guidance document, where 0.5 is set as a 'minimum' score. Notwithstanding this, I note that the guidance note is 'guidance' and does not form part of the development plan.

6.6.4. The SDCC Chief Executive's Report states that should the Board be minded to grant permission, a condition should be attached requiring the developer to investigate the possibility of green roof, green wall and street tree provision.

6.6.5. The ability of the site to retain green infrastructure is limited, given its current and proposed use. I note however, that it is proposed to retain trees where possible and that additional trees and native species are proposed, proposed landscaping plan refers. I note the applicant's letter which deals with GI5 Objective 7 and specifically sets out at rationale for screening out of a green roof in favour of a solar generating roof including ability to offset energy demand, maintenance difficulties of a green roof, and the additional weight of roof which would require central supports. This letter is supported by a letter from Dixon Brosnan, Environmental Consultants, who question the value of providing a green roof in this instance, where the site lacks connectivity to the wider habitat, and would not provide any meaningful ecological benefit whilst significantly increasing costs.

6.6.6. Having regard to the foregoing, and the site's location remote from any identified green infrastructure network, Map 13, Green Infrastructure and Flood Risk of the South Dublin CDP 2022-2028 refers, I am satisfied that the landscaping proposals

are acceptable, and I consider that the proposed rooftop solar PV panels which will contribute to the operation's self-sufficiency, as opposed to a green roof, is acceptable.

7.0 Environmental Impact Assessment

7.1. Introduction

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

7.1.2. Schedule 5 of the Planning and Development Regulations, 2001 (as amended) transposes Annex I and II of the EIA Directive and sets out prescribed classes of development, for which an environmental impact assessment is required. The following class of Part 2 is noted: Class 11 other projects - Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule and therefore, pursuant to section 176 of the 2000 Act and article 94 of the 2001 Regulations. An EIA of the proposed development is required to be carried out by the Competent Authority prior to making a decision to grant development consent.

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

7.1.4. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application for approval. A summary of the South Dublin Chief Executive's report and a summary of submissions received from prescribed bodies are set out at Section 6 of this report. The SDCC report considered the environmental carrying capacity of the site and area and the likely significant impact arising, having regard to the EIAR.

7.1.5. The EIAR is assessed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation including conditions. Matters raised by SDCC as they relate to relevant headings are addressed below.

7.2. EIAR Content and Structure

7.2.1. The EIAR submitted with the application consists of three volumes: -

- ➢ Volume 1: Non-Technical Summary
- ➢ Volume 2: EIAR Main Text and appendices
- ➢ Volume 3: Drawings

7.2.2. The impact of the proposed development is addressed under all relevant headings with respect to the environmental factors listed in Article 3(1) of the 2014 Directive, which include:

(a) population and human health,

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

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

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

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

7.2.3. A non-technical summary has been prepared and accompanies the application. The non-technical summary gives a concise synopsis of the EIAR and is written in language that can be easily understood. In general, I consider that the content and scope of the EIAR is acceptable and in compliance with the EIAR Directive and the Planning and Development Regulations, 2001 (as amended).

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

7.2.5. I am satisfied that the EIAR adequately describes the proposed development to include information on the site, its design and its size. The applicant has also carried out an assessment of reasonable alternatives relevant to the proposed development and its specific characteristics. The baseline scenario is presented and is assessed against a description of the factors likely to be significantly affected by the proposed development, together with any direct, indirect, cumulative, and short/long term effects of the proposed development. Measures envisaged to avoid, prevent, reduce or off-set significant adverse effects and any monitoring arrangements are included for both construction and operational phases. The vulnerability to risk of major accidents is also described, along with any measures to prevent or mitigate the significant adverse effects on the environment. Details of consultations are included and there is a list of experts who contributed to the EIAR.

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

7.3. **Alternatives**

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

"(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment".

Chapter 4 of the EIAR considers Alternatives in terms of the following:

- 'Do nothing' Alternative
- Alternative Locations
- Alternative Layouts

7.3.2. The 'do nothing' alternative was discounted on the basis of the established need for the development as set out in Chapter 3 of the EIAR. Project benefits, such as contributing to meeting national recovery and recycling targets and circular economy initiatives.

7.3.3. Alternative locations were considered by the applicant in the Greater Dublin Area, however it is stated that the development of large power intensive data centres has ring-fenced electricity supply and a suitable site could not be identified. SEHL then considered its waste management facilities, which consisted of two sites in Dublin 11, one in Dublin 18, one in Rathcoole, one in Co. Wicklow and one in Co. Meath. These sites were discounted for a variety of reasons including no spare capacity, and not practical to divert wastes to other SEHL facilities, including one where there are operational planning restrictions. The preferred site at Ballymount Road Upper is considered suitable for several reasons including land zoning compatibility, distances to environmental receptors, potential to utilise site more efficiently, existing permission and IE Licence authorise use, road accessibility, proximity to other SEHL waste management facilities.

7.3.4. Regarding alternative layouts and according to the EIAR, the main reasons for opting for the proposed layout is due to a number of physical constraints with the site that having regard to the access requirements, buffer requirements, and SuDs measures accommodation, that the proposed location/layout is the only practical solution given physical restraints and requirements.

7.3.5. A number of design alternatives were considered. A green roof (vegetation) was considered but discounted on the environmental benefits for a roof mounted solar panels. Various SuDs measures and access alternatives were considered at initial design stages.

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

7.4. Likely Significant Effect on the Environment

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

- Climate

- Land & Soil
- Water
- Biodiversity
- Air
- Population and Human Health (including major accidents)
- Landscape and Visual Impact
- Cultural Heritage
- Material Assets
- Interaction of the Foregoing

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

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

7.5. **Climate**

7.5.1. Issues Raised

No climate related issues are raised in the submissions received.

Examination, Analysis & Evaluation

7.5.2. Context

Chapter 5 deals with climate and was prepared by a Senior Air Quality Consultant and a Director of Katestone. This chapter should be read in conjunction with Chapter 9 – Air. The potential vulnerability of the proposed development to the impacts of climate change is considered in this chapter.

The assessment was based on Ireland's commitment to tackle climate change by reducing greenhouse gas emissions. Following a literature review, GHG emissions are calculated for the construction and operational stages, including that derived from waste streams to be accepted at the facility and additional traffic associated with the proposed development. GHG emissions offset in the operational phase is also assessed.

There are no limitations referenced in relation to climate, however, I note that the EIAR states that there is no Life Cycle Assessment methodology for industrial buildings, instead an embodied GHG emissions will comprise 75% of emissions associated with the construction of industrial buildings.

7.5.3. Baseline

The baseline environment is described in sections 3 and 5.5 of the EIAR, section 9.4 describes the baseline climate of the receiving environment.

There is an existing waste recovery facility operational on-site, including associated administration building and car parking. The proposed development belongs to the None-Emissions Trading (ETS) Sector.

Based on projections, the EIAR states Ireland is not on track to meet the 51 per cent emissions reduction target (by 2030 compared to 2018).

The greatest risk of climate change to the proposed development is from extreme weather events that could adversely impact on operations. The site is not in a flood risk zone so additional risk of flooding associated with climate change in the region is not likely to affect the proposed development.

7.5.4. Potential Effects

Likely significant effects of the development, as identified in the EIAR, are summarised in Table 7.1 below:

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do nothing	• there will be no additional greenhouse gas emissions • there will be no reduction in emissions associated with increasing waste recycling rates
Construction	• Total embodied GHG emissions are calculated at 3.3 KtCO2-e. • Construction phase GHG emissions are calculated at 4.6 KtCO2-e. • The GHG emissions (as a proportion of projected non-ETS GHG emissions in Ireland) associated with the construction stage are estimated to be 0.011% of non-

	ETS GHG emissions in 2024, and are considered negative, slight and long-term.
Operation	• The change in CO2 emissions due to additional traffic from the proposed development in the opening year and the design year are 39,222 Tn/year and 25,182 Tn/year and represents 0.0001% and 0.0002% GHG emissions from the proposed development as a percentage of ESR binding Target (2030) • The quantity of operational GHG emissions from the proposed development were estimated and found to be insignificant in the opening year and the design year in the context of Ireland's projected non-ETS emissions for the opening and design years. The potential impact of the operational phase of the proposed develop on climate is found to be negative, imperceptible and long-term. • The operation of the MRF will result in a GHG emissions reduction of -10,282 tCO2e/annum compared to the Do Nothing scenario. • the proposed development will result in a net positive impact on GHG emissions in Ireland in the opening and design years. • The potential impact of the operational stage on climate will be positive, not significant, likely and long-term.
Decommissioning	Not examined in the EIAR, however, it is reasonable to expect that effects would be similar to construction stage.
Cumulative	The construction phase of several local approved developments could potentially overlap with the construction phase of the proposed development.

Table 7.1: Summary of Potential Effects - Climate

7.5.5. Mitigation

During design, energy performance building design was developed such as installation of roof mounted PV solar panels, energy efficient lighting, provision of electric vehicle charging points.

During construction, best practice measures are detailed as: optimise schedules and haul routes for the delivery and removal of construction materials; efficient use of construction equipment and resources, and minimisation of waste generated from construction activities.

During operation, the use of on-site use of the electricity generated by the solar panels and energy efficient plant and equipment will contribute to a reduction in the indirect GHG associated with the proposed development.

7.5.6. Residual Effects

With the implementation of mitigation measures residual effects are set out in section 5.11 and Table 5.11 of the EIAR. The impact on climate change will be negative, imperceptible, national, likely and long-term. The impact of climate change on the proposed development will be negative, imperceptible, local, likely and long-term. There will be no significant residual effects on climate change.

7.5.7. Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated Chapter 5 of the EIAR, all of the associated documentation and submissions on file in respect of climate change. I am satisfied that the applicant's understanding of the baseline environment, by way of literature review, is comprehensive and that the key impacts in respect of likely effects on climate change, as a consequence of the development have been identified. The proposed development will result in a direct GHG emissions reduction, however this is not considered significant in the context of Ireland's projected non-ETS emissions.

7.5.8. Conclusion

There will be a net positive impact on GHG emission arising from the proposed development, however no significant direct or indirect effects are anticipated to arise.

7.6. **Land & Geology**

7.6.1. Issues Raised

No land and geology related issues are raised in the submissions received.

Examination, Analysis & Evaluation

7.6.2. Context

Chapter 6 deals with land and soil and was prepared by a qualified consultant with OCM. This chapter should be read in conjunction with Chapter 7 - Water; Chapter 8 – Biodiversity and Chapter 12- Landscape and Visual Impact. Chapter 6 describes the baseline receiving environment and it identifies the prevention, mitigation and monitoring measures that will be implemented to reduce the significance of the impacts and assesses the residual impacts.

The assessment methodology includes a walkover survey of the site and a desk study of databases maintained by the Geological Survey of Ireland (GSI), EPA, Teagasc and a review of a report on a site investigation completed on the adjoining lands to the east to establish the baseline conditions.

Limitations are considered in section 6.3.1, wherein it is noted that there is no available information on previous site investigations at the proposed development site and given the site layout and current operational status it was not possible to complete such investigations as part of this EIA. However given the site location and development history and the site investigation information for the lands adjoining the eastern boundary, the absence of site specific information was not considered to limit an assessment of the likely significant impacts on land.

The relevant aspects of the proposed development are:

- Site clearance and excavation into the subsurface;
- Stockpiling of subsoils and rock, potentially;
- Construction of the buildings, paved yards, installation of drainage systems.
- Operational stage impacts – rainwater run-off infiltrating to ground.

7.6.3. Baseline

The baseline environment is described in sections 2 and 6.5 of the EIAR. The site is in an area extensively developed for commercial and industrial use. Construction

work has commenced for a mix of commercial uses on a field to the east of the site. The site encompasses 1.18 ha and is covered by impermeable paving and buildings, with the exception of the front and northwestern boundaries which is partially covered with trees. Other boundaries have sporadic vegetation along them. The site is underlain by made ground, which overlies Limestone Till. Based on the GSI Aquifer Vulnerability Maps the subsoils are less than 3m thick. Having regard to the paving on site, and monitoring, the risk of soil contamination is low.

7.6.4. Potential Effects

Likely significant effects of the development, as identified in the EIAR, are summarised in Table 7.2 below:

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do nothing	• The site will remain in its current condition with no impacts on land and geology
Construction	• there is potential for spills/leaks to occur in areas where polluting substances (e.g. oils) are handled and when refuelling mobile plant that could impact the exposed subsoils • Pouring of concrete has the potential to impact on the pH of the subsoils, • temporary stockpiling of subsoils gives rise to potential wind erosion.
Operation	• rainwater run-off that is not harvested will infiltrate to ground via damaged paving. • potential for accidental spills to occur when the diesel storage tank is being filled and during the refuelling of the mobile plant which could infiltrate to ground through damaged paving. • potential that minor oil leaks from vehicles in damaged paved areas and leaks from the foul sewers could infiltrate to ground.

	• In the event of a fire, there is the potential for contaminated firewater run-off to infiltrate to the soil via damaged paving and leaking sewers.
Decommissioning	Not examined in the EIAR, however, it is reasonable to expect that effects would be similar to construction stage.
Cumulative	The future development on the lands to the north-east of the site will result in the 'land take' of approximately 7 ha; however as the proposed development does not involve any' land take' it will have no cumulative effects. Although not stated in the EIAR, there is potential for cumulative wind erosion of soil.

Table 7.2: Summary of Potential Effects – Land & Geology

7.6.5. Mitigation

Mitigation measures are set out in section 6.8 of the EIAR. Measures include SuDs measures as detailed in section 3.10.3 of the EIAR. The permeable paving that will be provided in the parking areas is designed to filter out and degrade the small amounts of oil that may leak from parked vehicles. Fire safety measures to mitigate the risk of fire outbreak are described in section 10.8.1.6 and are subject to EPA licence review, the purpose of which is to retain all firewater run-off inside the site and to prevent infiltration to ground.

During construction, measures include:

- Implementation of a Construction Environmental Management Plan (CEMP), appendix 3.3 of the EIAR;
- Implementation of a Resource and Waste Management Plan (RWMP), appendix 3.2 of the EIAR;
- All construction materials with the potential to impact on soils, for example oils will be stored in secure bunded areas within the compound;
- Provision of spill clean-up equipment, spillages to be immediately contained;
- Regular checking of plant to ensure there are no leaks;
- EPA licence requirements including a soils assessment.

- All materials and waste handling and storage practices will be checked to ensure they are in accordance with the CEMP and RWMP.

During operation, measures include:

- Regular inspection of the paved areas and building floor, oil storage bund and underground drains, with integrity testing every 3 years;
- Compliance with EPA licence requirements, including soils assessment;
- Gully bungs will be maintained on site, and in the event of a fire will be used to prevent firewater run-off. Implementation of fires safety and emergency response measures that will be implemented, set out in Section 10.8.3.1.

7.6.6. Residual Effects

The proposed development includes ground disturbance including the excavation of subsoils and possibly the bedrock. The proposed development includes SuDS measures that involve the infiltration of rainwater from building roofs and areas of permeable paving to ground. The development will have a neutral, imperceptible, local and permanent impact on land and a negative, imperceptible long term impact on soil.

7.6.7. Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated Chapter 6 of the EIAR, all of the associated documentation and submissions on file in respect of land and geology. I am satisfied that the applicant's understanding of the baseline environment, by way of walkover survey and literature review, is comprehensive. I note that soil sampling will be undertaken during construction and will be subject to EPA licence requirements. There will be a direct effect on the land and soil due to excavation and construction works, though I consider these to have an imperceptible local impact, subject to the implementation of mitigation measures, including SuDs, fire prevention measures, EPA licence requirements and regular inspection of on-site inspection.

7.6.8. Conclusion

There will be a neutral impact on land and geology arising from the proposed development, however no significant direct or indirect effects are anticipated to arise.

7.7. **Water**

7.7.1. Issues Raised

The SDCC Chief Executive's Report details the Uisce Éireann report that it received. It is noted that a connection to water and wastewater infrastructure is feasible without upgrades, no objections or concerns are raised and standard conditions are recommended in the event of a grant of permission.

Examination, Analysis & Evaluation

7.7.2. Context

Chapter 7 deals with water and was prepared by a qualified consultant with OCM. This chapter should be read in conjunction with Chapter 6 Land and Soils, Chapter 8 Biodiversity and Chapter 10 Population and Health. Chapter 7 sets out the relevant legislation and guidance, describes the baseline receiving environment and it identifies the prevention, mitigation and monitoring measures that will be implemented to reduce the significance of the impacts and assesses the residual impacts. ORS prepared a Site Specific Flood Risk Assessment (FRA), a copy of which is in Appendix 7.1 of the EIAR, while Appendix 2.4 contains a Firewater Retention Plan.

The assessment methodology includes a walkover survey of the site and a desk study of databases maintained by the Geological Survey of Ireland (GSI) and the EPA and a review of the River Basin Management Plan (RBMP) 2018-201, and a report on a site investigation completed on the adjoining lands to the east to establish the baseline conditions.

Limitations are considered in section 7.3, wherein it is noted that there is no available information on previous site investigations at the proposed development site and given the site layout and current operational status it was not possible to complete such investigations as part of this EIA. However given the site location and development history and the site investigation information for the lands adjoining the eastern boundary, the absence of site specific information was not considered to limit an assessment of the likely significant impacts on hydrogeology.

The relevant aspects of the proposed development are:

- Site clearance and excavation of the subsurface;

- Stockpiling of subsoils and rock, potentially;
- Construction of the buildings, paved yards, installation of drainage systems.
- Operational stage impacts – rainwater run-off infiltrating to ground.
- It is proposed to collect run-off generated from impermeable areas of the site and attenuate the runoff in SuDS measures, section 4.0 of the site-specific FRA refers.

7.7.3. Baseline

The baseline environment is described in sections 2 and 7.5 of the EIAR. The site is in an area extensively developed for commercial and industrial use. Construction work has commenced for a mix of commercial uses on a field to the east of the site. The site encompasses 1.18 ha and is covered by impermeable paving and buildings, with the exception of linear strip along the front northwestern boundaries.

There are no watercourses within the site boundary and the closest water feature is Ballymount (Coolfan) Stream, a tributary of the River Liffey, which is approx. 410m to the north-west. The site is within the catchment of the River Liffey. The ecological status/potential of the Liffey SC09 and the Ballymount (Coolfan) Stream (Camac_40) is 'Poor' and is 'At Risk' of not meeting its RBMP objectives.

The GSI aquifer map indicates that the bedrock that underlies the site is classified as a locally important bedrock aquifer, moderately productive only in local zones. The GSI groundwater vulnerability map the aquifer vulnerability of the site is 'Extreme'; the extensive impermeable paving across the site minimises the risk of groundwater contamination. The Dublin Groundwater water body is at 'good' status and is presently subject to 'review'.

The site-specific FRA established the proposed development site is in Flood Zone C, and therefore the flood risk is low. The site is neither in, nor adjacent to a location that is at risk of fluvial, pluvial or groundwater flooding and there are no records of any flood events either at, or in proximity to the site.

7.7.4. Potential Effects

Likely significant effects of the development, as identified in the EIAR, are summarised in Table 7.3 below:

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do nothing	• Although not addressed in the EIAR, the site will remain in its current condition with no impacts on water.
Construction	• there is the potential for spills/leaks to occur in areas where polluting substances (e.g. oils) are handled and when refuelling mobile plant that could impact the exposed subsoils • Pouring of concrete has the potential to impact on the pH of the subsoils
Operation	• rainwater run-off from the northern roof pitch will infiltrate to ground via the soakaway and migrate downwards to the bedrock aquifer • potential for accidental spills to occur when the diesel storage tank is being filled and during the refuelling of the mobile plant which could infiltrate to ground through damaged paving. • potential that minor oil leaks from vehicles in damaged paved areas and leaks from the foul sewers could infiltrate to ground, • In the event of a fire, there is the potential for contaminated firewater run-off to infiltrate to the soil via damaged paving and leaking sewers.
Decommissioning	Not examined in the EIAR, however, it is reasonable to expect that effects would be similar to construction stage.
Cumulative	There will be no material change to the volume of rainwater run-off generated, however the infiltration based SuDs measures will increase the groundwater recharge rate and will have a positive and imperceptible cumulative effect in combination with other permitted developments that deploy SuDs based measures.

Table 7.3: Summary of Potential Effects - Water

7.7.6. Mitigation

Mitigation measures are set out in section 7.8 of the EIAR. Measures include SuDs measures as detailed in section 3.10.3 of the EIAR. The permeable paving that will be provided in the parking areas is designed to filter out silt and absorb the small amounts of oil that may leak from parked vehicles. Surface water run-off discharging to the storm sewer will pass through an oil separator. Fire safety measures to mitigate the risk of fire outbreak are described in section 10.8.1.6 and are subject to EPA licence review and include prevention of firewater run-off to storm and foul sewers.

During construction, measures include:

- Pouring cement will be carried out, where possible in dry periods;
- Excess concrete will be removed from the site and no concrete washout permitted on site;
- No hosing into surface water drains of spills of concrete, cement, grout of similar materials.

During operation, measures include:

- SuDs infiltration measures in surface water drainage system will maximise the groundwater recharge within the site;
- provision and maintenance of the Class 1 Oil Separator on the outflow to the Uisce Eireann storm sewer;
- Compliance with EPA licence requirements;
- Gully bungs will be maintained on site, and in the event of a fire will be used to prevent firewater run-off. Implementation of fire safety and emergency response measures that will be implemented, set out in Section 10.8.3.1.
- Monitoring – the oil interceptor will be inspected weekly to ensure it is functioning properly and will be cleaned out as required.

7.7.7. Residual Effects

The SuDs measures based on the infiltration of run-off to ground will reduce the volume discharging to the Uisce Eireann storm sewer. Rainwater run-off that is not

harvested and infiltrated to ground will discharge to the Uisce Eireann Storm sewer. The flow rate will be restricted to greenfield rates, which will have a slight, positive, local impact on the capacity of the Uisce Eireann sewer and will reduce the risk of flooding downstream of the site.

7.7.8. Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated Chapter 7 of the EIAR, all of the associated documentation and submissions on file in respect of water. I am satisfied that the applicant's understanding of the baseline environment, by way of literature review and desk-top analysis, is comprehensive. There will be no emissions to on or off-site water features and therefore no impacts on surface waters. There is the potential for accidental spills of polluting materials to occur; however, the mitigation measures specified in the CEMP will minimise the associated impacts.

7.7.9. Conclusion

There will be a neutral impact on water arising from the proposed development, however no significant direct or indirect effects are anticipated to arise.

7.8. **Biodiversity**

7.8.1. Issues Raised

The DSCC Chief Executive's Report includes extracts from the EIAR and the Non-technical summary relating to biodiversity and recommends that mitigation measures are adhered to. No issues of significance are raised.

Examination, Analysis & Evaluation

7.8.2. Context

Chapter 8 deals with biodiversity and was prepared by a qualified ecological consultant with OCM. This chapter should be read in conjunction with Chapter 6 Land and Soils, Chapter 7 Water, Chapter 9 Air, Chapter 10 Population and Health and the Appropriate Assessment Screening Report submitted with the application and the AA Screening Report undertaken as part of this Inspector's Report, Appendix A refers. Matters relating to the impact on Natura 2000 sites are dealt with in the attached AA Screening Report and are not repeated here. The AA Screening Report screened out the need for AA Stage 2.

The assessment methodology includes a survey of the site, including habitat mapping, bird and mammals surveys, and a desk study of databases maintained by the NPWS, Geological Survey of Ireland (GSI), the EPA and others.

Chapter 8 sets out the relevant legislation and guidance, describes the baseline receiving environment and it identifies the prevention, mitigation and monitoring measures that will be implemented to reduce the significance of the impacts and assesses residual impacts.

Limitations are considered in section 8.3 and no limitations were found, save for natural fluctuations in populations which may arise during field surveys.

The relevant aspects of the proposed development, in my opinion, are:

- Demolition, construction and operational stage which may result in disturbance (lighting, noise) to protected species inside and outside the site boundary and potential risks of surface water contamination on designated sites of ecological importance.

7.8.3. Baseline

7.8.4. The baseline environment is described in sections 2 and 8.6 of the EIAR. The site is dominated by man-made habitats which are not of ecological value. There is some vegetation on the boundary of the site and on small unused corners of the site. No rare plant species were recorded and although the survey was conducted outside the main growing season the presence of rare or uncommon species is considered unlikely. The non-native invasive species Buddleia was recorded at the site.

The site is considered of low to negligible value for bats. The EIAR states that although rodent species may occur and are controlled by rodenticides, no other protected mammals are likely to occur. There is no significant bird breeding habitat on site and specialised breeding bird surveys were not considered necessary. In general, the site is considered of negligible value for most bird species although it is acknowledged that waste activities at the site do attract gulls and corvids to the site. A number of gulls were recorded roosting on the roof on a neighbouring industrial building to the west of the site.

The proposed development is not located within any Natura 2000 site, and is c. 410m from the nearest stream, the Coolafen Stream, a tributary of the River Liffey, which eventually flows into Dublin Bay. The South Dublin Bay and River Tolka

Estuary SPA, South Dublin Bay SAC, North Dublin Bay SAC and North Bull Island SPA are located within Dublin Bay.

There are a number of proposed NHA's in the vicinity of the site, including the Grand Canal (c. 2km north), however there is no hydrological connection to any pNHA and the proposed development site.

7.8.5. Potential Effects

Likely significant effects of the development, as identified in the EIAR, are summarised in Table 7.4 below:

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do nothing	In the absence of development, there would be no significant changes in the distribution of habitats. Some increase in scrub may occur over time.
Construction	• potential to remove a range of habitats • disturb or displace protected species for the duration of construction. • Spread of invasive species. • Significant potential impacts on biodiversity include habitat loss, noise and visual/light disturbance of protected fauna species, and the potential for suspended solids or other contaminants to impact on local watercourses/waterbodies.
Operation	• Increased activity and human presence, noise and artificial lighting may impact and disturb or displace bats. • Potential for new foraging area for bats as proposed native linear planting matures. • Potential for new nesting and foraging habitat for common terrestrial birds as native linear planting matures.

	• In the event of a fire, there may be damage to the landscape areas and trees.
Decommissioning	Not examined in the EIAR, however, it is reasonable to expect that effects would be similar to construction stage.
Cumulative	Cumulative impacts on fauna primarily relate to increased noise and activity levels and potential impacts on water quality. In-combination impacts from noise/disturbance are likely to be most pronounced during construction.

Table 7.4: Summary of Potential Effects - Biodiversity

7.8.6. Mitigation

Mitigation measures are set out in section 8.10 of the EIAR. Measures include:

During construction:

- Retention of existing trees and hedgerows on the boundary where possible and removal of vegetation outside of the breeding season, where possible.
- Implementation of a CEMP;
- Controlled removal of invasive species;
- Erection of bat boxes;
- Monitoring the workplace for potential environmental risks and alert the site manager if any are observed.

During operation:

- The lighting scheme will be designed to minimise the impact of external lighting upon bat populations;
- Compliance with EPA licence requirements;
- Gully bungs will be maintained on site, and in the event of a fire will be used to prevent firewater run-off. Implementation of fire safety and emergency response measures that will be implemented, set out in Section 10.8.3.1 of the EIAR.
- Monitoring – inspection regime set out in the Landscape Management Plan.

7.8.7. Residual Effects

Retention of the majority of treelines at the site as well as the proposed landscaping plan will provide foraging and commuting habitat for birds, bats and other fauna.

7.8.8. Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated Chapter 8 of the EIAR, all of the associated documentation and submissions on file in respect of biodiversity. I am satisfied that the applicant's understanding of the baseline environment, by way of site survey and desk-top study is comprehensive. There is potential for noise and disturbance as a direct result of construction works on habitats and species, however, these impacts will be mitigated by measures specified in the CEMP to reduce impact and will be short-term in duration. There will be no emissions to on or off-site water features and therefore no impacts on surface waters/water dependent species or habitats. There are no indirect significant effects arising on biodiversity.

During operation, only a slight localised increase in traffic and noise is predicted. The proposed development is not predicted to significantly increase long term noise and disturbance levels or impact significantly on water quality. Any birds in the vicinity, including the roosting gulls identified on the neighbouring site, are habituated to operational noise of the existing operation and so no significant impact from noise and disturbance of the proposed development on birds are expected. No significant cumulative impacts have been identified.

7.8.9. Conclusion

There will be an imperceptible, negative, local, likely and long-term impact on habitats, mammals, birds and other species. No significant direct or indirect effects are anticipated to arise on biodiversity.

7.9. Air

7.9.1. Issues Raised

SDCC in its Chief Executive Report reference the report from the Environmental Health Officer which recommends a construction-related condition is attached to any grant of permission. No substantive issues of concern are raised.

Examination, Analysis & Evaluation

7.9.2. Context

Chapter 9 deals with air and was prepared by Katestone Environmental. This chapter should be read in conjunction with Chapter 5 Climate, Appendix 2.3 Odour Management Plan and Appendix 9.1 – air quality monitoring carried out by Katestone Environmental.

The assessment methodology includes a desk study of databases maintained by the EPA, EPA Licence monitoring data, Met Eireann and air quality modelling.

Chapter 9 sets out the relevant legislation and guidance, describes the baseline receiving environment and it identifies the prevention, mitigation and monitoring measures that will be implemented to reduce the significance of the impacts and assesses residual impacts. The Institute of Air Quality Management (IAQM) 2014 Guidance is adopted as an approach to air quality assessment, which I consider appropriate.

The sources of emissions in the operational phase will include emissions of odour from the exhaust stack and exhaust gas emissions from road transport associated with hauling material to and from the proposed development. Dispersion modelling using the regulatory dispersion model, AERMOD, has informed the odour assessment.

Limitations are not expressly considered in the EIAR, although it is stated that there are currently no Irish or European Union air quality standards for deposited dust. An industry threshold guideline value of 350 mg/m^2/day for dust deposition is used, which I consider to be acceptable. In addition, it is noted that the nearby Galco Steel Facility, located 100m to the north of the site, which emissions are likely to influence local air quality, however there are no publicly available air quality reports /monitoring in close proximity to the steel facility.

The relevant aspects of the proposed development, in my opinion, are:

- Demolition and construction works which will give rise to dust and traffic emissions;
- Emissions from operational phase, including from the proposed stack and additional traffic.

7.9.3. Baseline

7.9.4. The baseline environment is described in sections 2 and 9.3.3.1 of the EIAR. In terms of sensitive receptors, the closest residential receptor is approximately 40 m

southeast of the site boundary. Further sensitive residential receptors are located approximately 440 m to the west and 800m to the southeast. The closest sensitive commercial and industrial receptors are adjacent to the northwest site boundary and 50 m west of the OCU Stack, and adjacent to the south-eastern site boundary and 60 m southeast of the OCU Stack. The lands to the east and northeast are currently under construction for a large commercial development. The ambient air quality, based on the results of continuous monitoring conducted by the EPA in Tallaght, Ballyfermot and Walkinstown, is good.

7.9.5. Potential Effects

Likely significant effects of the development, as identified in the EIAR, are summarised in Table 7.5 below:

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do nothing	If the proposed development does not proceed there will be no new emissions to air and no change to the potential for impacts on air quality.
Construction	• Dust emissions from building demolition, soil excavation and stockpiling, building construction; landscape works, wind-blown dusts from access roads and from mud tracked out from the site on vehicle wheels, dust can result in soiling of houses, gardens and cars, while the smaller particles that are breathed in can affect health. • exhaust gases and air pollutants from the materials delivery and staff vehicles and mobile plant.
Operation	• Road transport associated with a development can be the source of emissions of several air pollutants, which can affect health; • Odorous emissions to air from waste handling. • In the event of a fire, smoke emissions would be generated by the combustion of materials and wastes.

Decommissioning	Not examined in the EIAR, however, it is reasonable to expect that effects would be similar to construction stage.
Cumulative	A number of permitted developments could potentially overlap with the construction phase of the proposed development.

Table 7.5: Summary of Potential Effects - Air

7.9.6. Mitigation

Mitigation measures are set out in section 9.7 of the EIAR. Measures include:

During construction:

- Water spraying of exposed earthworks and site haul road during dry weather using mobile units.
- Provision of a wheel cleaner at the site entrance to remove dirt from vehicles prior to exiting the site.
- Control of vehicle speeds within the site, and
- Regular inspection of approach road, and cleaning as required.
- Adherence to the CEMP.

During operation:

- Installation of an odour control system in the section of the materials recovery facility where the odorous wastes (black bin) will be processed and stored (brown bin). The system will involve the abstraction of air and its treatment in a dust filter to remove dusts and carbon filter to reduce odour levels before it is emitted to the air via a stack.
- Adherence to EPA odour limit specifications.
- Fast opening and closing doors will be fitted on the entrances to the area where odorous wastes are handled.
- Planning delivery routes and schedules for the delivery and removal of materials.
- Implementation of fire safety and emergency response measures that will be implemented, set out in Section 10.8.3.1 of the EIAR.

7.9.7. Residual Effects

During construction, the impacts will be negative, imperceptible, local, likely and temporary. During operation, the impacts will be negative, imperceptible, local, likely and long term.

7.9.8. Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated Chapter 9 of the EIAR, all of the associated documentation and submissions on file insofar as they relate to air. I am satisfied that the applicant's understanding of the baseline environment, by way of desk-top analysis including data from Met Eireann, EPA monitoring data, noise and odour analysis, including modelling, is comprehensive.

Regarding dust, the unmitigated risk of dust impacts is classified as a medium risk for dust soiling and low risk for health effects of PM10 (dust particles). The unmitigated impact of construction on air quality and health impacts can be described in terms of dust soiling as negative, moderate and temporary effects. Mitigation measures included in the CEMP, including water spraying for dust suppression will avoid dust nuisance. The assessment of impacts of the operational phase of the proposed development is based on the air quality impacts due to predicted Annual Average Daily Traffic (AADT) and Heavy-Duty Traffic (HDV) AADT on the road links. The modelling shows that the compliance with the 24-hour average standard for PM10 will be achieved at the worst affected receptor and despite a predicted maximum three exceedances of the PM10 standard of 50 µg/m³ the Air Quality Standards Regulations 2012 states that the 50 µg/m³ daily limit value may not be breached more than 35 times in a calendar year. I am satisfied, having regard to the scientific data presented in the EIAR that the worst case magnitude of change is "not significant" and that as the baseline annual average concentrations of PM10 and NO2 in the study area are shown to be less than 30 µg/m³, the potential impact of the operational phase of the proposed develop on air quality can be stated to be negligible, negative and long term.

Regarding odour, the operational phase of the proposed development has the potential to result in odorous emissions that could cause adverse impacts that could in the absence of mitigation be described as significant, negative and long-term. Mitigation, in the form of an onsite odour abatement unit and fast acting roller shutter doors will be required to reduce potential impacts of operational activities to levels

that can be described as not significant. The modelling results in the EIAR show that predicted concentrations comply with the odour criterion recommended by EPA for waste facilities of 1.5 µg/m³ at all sensitive receptors included in the modelling assessment. The results also show that operation of the OCU stack will ensure that levels of impact identified in the assessment in terms of odour will be minimised to levels that are imperceptible, negative and long-term.

7.9.9. Conclusion

With mitigation measures, no significant direct or indirect effects are anticipated to arise. During construction, the impacts will be negative, imperceptible, local, likely and temporary. During operation, the impacts will be negative, imperceptible, local, likely and long term.

7.10. Population and Human Health (including noise and major accidents)

7.10.1. Issues Raised

The SDCC Chief Executive Report does not raise any specific concerns or issues with respect to population and Human Health. A number of conditions are recommended that relate to human health, in the event of a grant of permission.

Examination, Analysis & Evaluation

7.10.2. Context

Chapter 10 deals with population and human health and was prepared by MKO Ireland. This chapter should be read in conjunction with Chapter 9 Air and Chapter 14 Materials Assets Traffic and Transport, and Appendix 10.1, Noise Impact Assessment, prepared by MKO.

The assessment methodology includes a desk study and findings from relevant chapters of the EIAR, including Air, Traffic & Transport and the Noise Assessment.

Chapter 10 sets out the relevant legislation and guidance, describes the baseline receiving environment and it identifies the prevention, mitigation and monitoring measures that will be implemented to reduce the significance of the impacts and assesses residual impacts.

Limitations are not expressly considered in the EIAR, and no limitations are apparent.

7.10.3. Baseline

7.10.4. The baseline environment is described in sections 2 and 10.5 of the EIAR.

The proposed development site is located in an extensive industrial area. The lands to the east and northeast are currently under construction for a large commercial development. Despite the site's location in an industrial area, there are six dwellings locally, all situated along Ballymount Road Upper to the southeast of the site entrance. Several of these relate to immediately adjacent commercial activities.

All of the sensitive receptors in the local area are dwellings. No receptors such as crèches, schools, care centres or nursing homes have been identified in the local area. Commercial and industrial facilities (including their office spaces) across the surrounding area are not considered noise sensitive locations.

The local noise environment is urban in character, being entirely dominated by local and M50 road traffic noise on a 24/7 basis. Traffic volumes are likely to continue to increase into the future, resulting in gradually increasing noise levels. Historic monitoring data (as required by the IE Licence) indicate that average sound level in the vicinity of the proposed development site is elevated.

The Seveso II Directive 96/82/EC, which is implemented by the "European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations, is concerned with the prevention of major accidents that involve dangerous substances. The proposed development will not be subject to the Regulations and the nearest designated facility is approximately 800m to the north.

7.10.5. Potential Effects

Likely significant effects of the development, as identified in the EIAR, are summarised in Table7.6 below:

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do nothing	If the proposed development does not proceed there will be no new emissions to air and no change to the potential for impacts on air quality.
Construction	• Nuisance: dust can result in soiling of houses, gardens and cars, while the smaller particles that are breathed in can affect health.

	• Traffic can cause congestion and nuisance, and noise; exhaust gases and air pollutants can effect health. • Demolition and construction noise – nuisance.
Operation	• Road transport can be the source of emissions of several air pollutants, which can affect health; • Noise impacts arising from HGV movements on site. • Odorous emissions to air from waste handling can be nuisance. • In the event of a fire, there is a risk to site staff and neighbouring occupants. Smoke emissions can impact health. Fire water can contaminate groundwater and surface water, if not contained. • Although not identified in the EIAR, glint and glare from the proposed roof-top solar PV panels could impact aviation.
Decommissioning	Not examined in the EIAR, however, it is reasonable to expect that effects would be similar to construction stage.
Cumulative	A number of permitted developments could potentially overlap with the construction phase of the proposed development.

Table 7.6: Summary of Potential Effects – Population & Human Health

7.10.6. Mitigation

Mitigation measures are set out in section 10.7 of the EIAR.

During construction, measures include:

- Air quality mitigation measures set out in section 10.8.2.1 of the EIAR and include spraying of exposed earthworks soil stockpiles on site haul routes during dry weather. Regular sweeping of paved roads; control of vehicle speeds, minimization of material drop heights, use of exhaust silencers on construction machinery; prohibition of engine idling.

- Regarding noise, construction works generally to be confined to 7am to 7pm Monday to Friday and 8pm to 2pm on Saturday; maintaining plant and machinery in a satisfactory condition; prohibition of queuing trucks on Ballymount Road Upper; a noise complaint system; adherence to guidance in British Standard BS 5228 2009; and adherence to the CEMP.

During operation, measures include:

- In respect of noise, an acoustic noise barrier (4m high, entirely solid without panel gaps and constructed using insulated cladding on a steel framework to provide a minimum of 10 dB transmission loss) will be installed along the south-eastern boundary to reduce impact on neighbours; compliance with EPA licence; the building will be constructed so as to avoid any gaps at cladding joints; all mobile plant will be fitted with flat spectrum reversing alarms; hooting will be prohibited on site; plant and equipment will be maintained in a satisfactory condition, keeping of a noise complaints register.
- In respect of odour, the current Odour Management Plan (subject to review by the EPA) will be revised and updated and specify control measures that will be implemented to mitigate odour nuisance. All materials acceptance and processing will be carried out inside the building; regular cleaning of floor where odorous wastes are handled. Odorous materials will typically be sent off site within 24 hours of arrival. Installation of an odour control system and adherence to EPA odour limit specifications. Fast opening and closing doors will be fitted on the entrances to the area where odorous wastes are handled.
- Compliance with EPA Licence.
- Implementation of fire safety and emergency response measures that will be implemented, set out in Section 10.8.3.1 of the EIAR, including prohibition of portable electrical heaters; internal separation distances between material storage areas, contractors will be obliged to undergo safety inductions prior to site access, fire extinguishers throughout the site, and appropriate staff training.
- Monitoring of systems including fire safety system.

7.10.7. Residual Effects

During demolition and construction, the noise assessment (appendix 10.1 of the EIAR) indicates that, at intervals, the loudest construction activity is likely to be audible at the nearest dwelling, outside the southeast boundary. Concrete breaking will see a temporary increase to 69 dB. The construction stage will have a negative, not significant, local, likely and temporary impact on Population and Human Health.

During operation, waste processing will have a negative, imperceptible, local, likely and permanent impact. Noise from traffic associated with the proposed development will have a negative, imperceptible during daytime hours/not significant during night-time hours, local likely and long-term impact on the nearest residential dwelling.

7.10.8. Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated Chapter 10 of the EIAR, all of the associated documentation and submissions on file in respect of Population and Human Health. I am satisfied that the applicant's understanding of the baseline environment, by way of desk-top analysis, surveys and assessment, is comprehensive.

Likely effects on population and health relate to noise, air quality and odour emissions and accidents, relating to fire risk. Sensitive receptors are limited to a small number of residential properties in proximity to the proposed development site.

The assessment of the impact of the development on air quality (Chapter 9) has established that the baseline air quality in the vicinity of the site is good. The local environment is dominated by traffic noise.

Impacts on population and human health are linked to noise and air emissions in both the construction and operational stages and potential nuisance in the operational stage.

I have considered the MKO noise model, appendix 10.1. of the EIAR, which concluded noise from demolition works, ground works and construction works and found that average noise levels will remain below the 65 dB BS 5228:2009 criterion at all receptors, apart from one house throughout the construction phase outside the southeast corner of the site, where demolition works will reach 69 dB at their highest. This activity will be short-term. The traffic impact assessment indicated that construction works will result in a temporary increase in HGV traffic volumes of 7% or less, and an employment level of less than 60 workers at any time, which is in my

opinion, insignificant in the context of the urban road network in the vicinity of the site. I am satisfied that subject to the implementation of the CEMP, levels of impact in combination with the construction phase of neighbouring developments will be maintained at levels that are insignificant and temporary.

The MRF will (continue to) operate 24/7. The noise emission sources will include plant machinery. Vehicle movements will also arise on a 24/7 basis, although traffic movements during the evening and night-time will be sporadic. Negative air pressure will be maintained in the building using an air management system that includes an air extraction fan. The road traffic assessment indicates that increases in local road traffic resulting from the proposed development will not be significant.

During operation, the MKO noise model, identified the need for an acoustic barrier along the southeast boundary to attenuate noise emissions at the nearest dwelling. The barrier will be 4m high of solid construction using insulated cladding to provide a minimum 10dB transmission loss.

The MKO noise model was undertaken using three different methodologies, including that of British Standard 4142:2014 and that of the Institute of Environmental Management and Assessment (IEMA). Five warehouses currently under construction to the immediate east of the proposed development site were added to the noise model. It was concluded that in all cases, and taking account of the noise barrier, impacts will be imperceptible, due to the high existing baseline noise levels resulting from road traffic. Predictive noise modelling indicates that cumulative impacts will not arise.

In the operational stage, considering that baseline levels of air quality in the study area are well below regulatory limits, no in-combination significant effects are predicted.

Regarding vibration, the EIAR concludes that there will be no vibration impacts.

7.10.9. Conclusion

I am satisfied, having regard to the EIAR and the Noise Assessment contained therein, and following the implementation of mitigation measures during the construction phase (e.g. specific measures around concrete breaking – such as confined time period for this activity) and during the operational phase (e.g. including fast acting roller shutter doors and solid noise barrier along the southeastern

boundary) that there will be no significant direct or indirect effects arising. During construction, the impacts will be negative, not significant and temporary. During operation, the impacts will be negative, not significant/slight and long term.

7.11. Landscape and Visual Impact

7.11.1. Issues Raised

The SDCC Chief Executive's Report does not raise any concerns relating to visual impact. With respect to landscape, the report references the Green Space Factor requirement. This issue is dealt with in section 6.6 of this Inspector's Report and is not repeated hereunder.

Examination, Analysis & Evaluation

7.11.2. Context

Chapter 11 deals with landscape and visual impact and was prepared by ORM Environmental Consultants. This chapter should be read in conjunction with the landscape plan prepared by Hayes Ryan Landscape Architects, detailed plans and drawings prepared by ORS Consulting Engineers, photomontages prepared by Redline Studios. Chapter 11 assesses the landscape and visual impacts of the proposed development on the surrounding landscape and identifies mitigation measures to achieve the long-term integration of the proposed development in the surrounding landscape.

The assessment methodology includes a desk study, site and surrounding area inspection, and the preparation and evaluation of photomontages. The assessment followed the Guidelines for Landscape and Visual Impact Assessment (Landscape Institute & IEMA., UK 2013). Photomontages were undertaken in accordance with the best practice.

Limitations are not expressly considered in the EIAR. I am satisfied that there are no limitations in respect of the assessment of landscape and visual impact.

The relevant aspects of the proposed development are in my opinion the topography; form, height and massing of the buildings; the construction materials texture and colour, the removal of existing trees and the proposed landscape measures.

7.11.3. Baseline

The baseline environment is described in sections 2 and 11.5 of the EIAR. According to the South Dublin County Development Plan's Landscape Character Assessment (LCA), the site is located in the Urban /Historic Urban Area, which is characterised by a mix of residential and industrial areas, with few protected views or prospects.

The site slopes gradually from northeast to northwest and is generally flat; the surrounding landscape is generally flat. The proposed building will measure 13.3m in height with a stack of 15.3m.

Having regard to the surrounding land use, topography and vegetation the views of the site are limited to the Ballymount Road Upper and the field to the north-east of the site boundary, which is currently under construction for a commercial development.

7.11.4. Potential Effects

Likely significant effects of the development, as identified in the EIAR, are summarised in Table 7.7 below:

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do nothing	If development does not proceed the land use at the subject site will not change, with no alteration to the landscape character.
Construction	• 14 no. trees will be removed around the site boundary, 8 of which are located at the south eastern boundary, where the proposed entrance is located; • Works, including clearance, stockpiling and hoarding will cause temporary visual impacts in the locality.
Operation	• Building mass and height, new road, boundaries and landscaping will alter the local views of the site. • Limited views of proposed building within the locality.
Decommissioning	Not examined in the EIAR, however, it is reasonable to expect that effects would be similar to construction stage.

Cumulative	A number of permitted developments could potentially have cumulative visual impacts in the locality which are generally contained due to the topography of the landscape.

Table 7.7: Summary of Potential Effects – Landscape & Visual Impact

7.11.5. Mitigation

Mitigation measures are set out in section 9.7 of the EIAR.

During construction, measures include:

- Additional landscaping and planting.
- Hoarding around perimeter of the site.

During operation, measures include:

- Neutral colour selection of building to minimise visual impact.
- Maintenance of boundary treatment and landscaping.

7.11.6. Residual Effects

The development will not alter the existing landscape character. The visual impact will be not significant, local and long-term.

7.11.7. Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated Chapter 11 of the EIAR, the associated documentation and submissions on file in respect of landscape and visual impact. I am satisfied that the applicant's understanding of the baseline environment, by way of literature review, desk-top analysis and assessment, is comprehensive.

At a site specific level, the proposed development site is an area zoned for employment and enterprise, with industrial type developments to the west and south.

The development will not result in a change to the landscape character. The development will consist of the removal of two buildings replacing them with one industrial unit. The subject site is zoned for Enterprise and Employment and the proposed development is consistent with this zoning.

A combination of the topography and existing vegetation effectively screens the proposed development from the majority of public view points. The new building will be visible all year round from view points on Ballymount Road Upper. In the context

of the surrounding landscape, which is dominated by commercial and industrial type structures, the visual impact will be negative, not significant, local, likely and long term.

7.11.8. Conclusion

With mitigation measures, no significant direct or indirect effects are anticipated to arise. During construction, the impacts will be negative, imperceptible, local, likely and temporary. During operation, the impacts will be negative, imperceptible, local, likely and long term.

7.12. Cultural Heritage

7.12.1. Issues Raised

The SDCC Chief Executive Report does not raise any concerns regarding cultural heritage.

Examination, Analysis & Evaluation

7.12.2. Context

Chapter 12 deals with cultural heritage and was prepared by OCM. This Chapter describes the archaeological, architectural and cultural heritage significance of the development site and its environs and assesses the impact of the proposed development. It identifies the prevention, mitigation and monitoring measures that will be implemented to reduce the significance of the impacts and assesses the residual impacts.

The assessment methodology comprises a desk-top study, including the South Dublin County Development Plan, National Monuments Service databases and the National Inventory of Architectural Heritage database and previous archaeological investigations undertaken in the vicinity of the site.

Limitations are not expressly considered in the EIAR, although it is stated that field surveys were not undertaken having regard to the existing operation on site.

The relevant aspects of the proposed development, in my opinion, are:

- Excavation and construction works leading to ground disturbance.

7.12.3. Baseline

The baseline environment is described in sections 2 and 12.5 of the EIAR. The Study Area was within a 1km radius of the proposed development site. There are no recorded cultural heritage features inside the development site boundary and it is not adjacent to any Zone of Archaeological Potential. There are number of archaeological features in the vicinity, the nearest of which are a cluster c. 500m to the northwest beyond the M50, which are associated with 17th Century Ballymount Manor House.

The Archaeological Assessment for a commercial development (Ref SD 22A/0099) on the 7ha field adjoining the north-eastern boundary of the proposed development site found no archaeological features, finds or deposits.

7.12.4. Potential Effects

Likely significant effects of the development, as identified in the EIAR, are summarised in Table 7.8 below:

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do nothing	If the proposed development does not proceed there will be no changes to the potential impacts on unknown archaeological and cultural heritage features.
Construction	There is no evidence of any cultural features inside the proposed development site and given the site history it is highly likely that any unknown features that may have been present in the subsoils have been destroyed, therefore there is no need for prevention and mitigation measures.
Operation	None
Decommissioning	None
Cumulative	None

Table 7.8: Summary of Potential Effects – Cultural

7.12.5. Mitigation

Mitigation measures are discussed in section 12.8 of the EIAR; it is stated that no measures are required.

7.12.6. Residual Effects

The only potential for impacts is on unknown archaeological features in the construction stage; however based on the development history any such features that may have been present were removed/destroyed in previous construction works no significant residual impacts on cultural heritage are anticipated.

7.12.7. Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated Chapter 12 of the EIAR, all of the associated documentation on file in respect of cultural heritage. I am satisfied that the applicant's understanding of the baseline environment, by way of desk-top analysis, is comprehensive.

There are no known cultural heritage features within the development site boundary and I am satisfied that the overall cultural heritage value of the site is low. Given the development history of the site any unknown features that may have been present have either been destroyed or removed. I am satisfied that the proposed development will not have any direct or indirect impact on cultural heritage features.

7.12.8. Conclusion

The proposed development will not have any direct, indirect or cumulative impact on cultural heritage.

7.13. Material Assets

7.13.1. Issues Raised

SDCC in its report quotes relevant sections of the EIAR and non-technical summary with respect to traffic and transport, having regard to which, conditions are recommended in the event of a grant which include the submission of a Construction Traffic Management Plan. With respect to water services, the SDCC report states that the mitigation measures relating to water management should be adhered to. It further references the comments from Usice Éireann including that a Confirmation of Feasibility issued in respect of the proposed development and that waste and waster connection is feasible without infrastructure upgrades; standard Uisce Éireann conditions are recommended.

Examination, Analysis & Evaluation

7.13.2. Context

Chapter 13 deals with built services and infrastructure and Chapter 14 deals with traffic and transport. Chapter 13 was prepared by OCM and Chapter 14 was prepared by Systra Ltd, transport engineering consultants. Chapter 13 should be read in conjunction with the Engineering Report prepared by ORS Consulting Engineers, appendix 3.1 refers. Chapter 14 should be read in conjunction with Appendix 2 of the CEMP (itself, appendix 3.2 of the EIAR) - Traffic Management Plan prepared by Systra Ltd and Appendix 14.1 Transport Assessment (incorporating a Mobility Management Plan) also carried out by Systra Ltd.

For ease of reference, I deal with built services and infrastructure firstly, followed by traffic and transport.

Built Services & Infrastructure

Chapter 13 sets out the relevant legislation and guidance, describes the baseline receiving environment and it identifies the prevention, mitigation and monitoring measures that will be implemented to reduce the significance of the impacts and assesses residual impacts. The Institute of Air Quality Management (IAQM) 2014 Guidance is adopted as an approach to air quality assessment, which I consider appropriate. The assessment methodology includes a desk study of databases and literature review.

Limitations are not expressly considered in the EIAR. I am satisfied that there are no limitations in respect of preparing Chapter 13.

The relevant aspects of the proposed development, in my opinion, are demolition and construction works which will give rise disruption to site services and installation of new or upgraded site services. Those aspects that are relevant to the built services are water, electricity and energy supplies, surface water and foul water drainage, waste management and natural resource consumption.

There are existing mains water and foul sewer connections. The Civil Engineering Report that accompanies the application states that a pre-connection enquiry was lodged with Irish Water in November 2023 for both water and wastewater and that a confirmation of feasibility (COF) was “still to be received from Irish Water.” As referenced above, the SDCC report states that comments from Usice Éireann include that a Confirmation of Feasibility issued in respect of the proposed development and that waste and waster connection is feasible without infrastructure upgrades.

7.13.3. Baseline

The baseline environment is described in sections 2 and 13.5 of the EIAR. The site is connected to the mains electrical and telecoms supply and the Uisce Éireann storm water and foul sewer systems. Regarding waste, the EIAR sites national and regional policy and states in order to meet recovery and recycling targets are met, to minimise the amount of waste disposed to landfill and to roll out circular economy initiatives there is a need to increase indigenous waste recycling and recovery capacity.

7.13.4. Potential Effects

Likely significant effects of the development, as identified in the EIAR, are summarised in Table 7.9 below:

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do nothing	If the proposed development does not proceed there will be no change to existing site services and infrastructure.
Construction	• Although not identified in the EIAR, there will be disruption to site services and infrastructure and installation of new services.
Operation	• Introduction of SuDs measures including harvesting rainwater – reducing demand on mains, increased infiltration to ground and to storm water sewer. • The relocation of the administrative support staff (50 No) will reduce the loading on the Uisce Éireann foul sewer. • Roof mounted solar panels (500kw) will supply electricity directly to the facility and will reduce the energy demand on the national network. • It is estimated that the initial annual diesel consumption will be approximately 150,000 litres, which will reduce as transport fleet are changed.

	• The proposed development will increase the waste treatment capacity in the Greater Dublin Area.
Decommissioning	Not examined in the EIAR, however, it is reasonable to expect that effects would be similar to construction stage.
Cumulative	The development will contribute to a cumulative increase in the waste recycling and recovery capacity in the Greater Dublin Area.

Table 7.9: Summary of Potential Effects - Built Services & Infrastructure

7.13.5. Mitigation

Mitigation measures are set out in section 13.8 of the EIAR.

During construction, measures include:

- Building design measures to conserve energy/ achieve energy efficiency including installation of roof mounted Photovoltaic (PV) Solar Panels to supplement the electricity supply and provision of electric vehicle charging points;
- Provision of energy efficient artificial lighting systems;
- An automated shut-off valve will be installed on outfall from the facility to Uisce Eireann sewers to prevent contamination in the event of a fire;
- Preparation and implementation of a detailed Resource & Waste Management Plan will identify all of the measures to maximise the reuse/recovery of construction and demolition waste; and,
- Use of fuels during construction will be minimised.

During operation, measures include:

- Source segregation and management for waste generated on site.
- Use of energy efficient plant and machinery.

7.13.6. Residual Effects

The SuDs measures based on the infiltration of run-off to ground and rainwater harvesting will reduce the volume discharging to the Uisce Éireann storm sewer and will have a slight positive, long term and local cumulative impact. There will be an

increased demand on the national electricity grid, which will be somewhat off-set by the electricity generated by the solar panels. In relation to the regional waste management capacity and circular economy initiatives the development will have a positive impact.

7.13.7. Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated Chapter 13 of the EIAR, all of the associated documentation and submissions on file in respect of site services and infrastructure. I am satisfied that the applicant's understanding of the baseline environment in respect of site services and infrastructure is comprehensive. There will be a direct, positive and moderate effect on the waste management capacity in the Greater Dublin Area. There will be an indirect positive effect on Uisce Éireann services through the reduction of the volume discharging to the storm sewer which will have a slight positive, long-term impact.

Traffic and Transportation

The SDCC Chief Executive's Report does not raise any concerns with respect to traffic and transport, and states that it has no objection subject to conditions (discussed in section 6.4 of this Inspector's Report).

Chapter 14 of the EIAR sets out the relevant legislation and guidance, describes the baseline receiving environment and it identifies the prevention, mitigation and monitoring measures that will be implemented to reduce the significance of the impacts and assesses residual impacts. The assessment methodology includes traffic surveys to inform the Transport Assessment (Appendix 14.1).

Chapter 14 has regard to TII's Traffic and Transport Assessment Guidelines (2014) and also to the guidance and methodology of IEMA Environmental Assessment of Traffic and Movement (2023). A transport assessment was undertaken for the operational phase.

Limitations are not expressly considered in the EIAR, I am satisfied however, that there were no limitations in respect of the assessment in respect of traffic.

The relevant aspects of the proposed development, in my opinion, are:

- Construction traffic and traffic management over a construction period of 14 months;

- Pedestrian, cycle and vehicular access into the site;
- Vehicles will enter the site, pass over a weighbridge, and then reverse to unload in one of bays provided. They will then return the same way to exit the site.
- Provision of 43 car parking spaces including 3 disabled and 9 electric vehicles (EV) spaces. Twenty-four cycle parking spaces will be provided.
- Haul routes.

7.13.8. Baseline

The baseline environment is described in sections 2 and 14.5 of the EIAR.

The proposed development is located in Ballymount Industrial Estate, to the east of the M50 (c. 500m), between Junctions 9 and 10. From the site, Junction 10 of the M50 is accessed via Ballymount Road Upper, and then Calmount Road. The site is accessed via a simple priority junction on Ballymount Road Upper that is the single point of access for vehicles, cyclists and pedestrians. The existing operation operates on a 24hr basis.

There is no dedicated cycle infrastructure along Ballymount Road Upper. There are cycle lanes in both directions along Greenhills Road and a short section of southbound cycle track along Calmount Road. Generally, there is a reasonable standard of pedestrian infrastructure in the local area and the site enjoys excellent access to the strategic road network, being located within 700m of Junction 10 of the M50.

The nearest bus stops are c. 120m northwest of the site entrance on Ballymount Road Upper. The site is c.500m from the proposed Tallaght/Clondalkin to City Centre BusConnect Core Bus Corridor Scheme (ABP ref. 316828). Ballymount Road Upper and surrounding road network is well serviced by footpath infrastructure, although they meet with DMURS requirements (in terms of width or tactile paving at site entrances) along Ballymount Road Upper.

As part of the South Dublin County Development Plan 6 year road programme, it is proposed to upgrade the Greenhills Road from Airton Road to the Walkinstown Roundabout with new links to the Ballymount Ave., Limekiln Road and Calmount Road.

Traffic surveys were undertaken in September 2023. These comprised Junction Turning Count (JTC) surveys at:

- the Ballymount Road Upper/Ballymount Road Lower roundabout;
- the site access junction on Ballymount Road Upper, and;
- the R838 Calmount Road/Ballymount Road Upper roundabout.

and an Automatic Traffic Counter (ATC) was in place for a 7-day period, located on Calmount Rd.

The JTC surveys were carried out over a 12hr period, between 7am and 7pm. A 24 hour traffic flow calculation was then extrapolated using the surveys. The Annual Average Daily Flow (AADF) has been calculated for the links in the study areas and of the 8 no. links considered, none were considered a sensitive link, having regard to the industrial nature of the area, and none exceeded the IEMA threshold (of + 30% HGV) for assessment.

Records from July 2023 shows that on average there were 335 daily two-way HGV movements to/from the site (167 one-way). Loading and unloading times vary, but generally, all HGVs arriving at the site depart within the same hour that they arrive. Peak period for HGV deliveries is between 10am and 3pm; noticeable HGV activity on the site commences around 4am and tails off after 5pm.

In terms of distribution: 50% arrived from Ballymount Road Upper to the north of the development, and 50% from the south. 70% turned left on departure and headed towards Calmount Road and the M50. 30% turned right on departure and headed towards Ballymount Road Lower and Turnpike Road.

7.13.9. Potential Effects

Likely significant effects of the development, as identified in the EIAR, are summarised in Table 7.10 below:

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do nothing	If the proposed development does not proceed there will be no change to existing site services and infrastructure.
Construction	• Increase in traffic, including HGV traffic for the construction period of 14 months.

	• The figures show that the predicted increase in total traffic associated with the proposed development is below the 30% threshold on all links in the study area, therefore no further assessment (per IEMA Environmental Assessment of Traffic and Movement' (2023) is required. The maximum predicted HGV impact is 7% on Ballymount Road Lower. • Potential general effects are listed in section14.3.4 of the EIAR (and relate to operation and construction phase): • Noise; • Severance; • Driver delay; • Pedestrian delay; • Pedestrian amenity; • Accidents and safety; • Hazardous loads (e. g. nuclear products); and • Dust and dirt
Operation	• The transport impacts of the proposed development will be to increase numbers of HGV trips to and from the site, with a similar daily profile to existing HGV traffic. Staff travel demand is likely to be similar, or below current levels. • An increase in the the total number of daily HGV trips to the site (by 57%) from 167 to 390 inbound trips. • Potential general effects are listed in section14.3.4 of the EIAR (and relate to operation and construction phase): • Noise;

	• Severance; • Driver delay; • Pedestrian delay; • Pedestrian amenity; • Accidents and safety; • Hazardous loads (e. g. nuclear products); and • Dust and dirt
Decommissioning	Not examined in the EIAR, however, it is reasonable to expect that effects would be similar to construction stage.
Cumulative	A number of permitted developments could potentially overlap with the construction phase of the proposed development.

Table 7.10: Summary of Potential Effects – Traffic & Transportation

7.13.10. Mitigation

Mitigation measures are set out in section 14.7 of the EIAR.

During construction, measures include:

- The details of the proposed construction routing will be agreed with SDCC, prior to commencement of construction works.
- Implementation of the CEMP – including the Construction traffic Management Plan.

During operation, no specific measures are proposed, as the proposed development will not have a significant effect on the local road network during the operational phase.

7.13.11. Residual Effects

During construction, the impacts will be negative, negligible and temporary. During operation, the impacts will not be significant and will be negative and long term.

7.13.12. Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated Chapter 14 of the EIAR, all of the associated documentation and submissions on file in respect of traffic and transport. I am satisfied that the applicant's understanding of the baseline environment, by way of traffic surveys and assessment is comprehensive.

In respect of the construction phase, the busiest times on site, in terms of construction traffic, will be the demolition stage. In total, peak daily construction traffic is expected to be; 80 (two-way) HGV movements and 100 (two-way) Car / LGV movements. All HGV trips are likely to arrive from either the M50 to the north of J9, and then via J10, Calmount Road and Ballymount Upper. The return journey for these trips will be via Turnpike Road to M50 J9; or the M50 to the south of J10, and then via Calmount Road and Ballymount Road, returning the same way. A small number of trips may arrive from N7 Naas Road to M50 J9, and from Katherine Tynan Road to M50 J10. All of the roads listed above already carry high volumes of traffic (and HGVs), and generally pass through industrial / commercial areas. I agree with the EIAR that these routes are suitable for construction traffic.

Table 14.1 of het EIAR shows that the maximum predicted HGV impact is 7% on Ballymount Road Lower. The overall impact, considering all vehicles, results in a less than 1% increase in traffic on each of the links assessed. The construction routes are assessed as being of 'low sensitivity', given that they pass through a predominantly industrial / commercial area. The magnitude of change on all links is assessed as being 'Negligible', as it is below 10% impact. The overall significance of effect is assessed to be temporary, and of 'Negligible' significance.

During the operational phase, the total number of daily HGV trips to the site is predicted to increase from 167 to 390 inbound trips. The busiest period for HGV trips is between 10am and 4pm, outside typical network peak hours. The EIAR states that as soon as the new facility is operational, the activities at the nearby Ballymount Civic Amenity Baling Station will be transferred to the site. The Baling Station currently processes in the region of 190,000 tonnes of municipal solid waste. The overall number of HGV movements in the Ballymount area will be similar to those experienced at present, but there will be a redistribution of trips from Calmount Road to the north of Ballymount Road Upper, onto Ballymount Road Upper itself.

According to the EIAR, the greatest increase of total traffic on any link is predicted to be a 2% increase on the Ballymount Road Upper between Ballymount Road Lower

and Panda, while the greatest increase in HGV traffic is predicted to be 14.6% on Ballymount Rd Upper between Panda and Calmount Rd. The EIAR shows that the predicted increase in total traffic associated with the proposed development is below the 10% threshold on all links in the study area, while the predicted increase in HGV traffic associated with the proposed development is below the 30% threshold on all links in the study area, therefore no further assessment was required.

Compared to current operations, in the AM (08:00 - 09:00) and PM (17:00 – 18:00) network peak hours, there will be 16 and 8 more inbound HGV movements respectively, as a result of the development. There will be 24 staff employed on site and staff travel demand is likely to be similar, or below current levels.

A junction capacity analysis was undertaken (Appendix 14.1 Traffic Assessment refers) which tested the key junctions on Ballymount Road Upper, which would experience the biggest changes in traffic flow as a result of the development. The results demonstrate that the proposed development will have a very marginal impact on traffic flows and junction performance, and no mitigation measures are required.

7.13.13. Conclusion – Material Assets

No significant direct or indirect effects are anticipated to arise as a result of the proposed development. During construction, the impacts will be negative, not significant and temporary. During operation, the impacts will be negative, not significant and long term.

7.14. Interactions and Cumulative Effects

7.14.1. Interactions between the various environmental factors are discussed in Chapter 15 of the EIAR. I consider that the main interactive impacts arising from the proposed development are adequately addressed in the EIAR. The main potential for interactions which would give rise to negative effects on population and human health arise from effects to air quality, traffic movements and noise. A matrix is provided in Table 15.1 which outlines all other potential interactions during the construction and operational phase and which I have considered in this assessment.

7.14.2. I am satisfied that effects resulting from interactions, indirect and cumulative effects can be avoided, managed and / or mitigated for the most part by the measures which form part of the proposed development, the proposed mitigation measures detailed

in the EIAR and with suitable conditions. A summary of mitigation measures is set out in Chapter 16 of the EIAR.

7.14.3. Several projects are being progressed in the wider area (incl. industrial & commercial developments, along with larger infrastructural projects). The cumulative impacts of existing and permitted projects within one kilometre zone of influence of the subject site were included in the assessment of the effects on Land & Soil, Air, Population and Health and Material Assets: Built Services. While there may be limited potential for cumulative impacts in conjunction with identified developments, I am satisfied having regard to the nature and scale of these projects and the scale of the proposed development which albeit comprises a significant expansion/redevelopment to an existing waste facility, which will be subject to regulatory control, that the issue of significant cumulative effects does not arise. There is, therefore, nothing to prevent the granting of approval on the grounds of cumulative effects.

7.15. Reasoned Conclusion

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

Climate: positive impacts on climate from generation of electricity to part-supply the operational needs of the proposed development and the provision of the expanded facility will assist in the transition to a low carbon circular economy. Increase in air emissions will be mitigated by fast-closing doors, processing within buildings, odour abatement system and regulatory control including licence requirements.

Water: There is potential for infiltrating water to ground, and then to groundwater, could be contaminated by oil leaks from vehicles. In the event of a fire there is the potential for firewater to infiltrate to ground through damaged paving and surface water sewers. This will be mitigated through installation of an oil interceptor, bunded fuel storage areas and regular inspection of the condition of the underground sewers and paved areas, and compliance with licence requirements. Gully bungs will be maintained on site, and in the event of a fire will be used to prevent firewater run-off.

Air: Dust soiling impact is high from construction works having regard to the proximity of sensitive receptors. The unmitigated risk of dust impacts is classified as a medium risk for dust soiling impacts, and a medium risk for health effects of PM10. This will be mitigated by water spraying of exposed earthworks, wheel cleaning, control of vehicle speeds on site roads and minimisation of material drop heights.

The operational phase of the proposed development has the potential to result in odorous emissions that could cause adverse impacts that could in the absence of mitigation be described as significant, negative and long-term. Mitigation, in the form of an onsite odour abatement unit and compliance with licence requirements will be required to reduce potential impacts of operational activities to levels that can be described as not significant.

In the event of a fire, smoke emissions would be generated by the combustion of materials and wastes; however the localised impacts on air quality will be brief and will be mitigated through the fire safety and emergency response measures set out in the EIAR and regulatory licence.

Population and Human Health: there will be an increase in noise and air emissions impacts on nearby residential properties which will be mitigated by fast-closing doors, processing within buildings, odour abatement system and regulatory control including licence requirements. A solid noise barrier along the south-eastern boundary is proposed to mitigate noise emissions from vehicle movements at evening and night time, on the nearby residential dwelling.

Material Assets: The proposed development will increase the waste treatment capacity in the Greater Dublin Area by 70,000 tonnes (net increase if the SDCC Baling Station and Civic Amenity Area facility is to close, as indicated in the EIAR) to significantly assist in the achievement and maintenance of national and regional recycling and recovery targets and circular economy initiatives.

In conclusion, I am satisfied on the basis of the submitted information that impacts can be adequately mitigated and that no residual significant negative impacts on the environment would remain as a result of the proposed scheme. I am, therefore, of the view that the potential for unacceptable direct or indirect effects on the environment can be excluded on the basis of the submitted information.

8.0 Appropriate Assessment Screening Determination

8.1. Screening for Appropriate Assessment

8.1.1. Appendix 1, attached, comprises the full AA 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 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] is not required.

8.1.2. This conclusion is based on:

- Objective information presented in the AA Screening Report
- 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 of identified European sites;

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

9.0 Recommendation

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

10.0 Reasons and Considerations

[draft Order]

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

a) European legislation, including of particular relevance:

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

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

c) The local planning policy including:
   - South Dublin County Development Plan 2022-2028,

d) The location of the proposed development in an area which is zoned in the development plan for '*EE', 'to provide for enterprise and employment related uses'* and where in this zoning category, it is the policy of the planning authority to facilitate recycling facilities and refuse transfer stations. In addition, the Board had regard to the contribution of proposed development to achieving Government Policy set out in the National Waste Management Plan, in particular, Core Policy 12 of the National Waste Management Plan for a Circular Economy (NWMP) 2024-2030 which supports the need for nationally and regionally important waste infrastructure and to 'Target Policies' 13.1 and 14.1 which seeks to support the development of pre-treatment waste facilities for reprocessing, recycling and recovery within the State where this capacity is technically, economically and environmentally practicable,

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

f) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,

g) the submissions made to An Bord Pleanála in connection with the planning application, and the report and recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to the environmental impact assessment.

Environmental Impact Assessment

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

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

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

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

(d) the Inspector's report.

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

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant, and the submissions made in the course of the application as set out in the Inspector's report. The Board

was satisfied that the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation (including environmental conditions) which are incorporated into the Board's decision.

Reasoned Conclusion of the Significant Effects:

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

Climate: positive impacts on climate from generation of electricity to part-supply the operational needs of the proposed development and the provision of the expanded facility will assist in the transition to a low carbon circular economy. Increase in air emissions will be mitigated by fast-closing doors, processing within buildings, odour abatement system and regulatory control including licence requirements.

Water: There is potential for infiltrating water to ground, and then to groundwater, could be contaminated by oil leaks from vehicles. In the event of a fire there is the potential for firewater to infiltrate to ground through damaged paving and surface water sewers. This will be mitigated through installation of an oil interceptor, bunded fuel storage areas and regular inspection of the condition of the underground sewers and paved areas, and compliance with licence requirements. Gully bungs will be maintained on site, and in the event of a fire will be used to prevent firewater run-off.

Air: Dust soiling impact is high from construction works having regard to the proximity of sensitive receptors. The unmitigated risk of dust impacts is classified as a medium risk for dust soiling impacts, and a medium risk for health effects of PM10. This will be mitigated by water spraying of exposed earthworks, wheel cleaning, control of vehicle speeds on site roads and minimisation of material drop heights.

The operational phase of the proposed development has the potential to result in odorous emissions that could cause adverse impacts that could in the absence of mitigation be described as significant, negative and long-term. Mitigation, in the form of an onsite odour abatement unit and compliance with licence requirements will be required to reduce potential impacts of operational activities to levels that can be described as not significant.

In the event of a fire, smoke emissions would be generated by the combustion of materials and wastes; however the localised impacts on air quality will be brief and

will be mitigated through the fire safety and emergency response measures set out in the EIAR and regulatory licence.

Population and Human Health: there will be an increase in noise and air emissions impacts on nearby residential properties which will be mitigated by fast-closing doors, processing within buildings, odour abatement system and regulatory control including licence requirements. A solid noise barrier along the south-eastern boundary is proposed to mitigate noise emissions from vehicle movements at evening and night time, on the nearby residential dwelling.

Material Assets: The proposed development will increase the waste treatment capacity in the Greater Dublin Area by 70,000 tonnes (net increase if the SDCC Baling Station and Civic Amenity Area facility is to close, as indicated in the EIAR) to significantly assist in the achievement and maintenance of national and regional recycling and recovery targets and circular economy initiatives.

In conclusion, I am satisfied on the basis of the submitted information that impacts can be adequately mitigated and that no residual significant negative impacts on the environment would remain as a result of the proposed scheme. I am, therefore, of the view that the potential for unacceptable direct or indirect effects on the environment can be excluded on the basis of the submitted information.

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

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

Proper Planning and Sustainable Development

The location of the proposed development is an area which is zoned in the South Dublin County Development Plan 2022-2028 for ‘EE’, ‘to provide for enterprise and employment-related uses’.

Having regard to the:

- location of the proposed development on a site with an existing waste recovery facility and where the Development Plan permits in principle a recycling facility and refuse transfer facility on sites zoned with zoning objective ‘EE’.
- the information provided in the Environmental Impact Assessment Report which concludes that, subject to mitigation measures, the proposed development will not have a significant environmental impact;
- the positive contribution the proposed development would make to Ireland’s Waste Action Plan for a Circular Economy, National Waste Management Plan and the Climate Action Plan to move to a low carbon future,

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

Appropriate Assessment

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Inspector’s report and submissions on file. The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening exercise, the Board accepted and adopted the report of the Inspector in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site’s Conservation Objectives. The Board was satisfied that the proposed development, either

individually or in combination with other plans or projects, would not be likely to have a significant effect on any European sites, in view of the site's Conservation Objectives.

11.0 **Conditions**

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. **Reason:** In the interest of clarity.
2.	The intake of waste material to the site shall not exceed 350,000 tonnes per annum, of which no more than 50,000 tonnes shall consist of Commercial and Domestic Dry Mixed Recyclables (DMR); Commercial and Domestic Mixed Residual Waste-Black Bin; Commercial and Domestic Source Segregated Biodegradable Waste -Brown Bin; Source Segregated Commercial Dry Recyclables, and Mixed Construction & Demolition Waste. No hazardous waste shall be accepted at the facility. The developer shall maintain records of all waste accepted at the site and these records shall be made available to the Planning Authority if required. The facility shall be not available for use directly by members of the general public. The structures hereby approved shall be for waste recovery purposes only. **Reason**: In the interest of clarity.
3.	Prior to operation of the facility hereby permitted, a 4m high solid noise barrier shall be erected along the south-eastern boundary of the site in accordance with drawing no. 221244-ORS-Z0-00-DR-AR-206. **Reason**: In the interest of residential amenity.

4.	Prior to the commencement of development, the following shall be submitted to the planning authority for written agreement: a) Stage 1 Road Safety Audit; b) A revised layout showing a further reduction in car parking in line with the submitted mobility management plan. Reason: In the interests of traffic safety and traffic management.
5.	The mitigation measures identified in the EIAR and other plans and particulars submitted with the planning application, shall be implemented in full by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this permission. **Reason**: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.
6.	(a) No storage, loading, unloading or processing, either permanent or temporary, of any materials shall occur outside of material recovery facility building shown on the Site Layout Plan (Drawing No. 221244-ORS-Z0-00-DR-AR-203) submitted with the application. (b) All organic material shall be transported to and from the site in sealed containers. No material that would attract birds shall be present on the open areas of the site at any time. (c) Stacking skips shall not be stored along the south-eastern boundary. Skips to be stored in the external areas shall not be stacked greater than a height of 3 metres. **Reason**: In the interest of amenities, public health and safety
7.	(a) The clearance of any vegetation including trees, hedgerows and scrub, shall only be carried out in the period between the 1st of September and the end of February i.e., outside the main bird breeding season. (b) Trees to be felled will be surveyed for bats before their removal. All trees should be felled under the supervision of an ecologist and left intact on the ground for a period of at least 24 hours. The destruction or interference of any tree identified as a bat roost shall only be carried out on

	receipt from the NPWS of a licence to derogate from the Habitats Directive and destroy the roost. **Reason**: In the interests of biodiversity and to provide for the conservation and protection of species of fauna protected under the Habitats Directive (92/43/EEC) and the Wildlife Act, 1976.
8.	The developer shall accord with any future requirements of the Planning Authority in relation to glint and glare issues that may arise and which only become apparent when the proposed installation is commissioned. Any such requirements shall be carried out at the developer's expense according to the specification and conditions of the Planning Authority. **Reason**: To ensure the avoidance of any potential traffic, air or other hazard and in the interest of the proper planning and sustainable development of the area.
9.	Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services as appropriate. **Reason**: In the interest of public health and to ensure a proper standard of development.
10.	Details of the materials, colours and textures of all the external finishes, signage, and external hard surfaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. **Reason**: In the interest of visual amenity.
11.	No advertisement or advertisement structure shall be displayed or erected on the building/within the curtilage of the site unless authorised by a further grant of planning permission. **Reason**: In the interest of visual amenity
12.	A site layout plan detailing all external lighting and a lighting operational plan shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. All external lighting shall be cowled to ensure deflection of lighting is away from adjoining residential properties.

	Reason: In the interest of visual amenity.
13.	Where the Developer proposes to connect to a public water/wastewater network operated by Irish Water, the Developer shall sign a connection agreement with Irish Water, prior to the commencement of the development. **Reason**: In the interest of proper planning and the sustainable development of the area.
14.	(a) A scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works. (b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. (c) All tree and shrub removal shall be undertaken outside the bird nesting season. **Reason**: In the interests of orderly development and the protection of birds
15.	Prior to commencement of development, a detailed Construction Environmental Management Plan (CEMP) for the construction and demolition phase shall be submitted to and agreed in writing with the local authority. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, air quality controls, external lighting and off-site disposal of construction/demolition waste. **Reason**: In the interest of environmental protection and orderly development.
16.	Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on

	Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority. **Reason**: In order to safeguard the residential amenities of property in the vicinity.
17.	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme. **Reason**: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

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

Alaine Clarke
Senior Planning Inspector

3rd July 2024

Appendix 1

Screening for Appropriate Assessment (ABP Ref. 318683)

Screening Determination

Step 1: Description of the project

I have considered the proposed ddemolition of all existing waste processing buildings on site and construction of a new modernised multi-processing facility. At Panda Waste, Ballymount Road Upper, Ballymount, Dublin 24 in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site is located within the SDCC administrative area within the Ballymount industrial Estate. The site occupies approximately 1.18 hectares on Ballymount Road Upper and is positioned in close proximity to the M50. The surrounding landscape is urban in nature, with mostly industrial, commercial, and small pockets of residential lands surrounding the site. There is a large undeveloped plot of land to the north, which is presently being developed for light industrial units.

The site is an operational waste transfer/ recycling centre and comprises two buildings, one for administrative proposes the other for waste processing. The site is generally covered in hardstanding and car parking areas, with the exception of tree and vegetation planting along site boundaries.

During surveys, no rare plant species were recorded and their presence was considered unlikely. No third schedule invasive species were recorded, though non-native invasive species, Buddleia, was recorded on site. There is limited suitable bird breeding habitat on site. Gulls, including Black-headed gull, were recorded roosting on the roof of building to the west of the site. The site offers little foraging habitat given the nature of works / waste processing in-doors.

The proposed development comprises a new Materials Recovery Facility replacing an existing facility and for an increase in waste tonnage processed on site from 150,000 tonnes per year to 350,000 tonnes per year. The development will involve the demolition of the current buildings and the construction of a new facility consisting of a single waste handling building (4710m2) including staff welfare facilities and a small site office. The proposed layout is shown on Drawing No. 221244-ORS-Z0-00-DR-AR-203 and will comprise one materials handling building, an electricity substation and two weighbridges. The site will continue to be served with connections to the public mains. Rainwater run-off from the building roofs will be harvested for on-site use. Run-off from the yards will be collected and directed to separate on-site SuDs systems.

Waste intake will comprise a combination of non-hazardous domestic, commercial and construction and demolition waste. The materials will be processed, and resources harvested for use in the circular economy. The waste processing will

occur within one building. The facility will incorporate an air extraction and treatment system for dust and odour control.

The proposal also includes 500kW of roof mounted solar panels, rainwater harvesting, bat and bird boxes, LED lighting outside, permeable paving under car parking.

The development site is in the catchment of the River Liffey, which is c. 3.8km north of the site. There are no watercourses within the site boundary and the closest water feature is Ballymount (Coolfan) Stream (CAMAC_040EA_09C020500), which is approximately 410m northwest of the site. This stream meets the waters of Dublin Bay approximately 14.7km downstream of the proposed development site at Ballymount. The South Dublin Bay and River Tolka Estuary SPA, South Dublin Bay SAC, North Dublin Bay SAC and North Bull Island SPA are located within Dublin Bay.

The closest European Site is the Glenasmole Valley SAC (Site Code 001209) (c. 6km South) South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), which is c. 8.4km southeast of the subject site.

No AA issues are raised in submissions received.

Step 2: Potential impact mechanisms from the project

Given this distance to any European site, the nearest such site being 6km from the proposed development site, there will be no direct effects on European sites.

The applicant has applied the source-pathway-receptor model in determining possible impacts and effects of the proposed development.

Potential sources of impact include:

- Surface waters generated during construction could potentially carry silt, hydrocarbons or other contaminants into either the local sewer network or the local surface water network which ultimately discharges to Dublin Bay.
- There is also a potential risk that surface waters may be contaminated as a consequence of groundwater discharges, as some localised contaminated land may be encountered.
- Disturbance of ex-situ SCI bird species.
- Spread of invasive species.

Where an ecological pathway exists, these indirect impacts could negatively alter the quality of the existing environment, negatively affecting qualifying interest species and habitats.

Step 3: European Sites at risk

Table 1 European Sites at risk from impacts of the proposed project [example]

Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
A: Deterioration of water quality via surface water, construction and operation related pollutants B: Spread of invasive species	Potential pathway via either the local sewer network or the local surface water network which ultimately discharges to Dublin Bay	South Dublin Bay SAC (site code 000210) 9.7km northeast	Marine habitats: Mudflats and sandflats not covered by seawater at low tide, Annual vegetation of drift lines, *Salicornia* and other annuals colonising mud and sand, Embryonic shifting dunes
A:Deterioration of water quality via surface water, construction and operation related pollutants. B: Spread of invasive species	Potential pathway via either the local sewer network or the local surface water network which ultimately discharges to Dublin Bay	North Dublin Bay SAC (site code 000206) 12.7km northeast.	Marine habitats: Mudflats and sandflats not covered by seawater at low tide, Annual vegetation of drift lines, Salicornia and other annuals colonising mud and sand, Atlantic salt meadows, Mediterranean salt meadows, Embryonic shifting dunes, Shifting dunes along the shoreline with Ammophila arenaria, Fixed coastal dunes with herbaceous vegetation, Humid dune slacks.
C: Disturbance to ex-situ QI species (recorded at the	Construction works on site will	North Bull Island SPA (site code	Black-headed Gull

development site during surveys)	increase noise levels.	004006) 12.7km northeast.	
C: Disturbance to ex-situ QI species (recorded at the development site during surveys)	Construction works on site will increase noise levels.	South Dublin Bay & River Tolka Estuary SPA (site code 004024) 9.8km northeast	Black-headed Gull

I note that the applicant included a greater number of European sites in their initial screening consideration with sites within 15km of the development site considered. There is no ecological justification for this, and I have only included those sites with any possible ecological connection or impact pathway in this screening determination.

South Dublin Bay SAC

This site lies south of the River Liffey in Co. Dublin and extends from the South Wall to the west pier at Dun Laoghaire. It is an intertidal site with extensive areas of sand and mudflats. South Dublin Bay is an important site for waterfowl. At low tide the inner parts of the south bay are used for amenity purposes. This site is a fine example of a coastal system, with extensive sand and mudflats, and incipient dune formations. South Dublin Bay is also an internationally important bird site.

North Dublin Bay SAC

This site covers the inner part of north Dublin Bay, the seaward boundary extending from the Bull Wall lighthouse across to the Martello Tower at Howth Head. The North Bull Island is the focal point of this site. A well-developed and dynamic dune system stretches along the seaward side of the island and various types of dunes occur which support various protected habitats. North Dublin Bay is of international importance for waterfowl. The main land uses of this site are amenity activities and nature conservation. This site is an excellent example of a coastal site with all the main habitats represented.

North Bull Island SPA

This site covers all of the inner part of north Dublin Bay. Saltmarsh extends along the length of the landward side of the island and provides the main roost site for wintering birds in Dublin Bay. The North Bull Island SPA is an excellent example of an estuarine complex and is one of the top sites in Ireland for wintering waterfowl.

South Dublin Bay & River Tolka Estuary SPA

The South Dublin Bay and River Tolka Estuary SPA comprises a substantial part of Dublin Bay. It includes the intertidal area between the River Liffey and Dun Laoghaire, and the estuary of the River Tolka to the north of the River Liffey, as well as Booterstown Marsh. A portion of the shallow marine waters of the bay is also included. The South Dublin Bay and River Tolka Estuary SPA is of

ornithological importance as it supports an internationally important population of Light-bellied Brent Goose and nationally important populations of a further nine wintering species. Furthermore, the site supports a nationally important colony of breeding Common Tern and is an internationally important passage/staging site for three tern species. It is also an important site for wintering gulls.

Step 4: Likely significant effects on the European site(s) 'alone'

Table 2: Could the project undermine the conservation objectives 'alone'

European Site and qualifying feature	**Conservation objective (summary) [provide link/ refer back to AA Screening Report]**	**Could the conservation objectives be undermined (Y/N/N/a)?**		
		Siltation	**Const. & op. pollution**	**Disturbance**
South Dublin Bay SAC	ConservationObjectives.rdl (npws.ie)			
Mudflats and sandflats not covered by seawater at low tide	Maintain the favourable conservation condition	N	N	n/a
Annual vegetation of drift lines	Maintain or restore favourable conservation condition	N	N	n/a
Salicornia and other annuals colonising mud and sand	Maintain or restore favourable conservation condition	N	N	n/a
Embryonic shifting dunes	Maintain or restore favourable conservation condition	N	N	n/a
North Dublin Bay SAC	ConservationObjectives.rdl (npws.ie)			
Mudflats and sandflats not covered by seawater at low tide	Maintain favourable conservation condition	N	N	N/a
Annual vegetation of drift lines	Restore the favourable conservation condition o	N	N	N/a

Salicornia and other annuals colonising mud and sand	Restore the favourable conservation condition o	N	N	N/a
Atlantic salt meadows	Maintain the favourable conservation condition	N	N	N/a
Mediterranean salt meadows	Maintain the favourable conservation condition	N	N	N/a
Embryonic shifting dunes	Restore the favourable conservation condition	N	N	N/a
Shifting dunes along the shoreline with *Ammophila arenaria*	Restore the favourable conservation condition	N	N	N/a
Fixed coastal dunes with herbaceous vegetation	Restore the favourable conservation condition	N	N	N/a
Humid dune slacks	Restore the favourable conservation condition	N	N	N/a
North Bull Island SPA	ConservationObjectives.rdl (npws.ie)			
Black-headed Gull	Maintain the favourable conservation condition	N/a	N/a	N
South Dublin Bay & River Tolka Estuary SPA	ConservationObjectives.rdl (npws.ie)			
Black-headed Gull	Maintain the favourable conservation condition	N/a	N/a	N

The proposed development site is not located within a designated site. The habitats recorded within the proposed development site, being of low ecological value, do not correspond to habitats listed on Annex 1 of the Habitats Directive or to qualifying habitats for the South Dublin Bay SAC and North Dublin Bay SAC.

While the site may be used occasionally as a feeding source, it is unlikely to be a critical feeding resource for nearby roosting gulls.

During construction there will be no emissions to on or off-site water features and therefore no impacts on surface waters. In addition, the nearest watercourse is c. 410m from the site, and risk of siltation arising is low.

Given the distance, and nature of pathway, of the development site to the identified Natura 2000, together with the dilution effects from estuarine waters, it is

considered that there would no impacts on water quality resulting from surface water contamination from the proposed development.

While there is potential for localised impacts on groundwater during construction works, given the distance from surface water receptors and the distance from Natura 2000 sites, no potential pathway for significant impacts on South Dublin Bay SAC, North Dublin Bay SAC, North Bull Island SPA and the South Dublin Bay & River Tolka Estuary SPA have been identified.

Treated wastewater from the proposed development site will ultimately be discharged to the transitional waters (Liffey Estuary Lower) / Coastal water (Dublin Bay) via a primary discharge point from the Ringsend WWTP. The 2022 AER for the Ringsend WWTP notes that the discharge from the wastewater treatment plant does not have an observable negative impact on the water quality in the near field of the discharge and in the Liffey and Tolka Estuaries.

The storm water drainage system design includes a range of SuDs measures, these are standard measures and include permeable paving at parking area with silt filters; the provision of an oil separator.

In the event of a fire, a shut off valve will be installed upstream of the soakaway and to the storm and foul sewers to prevent entry of firewater run-off.

Given the distance of the development site to the identified Natura 2000 sites, and the absence of Third Schedule invasive species, it is considered there is no likely significant effect on the qualifying interests of the identified Natura 2000 sites.

I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying feature(s) of South Dublin Bay SAC, North Dublin Bay SAC, North Bull Island SPA or South Dublin Bay & River Tolka Estuary SPA. Further AA screening in-combination with other plans and projects is required. Proceed to Step 5.

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

Table 3: Plans and projects that could act in combination with impact mechanisms of the proposed project.

e.g. approved but uncompleted, or proposed

Plan /Project	**Effect mechanism**

Planning applications: • SD23A/0179 Permission granted for the construction of 3 no. enterprise / light industrial / wholesale outlet unit including offices, car parking, substation and landscaping. • SD22A/0099 Permission granted for the construction of 5 warehouse/logistics units immediately east of subject site. • SD23A/0127 Permission granted for alterations to permitted SD22A/0099.	AA screening undertaken by applicant & SDCC screened out need for AA Stage 2. AA screening undertaken by applicant & SDCC screened out need for AA Stage 2. SDCC screened out the need for AA,
South Dublin Development Plan 2022-2028	The NIS concluded that the plan will not adversely affect (either directly or indirectly) the integrity of any European site, either alone or in combination with other plans or projects
Irish Water Capital Investment Plan 2020-2024	Likely net positive impact due to water conservation and more effective treatment of water.

Table 4: Could the project undermine the conservation objectives in combination with other plans and projects?

European Site and qualifying feature	**Conservation objective (summary)**	**Could the conservation objectives be undermined (Y/N/N/a)?**

	[provide link/ refer back to AA Screening Report]	Siltation	Const. & op. pollution	Disturbance
South Dublin Bay SAC	ConservationObjectives.rdl (npws.ie)			
Mudflats and sandflats not covered by seawater at low tide	Maintain the favourable conservation condition	N	N	n/a
Annual vegetation of drift lines	Maintain or restore favourable conservation condition	N	N	n/a
Salicornia and other annuals colonising mud and sand	Maintain or restore favourable conservation condition	N	N	n/a
Embryonic shifting dunes	Maintain or restore favourable conservation condition	N	N	n/a
North Dublin Bay SAC	ConservationObjectives.rdl (npws.ie)			
Mudflats and sandflats not covered by seawater at low tide	Maintain favourable conservation condition	N	N	N/a
Annual vegetation of drift lines	Restore the favourable conservation condition o	N	N	N/a
Salicornia and other annuals colonising mud and sand	Restore the favourable conservation condition o	N	N	N/a
Atlantic salt meadows	Maintain the favourable conservation condition	N	N	N/a
Mediterranean salt meadows	Maintain the favourable conservation condition	N	N	N/a
Embryonic shifting dunes	Restore the favourable conservation condition	N	N	N/a
Shifting dunes along the shoreline with *Ammophila arenaria*	Restore the favourable conservation condition	N	N	N/a

Fixed coastal dunes with herbaceous vegetation	Restore the favourable conservation condition	N	N	N/a
Humid dune slacks	Restore the favourable conservation condition	N	N	N/a
North Bull Island SPA	ConservationObjectives.rdl (npws.ie)			
Black-headed Gull	Maintain the favourable conservation condition	N/a	N/a	N
South Dublin Bay & River Tolka Estuary SPA	ConservationObjectives.rdl (npws.ie)			
Black-headed Gull	Maintain the favourable conservation condition	N/a	N/a	N

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 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] is not required.

This conclusion is based on:

- Objective information presented in the Screening Report
- 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.

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