



An  
Bord  
Pleanála

## Inspector's Report ABP-319282-24

### Development

Construction of a materials recovery facility along with a food container cleaning plant and all associated site works. The materials recovery facility will require an EPA Industrial Emissions Licence. An Environmental Impact Assessment Report (EIAR) has been submitted with this application.

### Location

Lands at Huntstown Townland and Coldwinters Townland, County Dublin

### Planning Authority

Fingal County Council

### Planning Authority Reg. Ref.

FW23A/0111

### Applicant(s)

Rathdrinagh Land Unlimited Company

### Type of Application

Permission

### Planning Authority Decision

Grant subject to conditions.

### Type of Appeal

Third Party v. Grant

### Appellant(s)

William and Pauline Byrne

### Observer(s)

Geraldine Cooper

**Date of Site Inspection**

28 November 2025

**Inspector**

Cáit Ryan

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Appendix 1 – Appropriate Assessment Screening

Appendix 2 – Water Framework Directive

## 1.0 Site Location and Description

- 1.1. The site is located approx. 6.5km north west of Dublin city centre in the townlands of Huntstown and Coldwinters. The site is approx. 300m north west, as the crow flies, of the M50's Junction 5 which connects to the N2. The site is approx. 2km from the N2/M50 junction via North Road. The western extent of Dublin Airport lands is approx. 1.8km to north east.
- 1.2. The site is currently accessed from the N2 via North Road, a cul-de-sac road which runs roughly parallel to the N2 at this location. It is an irregular-shaped, 9.863ha greenfield site, comprising 2no. agricultural fields and part of cul-de-sac road owned by Fingal County Council (FCC). The general area is primarily characterised by large-scale utility infrastructure, industrial/commercial/warehousing uses and agricultural lands.
- 1.3. There is a variety of different uses on this heavily trafficked road. Access to the site is currently from the north via the Huntstown Quarry entrance. Works have commenced on a data centre project on a substantial site to north of this quarry entrance. Dogs Trust is located directly north of the data centre construction site
- 1.4. There are some smaller scale commercial uses dispersed along this road such as motor sales, further north of which on North Road is the Ravenswood community housing scheme, at approx. 800m north of the site. A regional biosolids treatment facility is currently under construction on the western side of the road, north of the Ravenswood scheme. Construction is also underway on a number of other substantial sites elsewhere on either side of North Road, including large commercial/logistics park uses.
- 1.5. Save for the Ravenswood scheme and some dispersed individual houses, there is a very limited amount of existing residential use on North Road.
- 1.6. The Huntstown Quarry entrance also serves
  - Bioenergy, an anaerobic digester located to west of the subject site, on the opposite (northern) side of an internal access road
  - Huntstown Power Station (Energia), a Tier 2 Seveso site, located north of Bioenergy, and approx. 280m north west of the subject site.

- 1.7. The most easterly part of the site incorporates part of the FCC-owned gated roadway, which was partially open and accessible at time of site visit. This winding cul-de-sac road terminates further to the south east at Finglas 220kV power station, just west of which is the separate gated entrance to a lengthy access route to Kildonan House and associated farm. The applicant's lands are elevated above much of this road. The eastern field boundary comprises palisade fencing and is substantially set back from edge of road. The location of the proposed entrance to the site is approximately at/near the 'brow' of an incline, with road levels falling to both south west and north east. Road markings at this location comprise a central broken white line.
- 1.8. The site is bounded to south and west by agricultural lands.
- 1.9. North Road terminates a short distance to south east of the gated access to Finglas 220kV power station and Kildonan House. There is a small cluster of properties near this junction. A building contractor's yard is located on a corner site to south east of the junction of the FCC-owned road and North Road. Other properties include an older single-storey dwelling house which appears to be in use. A modern warehouse-type unit at the end of the cul-de-sac appears unoccupied. On the opposite (eastern) side of North Road uses at this location include a veterinary practice, a dwelling house and a retail/commercial premises.
- 1.10. The two agricultural fields which comprise the bulk of the subject site are separated by an overgrown treeline. The western and southern site boundary comprise hedgerow. The northern site boundary, at its western end, is located just south of a tall, grassed berm. At its eastern end, the boundary is undefined, as it runs roughly parallel but south of a field boundary.
- 1.11. The site is generally level, with rushes and bramble evident in the western field. Ground levels are higher at the centre of the eastern field, at the location of an old sand pit/quarry at its centre. At time of site visit this field was used for horse grazing. Signage and markers were in place warning of high voltage underground cables, relating to 110kV Glasmore Circuit.

## **2.0 Proposed Development**

- 2.1.1. Permission is sought for construction of a Materials Recovery Facility (MRF) and a

Food Container Cleaning Plant (FCCP), which will be phase 1 of the Huntstown Circular Economy Hub. The MRF will require an EPA Industrial Emissions Licence. An Environmental Impact Assessment Report (EIAR) has been submitted.

2.1.2. The proposal comprises -

- 4no. buildings consisting of
  - Separate MRF and FCCP buildings, incorporating ancillary office and staff facilities, solar PV panels and signage
  - ESB substation
  - Staff building associated with weighbridge at entrance
- An external odour control plant with flue is located on western side of MRF
- New site entrance to facilitate vehicular and pedestrian access, upgrade works to adjacent public road, including footpath and cycle path provision.
- Associated access roads, turning/loading areas, electric vehicle charge points, landscaping, lighting, fencing, bin storage facilities, ancillary external storage areas, perimeter fencing and security gates
- Reprofiting of existing ground levels within the site
- Attenuation tanks, associated infrastructure, bypass petrol interceptor
- All ancillary site development, landscaping and construction works to facilitate foul, water and service networks.

2.1.3. While the overall application site outlined in red comprises approx. 9.8ha, the proposed development is largely located in the northern and western part of the site. The MRF building is offset from the western site boundary, and is aligned roughly north/south. The FCCP building is located along the northern site boundary, and has a west/east alignment. Upgrades are proposed to the FCC-owned road, including a new right turning lane into the new entrance to the development site, and the internal access route continues in a northerly direction before turning westward. No new buildings are proposed on the remaining eastern and southern parts of the site, although an indicative masterplan shows the general arrangement of possible future buildings on the overall site, i.e., the areas referred to as Phases 2 and 3. The lodged drawings also show the adjoining permanent and temporary Uisce Éireann

(UÉ) wayleaves traverse the eastern part of the site, and which are indicated to relate to the Greater Dublin Orbital Sewer route.

2.1.4. Key statistics for the proposed development are as follows:

Building	Gross Floor Areas
Overall proposal	10,320.67sqm
MRF building	5,032sqm
FCCP building	5,216sqm
ESB substation	29.62sqm
Weighbridge building	43.75sqm

2.1.5. The MRF has an overall height of 15.1m. The odour control unit located to the rear (west) of this building has an overall height, including flue, of 16m.

The FCCP building is 14m in height.

2.1.6. Parking proposals are summarised as follows:

Parking Type	Number – Original Application	Number – FI Response
Car	58	58
Cycle	16 (shown)	16 (shown)
Motorcycle	0	6

2.1.7. Both the MRF and FCCP are intended to operate 24/7 and will have approx. 30 full-time staff at operational phase, as stated in the EIAR. However, in terms of detail, in contrast, the separate Planning and Design Statement lodged with the application refers to a maximum workforce of 50 persons.

2.1.8. The MRF is the first step in the recovery and recycling chain. Processes in the MRF building include sorting wastes into recoverable and recyclable streams with the objective of achieving a 98% recovery rate. Recoverable wastes to be processed include potential recyclables. Annual waste intake will be 95,000 tonnes. The wastes will arise in the Greater Dublin Area. Recoverables will be sent off-site to authorised recovery facilities, e.g., waste to energy plants, cement kiln and soil recovery sites. Initially the majority of the potential recyclables will be sent off site for further treatment to produce recyclates that can be reintroduced into the economy.

2.1.9. The FCCP will provide a centralised washing/sterilisation facility for large food retailers in the area to facilitate re-use of containers. Reusable food containers will not be classed as waste and typically will arrive in boxes or on pallets covered in plastic wrapping. There is a 5-step process to cleaning and sanitising the containers. Thereafter the containers will be packaged and stored pending return to customers.

2.1.10. A letter of consent from FCC (Property Services, Economic Enterprise, Tourism & Cultural Development Department) and associated map (not to scale) has been included with the application form. The area shown on the map is approx. 1.425ha.

2.1.11. Plans and particulars lodged with the application include:

- Planning and Design Statement
- Engineering Report (Planning Application)
- Traffic Report - Traffic and Transport Assessment incl. Mobility Management Plan
- Landscape Management and Maintenance Plan
- Report in Support of Appropriate Assessment Screening

2.1.12. The appendices to the EIAR include –

- Planning Engineering Report
- Resource & Waste Management Plan (RWMP)
- Construction Environmental Management Plan (CEMP)
- Aeronautical Assessment
- Tree Survey
- Noise Assessment
- Glint & Glare

2.1.13. Following a request for Further Information, the proposed development was modified and additional information was submitted to include –

- Updated design showing the material finish for buildings incorporates a combination of external cladding and panel finishes. CGIs are appended to the Design Statement.
- Drawings of proposed staff building (on Drawing No. P008 'Road Cross Sections and General Details')

- Updated tree survey (August 2023)
- Confirmation that road improvement works proposed at North Rd. and between North Rd. and the direct access serving the development access were works considered as part of Stage 1 Road Safety Audit (RSA)
- Provision of motor bike parking
- Flood Risk Assessment (FRA)
- Updated Appropriate Assessment Screening Report
- Revised preliminary CEMP includes construction compound location

### 3.0 Planning Authority Decision

#### 3.1. Decision

- 3.1.1. Following a request for Further Information, the planning authority granted permission subject to 40no. conditions. Conditions of note are as follows:

Condition 1: Development to be carried out in accordance with lodged application and FI received on 18 December 2023, save as required by conditions.

Condition 2: Materials/wastes accepted shall not exceed 95,000 tonnes per annum.

Condition 3: Materials/waste delivered/exported shall be in sealed containers/covered vehicles.

Condition 4: Submit Material and Waste Storage Plan, agreed with EPA, prior to commencement of operations and or waste acceptance, whichever is earlier

Condition 5: Submit revised site layout plan and landscape masterplan indicating FCCP set back from south western boundary for either retention of portion of vegetation and reinforcement, or removal and substantial replanting with mixed hedgerow and woodland planting.

Condition 6: Implement agreed landscape plan

Condition 7: Implement tree report's recommendations pertaining to tree retention.

Condition 9: Apply for EPA Waste Licence. Waste activities and associated emissions will be regulated by EPA in the first instance.

Condition 10: Agree junction design, road upgrade cross section and R135 junction

upgrade prior to construction. Comply with NTA Cycle Manual current edition.

Condition 12: Signalised junction upgrade of R153 northbound off ramp from N2 shall be operational prior to development being operational or as otherwise agreed.

Condition 13: Pay Section 48(2)(c) special contribution €25,571.70 in respect of R135/North Road junction upgrade with northbound slip from N2.

Condition 14: Submit for written agreement detailed design drawings and reports of road infrastructure and services and construction detail drawings and reports.

Condition 17: Comply with any future requirement in relation to additional mitigation works in relation to glint and glare issues that may arise for road users/residents.

Condition 18: Submit Stage 2 and Stage 3/4 Road Safety Audit in compliance with TII Publication Road Safety Audit GE-STY-01024.

Condition 19: Agree Final Construction Management Plan, Traffic Management Plan

Condition 21: Sign connection agreement with Irish Water and adhere to standards.

Conditions 22 – 26 relate to archaeology. Condition 23 requires excavation of identified and likely archaeological features in advance of construction works.

Condition 27: Engage with DAA (Dublin Airport Authority) to ensure that wildlife hazard reduction techniques can be employed in relation to operation of the site.

Condition 28: Undertake all mitigation measures in glint and glare assessment.

Condition 29: Agree with DAA and Irish Aviation Authority a strategy for crane use.

Condition 30: Submit Fire Risk Assessment and Fire Safety Statement. Report shall demonstrate compliance with Dublin Fire Brigade requirements and Fire Safety Cert.

Condition 32: Submit Odour Management Plan

Condition 33: Submit Industrial Emissions licence copy, agreed/as revised with EPA

Condition 34: Submit any Trade Effluent Discharge Licence copy, agreed/as revised with EPA and/or Uisce Éireann.

Condition 35: Submit site specific Construction Traffic Management Plan

Condition 36: Submit site specific Operational Traffic Management Plan

Condition 37: For MRF, submit (a) Management Plan to include anticipated type,

quantity and source of each material waste to be used/accepted in forthcoming year and anticipated traffic volumes and (b) after 1 year of operation, (submit) Annual Materials/Waste Management Plan Report

Condition 38: Submit Construction Environmental Management Plan (CEMP)

Condition 39: Submit report on implementation and establishment of landscape measures as submitted on Landscape Drawing; in Landscape and Visual Impact Assessment & Landscape Matters Report (incl. Tree Survey); in Green Infrastructure Plan Report; in Landscape Management and Maintenance Plan and in EIAR prior to commencement of operations and again 2 years post commencement

Condition 40: Pay €1,042,017.77 contribution

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports (Planning Officer Reports dated 09 June 2023 and 04 February 2024)

First Report: Key issues -

- Notes no report received from Environmental Protection Agency (EPA).
- Considers proposal would contribute to Development Plan objectives and would be consistent with strategic waste policy at national and regional level.
- Impacts on aviation are not anticipated. Recommends conditions relating to glint and glare issues that may arise when installation is commissioned and relating to crane operations.
- Considers information relating to Appropriate Assessment (AA) insufficient.
- Notes Section 4.2 of EIAR incorrectly states Development Plan does not define 'high impact' waste. It is in Appendix 7.
- Regarding Biodiversity in EIAR, considers adequate provision not made for protection, retention and augmentation of trees and hedgerows on western and southern boundary, of this significant cultural, ecological, and landscape feature in terms of appropriate setback or its retention

- Planning authority is not satisfied that the EIAR describes adequately direct and indirect significant effects on the environment.
- Recommendation for FI on 14no. items reflects Planner's Report.

Second Report: Key issues –

- Agrees with conclusion of amended AA Screening report and screens out requirement for Stage 2 AA.
- Considers that subject to implementation of mitigation measures in EIAR, effects on the environment of the proposed development by itself and in combination with other development in the vicinity would be acceptable.
- Recommends grant subject to 42no. conditions.

3.2.2. Other Technical Reports

**Water Services Department** (25 April 2023 and 15 January 2024):

First Report: Requests Further Information relating to surface water and flooding.

Surface Water: Attenuation is the least desirable option. Notes aviation consultant's reluctance to incorporate above ground SUDS features and proximity to airport. No soil percolation test results submitted. Proposed permeable paving and attenuation tank is heavily reliant on the site having adequate ground percolation. No proposed outfall on site (flow rate 0l/s/ha). Request groundwater percolation results and details of how rainwater system will function.

Flooding: Submit Flood Risk Assessment (FRA).

Second Report: States no objection subject to conditions. Notes the proposal is considered to be a less vulnerable development, located in Flood Zone C, that mitigation measures have been incorporated into the design of pluvial/overland flows and groundwater flows are deemed negligible.

**Environment, Climate Action and Active Travel Department** (03 May 2025 and 05 January 2024):

First Report: Proposed development will need to apply for EPA Waste Licence. All waste activities and associated emissions will be regulated by EPA.

Second Report: No additional comment provided.

**Planning and Strategic Infrastructure Department – Transportation Planning**

(25 April 2023 and 16 January 2024):

First Report: Recommends FI.

Second Report: States responses to FI Items 7 and 8 are satisfactory, and no objection subject to conditions.

**Planning and Strategic Infrastructure Department - Archaeological Report (25**

April 2023 and 23 January 2024):

First Report: Requires FI.

Second Report: Recommends conditions.

**Parks and Green Infrastructure Division (15 April 2023 and 07 February 2024):**

First Report: Recommends FI

Second Report: States landscape proposals and Green Infrastructure Plan are acceptable subject to conditions. Recommends conditions.

**Ecologist Report (15 January 2025)**: Recommends refusal as it is difficult to be certain there will be no net loss of biodiversity on site and granting this would contravene Development Plan Policy GINHP14.

### 3.3. Prescribed Bodies

**Irish Aviation Authority (IAA)**: Letter dated 29 May 2023 states that the completed Aeronautical Safety Assessment and Glint and Glare study should be submitted to daa Dublin Airport and Air Navigation Service Provider Airnav Ireland for their review and comment prior to finalisation of the application.

Further letter dated 5 January 2024 states that as this development is approx. 2.5km from the threshold of Runway 10R at Dublin Airport and consequently within the 13km wildlife hazard assessment zone for the aerodrome, the applicant should be requested to engage with daa/Dublin Airport to ensure that appropriate wildlife hazard reduction techniques and management can be employed in relation to the operation of the site.

**Dublin Airport Authority (DAA):** Letter dated 15 May 2023 states

- Proposal's proximity to airport means operation of cranes during construction may cause concerns in relation to air safety, and at a minimum requires further detailed assessment in relation to flight procedures at Dublin Airport.
- daa requests that a condition is attached to any grant, requiring developer to agree any proposals of crane operations (whether mobile or tower crane) in advance of construction with daa and IAA.

**Uisce Éireann (UÉ):** Letter dated 25 April 2023 states no objection, subject to conditions. In addition to 4no. standard conditions, a condition is attached stating

- Applicant engaged with UÉ regarding minimising impacts on permanent wayleave. Proposed development also overlaps with northern and southern GDD routes. Applicant is asked to continue to engage with UÉ regarding the GDD pipeline overlap and permanent wayleave.

A further UÉ letter dated 10 January 2024 is largely the same as that dated 25 April 2023. However, it also states that prior to commencement, the applicant is asked to provide clarity to the planning authority that the proposed development is outside the GDD wayleave area.

**Health and Safety Authority (HSA):** Letter dated 09 May 2023 states

- HSA's approach to Land-Use Planning is set out 'Guidelines on technical land-use planning advice', available from their website. It should be consulted to fully understand the advice given in this letter.
- It does not advise against granting permission in context of Major Accidents Hazard
- Authority's policy is to advise planning bodies of consequences of worst case major accidents, so that they may take account of this in their decision-making. In this case consequences relate to:
  - Advice is only applicable to specific circumstances of proposal at this time.
  - Future development around COMAH establishments has potential to impact on the expansion of those establishments.

The letter refers to enclosed Note on the Approach of the HSA to the Provision of

Land-use Planning Advice. The 'Note' outlined in this submission includes –

- Cites Regulation 24(3) of S.I. No. 209 of 2015.
- The Authority does not deal with routine emissions. Such emissions will be subject to EPA or local authority scrutiny and control.
- Operator of establishment covered by S.I. 209 of 2015 is required to take all necessary measures to prevent major accidents occurring and to limit consequences of any major accidents for human health and population.

**Development Applications Unit (DAU) of Department of Housing, Local Government and Heritage (DHLGH):** Letter dated 23 May 2023 notes the proposed development is large scale in extent and located in an area of high archaeological potential, and recommends a condition relating to archaeological monitoring in the event of a grant.

Letter dated 22 January 2024 notes FI responses and recommends a condition pertaining to archaeological excavation and monitoring be included in any grant.

**Environmental Protection Agency (EPA):** For completeness, the application was referred by the planning authority to the EPA on 28 April 2023. The EPA address stated is Regional Inspectorate, Inniscarra, Co. Cork.

No report was received.

### 3.4. **Observations to the Planning Authority**

3no. observations were received on the lodged application by the planning authority, two of which were from residents of the area, and one from the applicant. Concerns raised by residents relate to impacts on existing farm operation, lack of information on drawings, health and environmental impacts, potential for contaminated surface and groundwater, noise and odour emissions, traffic safety and impacts on neighbouring retail business and property values.

Following the FI response, a further submission was received from one of the observers. Concerns raised relate to impacts of any open air storage on residential amenity and lack of detail on drawings.

## 4.0 **Planning History**

The planning history outlined in the applicant's Planning and Design Statement

refers to P.A. Ref. FW20A/0063.

As viewed on the planning authority's and the Commission's websites, there is an extensive planning history relating to the subject site and to the immediate and wider environs of the site. A number of permitted developments on the subject site relate to where the site forms a smaller part of larger, land extensive development proposals, the more relevant of which only are outlined below. Some recent permitted developments which overlap marginally or traverse the subject site are also outlined.

Subject Site:

**P.A. Ref. FW20A/0063:** Permission refused in 2021 for construction of 5,000sqm research and development building, specialising in developing pilot scale circular economy solutions for discarded resources. This site forms the north western part of the current appeal site. The 3no. refusal reasons are:

- Having regard to quantity of material to be accepted and lack of information regarding nature of processes and emissions, there is inadequate information to determine whether there is a real likelihood of significant effects on the environment or whether an EIAR is required.
- P.A. is not satisfied that consent is in place to utilise existing surface water sewer, proposed surface water management proposals would be contrary to Objective SW04 which requires SuDS. Prejudicial to public health.
- No consent provided from landowners of lands on which works are proposed outside application boundary. P.A. is precluded from considering these works. In their absence, proposed development would not be served by acceptable vehicular, pedestrian and cycle access, and would represent a traffic hazard.

**ABP-312131-21:** Permission granted in 2025 for Greater Dublin Drainage (GDD) Project consisting of new wastewater treatment plant, sludge hub centre, orbital sewer, outfall pipeline and regional biosolids storage facility (RBSF). This project is located in the townlands of Clonshagh, Dubber and Newtown, within Fingal County Council and Dublin City Council areas. Part of this drainage project traverses the eastern area of the appeal site. The RBSF element of this scheme is located approx. 1km to north. See also **ABP-301798-18**.

**ABP-318677-23:** An Bord Pleanála in 2025 approved 110kV Air Insulated

Switchgear (AIS) tail-fed substation compound, combined with a 110kV underground cable connection to Finglas on a site which marginally overlaps with the subject appeal site to the south east. This ABP-318677-23 site extends in a roughly northerly direction to a point approx. 9.5km to north at Rowlestown, Co. Dublin

**P.A. Ref. FW22A/0213:** Permission granted in 2023 for Distribution System Operator (DSO) electrical substation building, 40no. battery storage unit, underground cabling to route c. 1.45km to existing 220kV Finglas Electricity Substation, at North Road. The bulk of this site is located approx. 1.2km north of the subject site on the opposite (eastern) side of North Road, and the site outlined in red extends south to the cul-de-sac at the southern end of North Road. As viewed on the planning authority's online planning search mapping, the narrow, linear part of this site connecting to Finglas Electricity Substation very marginally traverses the easternmost extent of the subject appeal site at the junction of the FCC-owned road and North Road (R135).

**P.A. Ref. FW21A/0144:** Permission granted in 2021 for installation of electrical infrastructure between Finglas substation and Huntstown Power Station to facilitate retirement of ESB overhead powerlines and facilitate site clearance for future data centre and substation development subject of separate application. It includes (i) approx. 3no. underground cable circuits 1.2km length (110kV) and 1no. circuit 1.2km length (38kV) and underground ducting and infrastructure between ESB Finglas substation and Huntstown Power Station (ii) installation of 1no. c.28m double circuit 110 kV cable end tower and 1no c.17 single circuit 110kV angle mast (iii) removal of 10no. 110kV timber polesets, 9no. 38kV timber polesets, 3no.38kV lattice steel tower & associated overhead line electrical infrastructure, within Johnstown, Huntstown, Coldwinters & Baleskin townlands. Application includes EIAR.

On site visit it was noted that this permission appeared to have been implemented.

**P.A. Ref. FW03A/1430 and ABP - PL 06F 206789:** Permission granted in 2004 for continuation of extraction, screening and processing of rock (authorised by P.A. Ref. 93A/1134) for 20 years (c.57.5ha total extractive area in c.205ha overall site) and continue indefinitely all authorised crushing and processing plant and progressive restoration of worked out extractive areas for 5 years after cessation of quarrying. The subject appeal site forms a minor part at southern end of this substantial site.

Sites in the Immediate Vicinity:

**P.A. Ref. FW21A/0151 and ABP-313583-22:** Permission granted in 2025 to demolish 2no. dwellings and construct 2no. data hall buildings on a site approx. 50m north of subject site, and directly north of main entrance to Huntstown Quarry on North Road. An EIAR was submitted. Development has commenced on site.

**P.A. Ref. FW22A/0258:** Permission granted in 2023 for 3no. weighbridges, a 2,160sqm soil waste inspection and quarantine shed and offices at Huntstown South Quarry. The main part of this site is approx. 300m to west of the subject site.

Sites in the Wider Vicinity:

**ABP-301798-18:** Permission granted in 2019 for revisions to the existing and permitted development of the Ringsend Wastewater Treatment Plant (WwTP), Dublin 4 (component one) and for a new Regional Biosolids Storage facility (RBSF) at Newtown, Dublin 11 (component two). The RBSF part of this permitted development is located North Road approx. 1km north of the subject site, i.e., the same location as that indicated in respect of ABP-312131-21 above. On site visit, it was noted that construction was underway at the RBSF part of this site.

**ABP-316027-23:** Permission granted in 2024 for Section 37E application at waste facility at Millenium Business Park, Cappagh Road, to amend Condition 5 of P.A. Ref. FWI8A/0079, to increase waste intake from 270,000 to 450,000 tonnes per year, to expand recycling/recovery capacity and to install odour control unit. No buildings or extensions proposed. The facility operates under IE Licence (Number W0183-01) issued by EPA.

This site is approx. 1.1km west of the subject site. Condition 2(a) states (as per amended Order):

The intake of waste material to the site shall not exceed 450,000 tonnes per annum, of which no more than 200,000 tonnes shall consist of food waste and mixed household waste containing putrescible materials only (excludes separately collected mixed household dry recyclables).

**ABP-315257-22:** Permission granted in 2024 for Section 37E application to expand MRF to process up to 300,000 tonnes p.a. at Unit 1, Cappogue Industrial Park and

lands to south. This site is approx. 2km south west of subject appeal site. Condition 2 states *inter alia* that intake of waste material shall not exceed 300,000 tonnes p.a., of which no more than 50,000 tonnes consisting of food waste, no more than 100,000 tonnes of residual MSW and 50,000 tonnes of mixed dry recyclable waste; Records of waste accepted shall be maintained and made available to planning authority if required; Facility shall not be used directly by public.

Current cases **ABP-321465-24** (Section 37L application) and **ABP-321466-24** (substitute consent application) outlined below are at Sandyhill, St. Margarets, approx. 2.5km to north east. These 2 site areas are largely similar, but not uniform.

**ABP-321466-24:** Current application under Section 37L of Planning and Development Act 2000, as amended, for ongoing use of waste recycling and transfer facility; EIAR and NIS submitted. Permission is sought to accept 21,900 tonnes p.a. (in line with waste permit) for bulking, transfer and recycling of metals, C&D waste, bulky/skip waste, batteries, food waste, other non-biodegradable non-hazardous waste and an authorised treatment facility for end-of-life vehicles (ELVs).

**ABP-321465-24:** Current application for substitute consent of waste recycling and transfer facility. Remedial EIAR and Remedial NIS submitted. Retention permission sought for *inter alia* buildings, plant and infrastructure, historic use of 1.6ha of site as waste transfer and recycling centre and authorised treatment facility for ELVs, in particular during 2019 to 2023, where waste throughput rose from 26,000 to 42,500t p.a., and retention of metal processing and transfer facility to accept up to 21,900t p.a. for bulking, transfer and recycling of metals, C&D and other non-biodegradable non-hazardous wastes, and an authorised treatment facility for ELVs from January 2024 to date of application decision

**ABP-321278-24:** Railway Order approved for Luas Finglas – Broombridge to Charlestown in 2025. This decision is currently subject of judicial review. This Luas Green Line extension terminates close to M50 at Charlestown, i.e., south of M50. A Park and Ride facility for approx. 350 spaces forms part of the scheme. The northern end of this scheme is approx. 1km south east of the appeal site, as the crow flies.

## 5.0 Policy Context

### 5.1. Fingal Development Plan 2023-2029

#### Chapter 13: Land Use Zoning

The site is zoned Heavy Industry. The objective is to provide for Heavy Industry. The Vision is to 'Facilitate opportunities for industrial uses, activities and processes which may give rise to land use conflict if located within other zonings. Such uses, activities and processes would be likely to produce adverse impacts, for example by way of noise, dust or visual impacts. HI areas provide suitable and accessible locations specifically for heavy industry and shall be reserved solely for such uses'.

'Waste Disposal and Recovery Facility (High Impact)' use is permitted in principle.

Separately, 'Industry - High Impact' is defined (at Appendix 7, Technical Guidance) as the use of a building, or part thereof, or land for any industry which requires special assessment due to its potential for detrimental environmental effects.

For completeness, a substantial area to the north and generally to the west of the site are similarly zoned HI. However, directly adjoining lands to the south and west of the site are zoned General Employment, as are lands on eastern side of North Road.

#### Chapter 5: Climate Action

Section 5.5.4.1 Circular Economy states that Chapter 11 Infrastructure and Utilities and Chapter 14 Development Management Standards seek to integrate a more sustainable approach to waste based on circular economy principles. National climate action policy emphasises the need to take action to address climate action across all sectors of society and the economy.

**Policy CAP25 – Circular Economy** Support shift to circular economy approach as set out in the National Waste Policy for 2020–2025.

**Policy CAP26 – Waste Management Plans for Construction and Demolition Projects** Have regard to Best Practice Guidance on Waste Management Plans for Construction and Demolition Projects and any future updates.

#### Chapter 6: Connectivity and Movement

**Objective CMO23 – Enabling Public Transport Projects** Support delivery of key

sustainable transport projects including LUAS expansion programme

**Policy CMP21 – Park and Ride** Support provision of Park and Ride facilities at suitable locations in accordance with large-scale transportation projects being delivered under NTA Strategy

**Table 6.3: Transportation Schemes** includes Cappagh Road – Huntstown R135 Link as a proposed scheme.

#### Chapter 7: Employment and Economy

**\*Table 2.19: List of Proposed Framework Plans** includes Dublin Enterprise Zone (FP 12.B) as a Plan to be prepared over the lifetime of the Development Plan

\*I note that Dublin Enterprise Zone Framework Plan does not appear to be available, as viewed on [www.fingal.ie](http://www.fingal.ie) (accessed 01 December 2025)

**Objective EEO8 – Dublin Enterprise Zone** Support continued investment in and promotion of Dublin15 Enterprise Zone in collaboration with key stakeholders

**Objective EEO30 – The Green Economy** Support growth of ‘green economy’ including supporting transition towards circular economy in compliance with national policy and legislation

**Objective EEO31 – Green Economy Initiatives** Support business growth in green and circular economy and initiatives within IDA strategy Driving Recovery and Sustainable Growth, or any superseding document

#### Chapter 9: Green Infrastructure and Natural Heritage

The site is located within Low Lying Landscape Agricultural, as per Development Plan mapping. ‘Low Lying’ Landscape Character Type has a modest value as per **Section 9.6.14 Landscape Character Assessment**. This is described as having an open character with large field patterns, few tree belts and low roadside hedges.

#### Chapter 11: Infrastructure and Facilities

**Policy IUP22 – Transition From A Waste Economy Towards A Green Circular Economy** Support principles of transition from waste economy to green circular economy, implement best practices to enable Fingal to become self-sufficient in resource and waste management, and enhance employment and increase value recovery and recirculation of resources, in accordance with Whole of Government

Chapter 12: Green Infrastructure and Natural Heritage

**Policy GINHP21 – Protection of Trees and Hedgerows** Protect existing woodlands, trees and hedgerows of amenity/biodiversity value and or which contribute to landscape character

**Objective GINHO15 – SuDS** Limit surface water run-off from new developments through appropriate SuDS using nature-based solutions and ensure that SuDS is integrated into all new development

**Objective DMSO205 – Surface Water Management Plan** Require Surface Water Management Plan (SWMP) as part of new developments including assessing existing before developing SWM using SuDS, having regard to Fingal Guidance Document – Green/Blue Infrastructure for Development, as amended.

**Objective IUO16 – OPW Flood Risk Management Guidelines** Have regard to OPW Flood Risk Management Guidelines 2009, revised by Circular PL 2/2014, and consider site specific flood risk assessments (SSFRA) for all new developments. All development must prepare a Stage 1 Flood Risk Analysis. If flooding risk is not screened out, prepare SSFRA where appropriate.

Chapter 14 – Development Management Standards

**Objective DMSO105 – Development within Airport Noise Zones** Strictly control inappropriate development and require noise insulation where appropriate in accordance with Table 14.16 within Noise Zones B and where necessary in Assessment Zone D. To accept that time based operational restrictions on usage of a second runway are not unreasonable to minimize adverse impact of noise on existing housing within inner and outer noise zone.

Note: Appendix 10 List of Townlands to which Assessment Zone D Applies includes Coldwinters and Huntstown.

**Objective DMSO125 – Management of Trees and Hedgerows** Protect, preserve and ensure effective management of trees and groups of trees and hedgerow

**Objective DMSO126 – Protection of Trees and Hedgerows during Development** Ensure trees/hedgerows conditioned for retention are protected in accordance with BS5837 2012 Trees in relation to the Design, Demolition and Construction –

Recommendations, as may be updated and monitored by arboriculture consultant.

**Objective DMSO128 – Demarcation of Townland Boundaries** Ensure trees, hedgerows and other features which demarcate townland boundaries are preserved and incorporated where appropriate into design of developments.

Development Plan Mapping:

- A road proposal is indicated from the roundabout at Cappagh Road/Ballycoolin Road north east towards the R135, i.e., extending as far as the junction with North Road. This indicative route traverses the subject site's eastern/south eastern boundary, i.e., part of the FCC-owned road within the site outlined in red.
- Light Rail Stop Kildonan is a short distance south west of the entrance to Finglas 220kV power station, and north of M50. This indicative location is approx. 350m from the site's southern boundary. A light rail corridor includes Cappogue continuing to north east to Kildonan, roughly parallel to the M50 at this location.
- GDA (Greater Dublin Area) Cycle Network Plan shows a Secondary cycle route along R135 (North Road), which traverses the M50 Junction 5 area.
- GDA Cycle Network Plan shows a Feeder route extending from Cappagh Rd. in a north east direction to R135/North Rd. junction with the FCC-owned road.
- The site is approx. 1.1km south of Dublin Airport Outer Public Safety Zone.
- The subject site is almost entirely within Dublin Airport Noise Zone D. The boundary demarcating Noise Zone C to the site's north approximately bounds, and marginally traverses, part of the northern boundary of the appeal site.

## 5.2. **Dublin Airport Noise Action Plan 2024-2028**

The Noise Action Plan for Dublin Airport 2024-2028 was made on 09 December 2024. It details the regulatory framework and processes for managing aircraft noise at Dublin Airport. Under the European Communities (Environmental Noise) Regulations 2018 (the Regulations), the airport authority for Dublin Airport (daa) is responsible for preparing strategic noise maps and are defined as the Noise

Mapping Body (NMB) with Fingal County Council responsible for the preparation and revision of the Dublin Airport noise action plan in the role of the Action Planning Authority (APA).

This document includes Fig. 16 – Dublin Airport Noise Zones, which reproduces Fingal Development Plan 2023-2029 County Strategy/Index Sheet 1 map.

**Table 5-4 Aircraft noise zones and the associated objective of each zone along with an indication of the potential noise exposure from operations at Dublin Airport** outlines the following with regard to Zone D:

Objective: To identify noise sensitive developments which could potentially be affected by aircraft noise and to identify any larger residential developments in the vicinity of the flight paths serving the Airport in order to promote appropriate land use and to identify encroachment. All noise sensitive development within this zone is likely to be acceptable from a noise perspective. An associated application would not normally be refused on noise grounds, however where the development is residential-led and comprises non-residential noise sensitive uses, or comprises 50 residential units or more, it may be necessary for the applicant to demonstrate that a good acoustic design has been followed.

### 5.3. National Planning Framework – First Revision, April 2025

- 5.3.1. One of the National Strategic Outcomes (NSOs) set out in the NPF – First Revision is the Sustainable Management of Environmental Resources. This NSO recognises that conserving and enhancing the quality of natural and environmental resources such as water sources will become more important in a crowded and competitive world as well as capacity to create beneficial uses from products previously considered as waste, creating circular economic benefits.
- 5.3.2. Key future enablers for Dublin include improving sustainability in energy, waste management and resource efficiency and water, to include the circular economy.
- 5.3.3. National Policy Objective (NPO 76) is to sustainably manage waste generation including construction and demolition waste, 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.

#### **5.4. Regional Spatial and Economic Strategy for the Eastern and Midland Region**

- 5.4.1. The Regional Spatial and Economic Strategy for the Eastern and Midland Region (EMRA) outlines (at Section 10.4) that waste management policy is contained in Eastern and Midlands Region Waste Management Plan 2015 – 2021.
- 5.4.2. It outlines that local authorities should achieve waste reduction, increases in material re-use and recycling, and reduced waste disposal. This can be achieved by complying with strategic objectives, targets and goals set out in this waste management plan, any subsequent plans and promoting a more circular economy.
- 5.4.3. Regional Policy Objective (RPO) 10.25 outlines that development plans shall identify how waste will be reduced, in line with circular economy principles, facilitating use of materials at their highest value for as long as possible, how remaining waste will be managed and shall promote inclusion of adequate and easily accessible storage space in developments that supports separate collection of dry recyclables and food and take account of Eastern and Midlands Region Waste Management Plan.

#### **5.5. National Waste Management Plan for a Circular Economy 2024-2030**

- 5.5.1. The National Waste Management Plan for a Circular Economy 2024-2030 outlines that Ireland's National Waste Policy 2020-2025 'A Waste Action Plan for a Circular Economy (WAPCE) called for replacement of the existing three Regional Waste Management Plans with a single National Waste Management Plan. This Plan continues the evolution from local to regional to national waste planning.
- 5.5.2. The Plan's aim is to influence sustainable consumption, prevent waste generation, improve capture of materials to optimise circularity and enable compliance with policy and legislation.
- 5.5.3. Ireland is moving from the traditional linear 'take-make-use-dispose' model towards a 'circular economy' regenerative growth model where resources are reused/recycled as much as possible and waste generation minimised. This transition is essential to reduce pressure on natural resources, aid in achieving climate targets, support

sustainable development goals and create sustainable growth and jobs.

5.5.4. The Plan sets out the sector's contribution to the achievement of other national plans and policies including Climate Action Plan. It includes 8no. national targets, 13no. core policies, focus areas, targeted policies, priority actions and key deliverables.

5.5.5. National targets include -

- Target 1A: 6% reduction in residual municipal waste per person by 2030.
- Target 2A: 90% material compliance in dry recycling bin

Core policies include -

- Core Policy 2: Support delivery of measures in Climate Action Plan to contribute to achieving national climate targets.
- Core Policy 3: Implement EU and national waste policies/plans that enable transition to circular economy and achievement of national recycling targets.
- 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.

Targeted policies include –

TP11.1: Development/enhancement of existing or new infrastructure or initiatives will be subject to the application of the waste hierarchy and waste facility siting guidance for all new infrastructure (this guidance to be embedded in L.A. Development Plans).

TP11.2: Enhance national self-sufficiency with development of sustainable waste management infrastructure where feasible and viable.

TP11.3 Ensure future authorisations of waste infrastructure take account of authorised and available capacity in the market.

TP11.4: Work with regulators to expedite consenting processes for new or modified infrastructure and operations to ensure efficient delivery of required capacity.

TP12.4 Encourage development of circular activities which stimulate and support viable secondary material markets and secondary product markets in construction, industrial and bioeconomy sectors.

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

TP13.2 Support development of plastic management infrastructure to ensure that a clean, reliable feedstock is available to processing and recycling plants.

TP14.1 Support development of pretreatment capacity for recovery where technically, economically and environmentally practicable in line with proximity principle

5.5.6. Materials Recovery Facilities is listed as a type of Pre-Treatment Facility (at Section 3.3 of Vol. IV Supporting Documentation), which separate, process and store dry recyclable materials, which have been collected separately. Guidance to be taken into account when siting pre-treatment facilities relate to access, access to feedstock, access to end-markets, authorisations, nuisance, proximity to neighbours, traffic, parking, processing, visual screening and site safety. In terms of access and proximity to neighbours, the following issues are summarised

- Access: For sites handling large volumes of wastes, road network needs to be of appropriate quality to minimise impact. Preferred access is via suitable national or regional road. Distances are outlined in Appendix A (of Appendix 9)
- Proximity to neighbours: Guidance setback distances from principal processing location to nearest residential property and business/industry are in Appendix A. The setback distances take account of scale of the operation and the waste materials being handled and processed.

5.5.7. Appendix A - Facility Siting Setback and Location Distances includes Pre-Treatment Facilities, and indicates that urban and industrial locations are favourable for this facility type. These facilities should be within 10km of a national road, and can be sited beyond this subject to criteria.

5.5.8. A 50m set back distance from the location of the principal processing to the nearest residential property is recommended for pre-treatment facilities including processing or co-processing of municipal residual waste and facilities for pre-treatment where a licence is required, and 25m set back distance where facility permit is required.

5.5.9. With regard to pre-treatment of mixed dry recyclables only, the set back distance is 50m where a licence is required, and 25m where facility permit is required.

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

#### **5.6. A Waste Action Plan for a Circular Economy – Ireland’s National Waste Policy 2020-2025**

5.6.1. Waste Action Plan for a Circular Economy is Ireland’s roadmap for waste planning and management. A key objective is to shift focus back up the product life cycle, to remove or design out harmful waste, to extend life of products and goods used and prevent waste arising.

5.6.2. The Plan outlines a range of aims and targets for the State and measures by which to achieve these. These include measures across a number of waste areas such as Circular Economy, Municipal (Household and Commercial), Food, Plastic and Packaging, Citizen Engagement, Construction and Demolition and End-of-Waste.

5.6.3. With regard to Supporting Indigenous Treatment Capacity (Waste Management Infrastructure), a range of measures to achieve optimum results are set out. These include driving higher levels of segregation to support investment in treatment capacity, and examining the legislation and procedures regulating the development of waste infrastructure and whether processes and timelines can be streamlined.

#### **5.7. Climate Action Plan 2025**

5.7.1. Climate Action Plan (CAP) 2025 builds upon the CAP 2024 by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings, and should be read in conjunction with CAP 2024.

5.7.2. This is the third CAP to be prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021. It sets out what needs to be done into 2025, to prepare to take on the challenges of the second carbon budget period 2026-2030.

5.7.3. With regard to Circular Economy and Other Emissions, CAP 2025 outlines out that moving to a circular economy continues to offer a suitable alternative to the current take-make-waste linear model and Ireland is committed to making this transition. This will reduce GHG emissions and make a significant contribution to achieving climate objectives. Actions for 2025 (at Section 19.4) include CE/25/4, to support

implementation of the second Whole of Government Circular Economy Strategy.

5.7.4. With regard to Transport, CAP 2025 sets out Actions and Updates to include enhanced spatial and land-use planning, noting that the National Planning Framework revision presents an opportunity to re-emphasise cross-linkages between land-use and spatial planning and the transport system. It outlines the policy pathway for cutting transport emissions centres around the 'Avoid-Shift-Improve' approach and specifically, Compact Growth Transport Orientated Development.

5.7.5. It further outlines that local authorities have an integral role in decarbonising transport, through the spatial and land-use planning system, promoting public transport-oriented development, and ensuring permeability for active modes.

## **5.8. National Biodiversity Action Plan 2023-2030**

5.8.1. Ireland's 4<sup>th</sup> National Biodiversity Action Plan (NBAP) sets the national biodiversity agenda for the period 2023-2030 and aims to deliver transformative changes to the ways in which nature is valued and protected. It has been developed with support, advice and input of the interdepartmental Biodiversity Working Group and the independent Biodiversity Forum. The 4<sup>th</sup> NBAP strives for a 'whole of government, whole of society' approach to governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to "act for nature".

5.8.2. It includes Target 7, which is to reduce pollution risk and the negative impact of pollution from all sources by 2030, to levels that are not harmful to biodiversity and ecosystem functions and services. Part (c) of this Target seeks to prevent, reduce and work towards eliminating plastic pollution. It outlines that minimising the impacts from plastic pollution is covered in the Waste Action Plan for a Circular Economy.

## **5.9. Fingal County Council Climate Action Plan 2024-2029**

5.9.1. This Climate Action Plan 2024-2029 has been prepared by Fingal County Council in partnership with the other Dublin local authorities, Codema – Dublin's Energy

Agency and the Dublin Climate Action Regional Office (CARO). It seeks to create a low carbon and climate resilient County, by delivering and promoting best practice in climate action at the local level.

- 5.9.2. It outlines that the Baseline Emission Inventory in the Plan provides an estimate on greenhouse gas (GHG) emissions for the county and for the Council's own activities, and that these assessments have provided an evidence base for the development of place-based climate actions. Actions aimed at reducing GHG emissions are divided across six thematic areas, including Circular Economy and Resource Management.
- 5.9.3. The Plan notes that by transitioning to a circular economy, plastic pollution will be reduced and fewer natural resources will be used. It outlines (at Chapter 12: Circular Economy & Resource Management) that the Council signed up to the European Circular Cities Declaration in April 2023, which is a commitment from cities/regions to enhance efforts to transition from a linear to a circular economy. Signatories are committed to the need to decouple economic growth from resource use and recognise that local and regional governments have a role to play.
- 5.9.4. Actions in this Plan include supporting and promoting implementation of the National Waste Management Plan for a Circular Economy 2023- 2029 targets; Ref. R6 refers.

#### 5.10. **Greater Dublin Area Transport Strategy 2022-2042, National Transport Authority**

- 5.10.1. This Transport Strategy sets out a framework for investment in transport infrastructure and services for the GDA up to 2042. It recognises a range of challenges for transport underpinned by climate change; the Covid-19 pandemic; servicing the legacy development patterns; revitalising city and town centres; transforming the urban environment; ensuring universal access; serving rural development; improving health and equality; fostering economic development and delivering transport schemes. The overall aim of the Strategy is 'to provide a sustainable, accessible and effective transport system for the Greater Dublin Area which meets the region's climate change requirements, serves the needs of urban and rural communities, and supports the regional economy'. The four objectives to deliver this aim are an enhanced natural and built environment; connected communities and better quality of life; a strong sustainable economy and an inclusive

transport system.

#### 5.10.2. The Strategy includes -

- Measure LRT3 - Luas Finglas: Intention to extend Luas Green Line northwards to Finglas, inclusive of potential park and ride facility at/close to terminal stop.
- Fig. 9.1: Park and Ride Strategy for the GDA: Indicative P&R location at M50, with Junction 1 as its nearest junction with indicatively 350no. parking spaces.

#### 5.11. Natural Heritage Designations

The site is not located within or adjacent to any European sites. The nearest European sites are (approx.):

- South Dublin Bay and River Tolka SPA (004024): 8km to south east
- Malahide Estuary SPA (004025): 9.8km to north east
- North Bull Island SPA (004006): 10.5km to east
- Baldoyle Bay SPA (004016): 11.7km to east
- Rogerstown Estuary SPA (004015): 14.2km to north east
- North West Irish Sea SPA (004236): 13km to east
- North Dublin Bay SAC (000206): 10.4km

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A third party appeal has been received from William and Pauline Byrne. The third parties' dwelling house, Kildonan House, is approx. 300m southwest of the appeal site's southern boundary. The submission indicates that their farm adjoins the subject site.

#### Development Plan

- Site is zoned HI – Heavy Industry.
- There is a proposal to link Cappagh Road to west with the north road; Fingal Development 2023-2029, Map Sheet No. 17 – Connectivity and Movement

#### Uncertainty relating to lands within site boundary

- Concern that the proposed development may impact on the operation of third party's farm which adjoins the site.
- Concerns are based on a lack of information regarding use of the site that is to be reserved for future development. No use is indicated for c. half of the site area (where) existing lands are to be infilled; site layout drawing no. P001, date-stamped 25/4/23.
- It must be assumed that these lands will be used as part of MRF operation. They may be used for open air storage of materials that are to be processed. Such open air storage would result in odour and dust emissions that would be detrimental to the operation of the adjoining farm. It would be detrimental to residential amenity and health as a result of odours. The farmhouse is their sole residence and house's private water supply is a bored well. Potential groundwater contamination is a serious concern that needs to be addressed.
- Lands shown 'infilled as part of the proposed development' may result in leakage of contaminated surface water into adjoining farmland
- These issues were not addressed in the EIAR. Third party's submission to the planning authority urged a FI request to confirm the precise use of the parts of the site indicated as 'to be infilled as part of the development'. Planning authority did not request this information.
- Applicant's response to third party submissions stated that no development is proposed for lands identified in the Masterplan as phases 2 and 3 of an overall development, and the Masterplan is detailed '....solely to set out future development scenarios and a design rationale'. This is considered inadequate to assess impact on third party's lands. Third party's further submission requested in the event of a grant, to clarify the status of phases 2 and 3 lands by condition. This was not done.
- Concerns regarding management of shared road entering Kildonan House. Any future restrictions during construction phases would have negative implications for third party living in Kildonan House
- Concerns regarding upkeep of these lands considering HGV movements in and out of the facility and likelihood of spillage along this shared road area.

## Conclusion

- In the event of a grant, requests planning condition is attached which clarifies that lands within site boundary marked Phase 2 and 3 in Masterplan should not be used for any buildings or open-air storage of waste materials.
- Such a condition is considered essential to protect the adjoining farm operation and residential amenity of the adjoining farmhouse and to clarify the extent of the proposed development and impacts it will have on third party's landholding and shared road access to the farm.
- Asks the Board to take into consideration the future road, cycle and pedestrian links within the area to make sure the proposal is not contrary to the future development of the surrounding lands and land uses.

## 6.2. Applicant Response

The main issues in the applicant's response to the grounds of appeal may be summarised as follows:

### Overview/Decision/Rationale for Proposed Development

- Applicant has not appealed any conditions.
- Requests the Board to uphold decision to grant
- P.A. are satisfied on Development Plan development management criterion and wider policy and planning context. Minor revisions to overall scheme only via condition 5 for revised layout for FCCP.
- Development is phase 1 of Huntstown Circular Economy Hub. Masterplan sets out overall vision
- European Commission's Action Plan on Circular Economy recognises that recycling is a pre-condition for circular economy. Proposal is consistent with government's Waste Action Plan for a Circular Economy
- The lands are zoned HI– Heavy Industry. In locational and zoning terms the project is ideally located, particularly its strategic location within GDA.
- Site is greenfield and vacant, well serviced by existing road infrastructure, with

access proposed via the public road. North Rd. (former N2) connects the site to wider Blanchardstown area and is readily accessible via Cappagh Road.

- Outlines surrounding land uses and local context, including that adjoining lands to south and west are currently used for agriculture and the nearest private residences are on the R135 and 200m from the eastern site boundary.
- Project overview, access and services, overall design strategy, height, materials, landscaping, recycling facility and process are described.
- Sets out national and regional policy context, zoning and development management standards, and aviation safety and design rationale

#### Responses to grounds of appeal

- Concerns raised in the appeal have been either addressed in planning application documents including EIAR and/or planning authority's assessment
- Planning authority was satisfied that the application was consistent with national, regional and local planning policy and guidance and in the context of EIAR and NIS that the required EU Directives have been satisfied.

#### *Ground 1 – Site layout and uncertainty relating to lands within site boundary*

- From previous application FW20A/0063 the P.A. requested a masterplan. Masterplan sets out vision for overall landholding and how the proposed scheme will lead to a new recycling hub.
- Masterplan will achieve recycling hub, 6no. buildings under 3 phases, cognisance of Irish Water wayleave, significant investment, will trigger further mixed use development, and upwards of 150 jobs when fully operational.
- Masterplan has been incorporated into the traffic and infrastructure assessments, with adequate upgrade works proposed to site entrance.
- Strategic vision is consistent with zoning objectives and phase 1 is a key aspect of new Huntstown Circular Economy Hub.
- No issues arise in terms of the application lacking detail on future plans. Adequate detail in the masterplan shows how residual lands within applicant's ownership can be developed on HI zoned lands.

- Refutes appellant's erroneous statement that it must be assumed that these lands will be used as part of the MRF. Site layout drawings demarcate phase 2 and 3 areas are only to be infilled and not used for any other purpose. Drawings and application particulars are specific and no ambiguity arises.
- Ground 1 of appellant's statement is unfounded.

*Ground 2: Link Road*

- Appellant states that there is a proposal to link Cappagh Road to west with North Road, which would result in removal of a sharp bend in the current road and created a straight road along the site frontage.
- Development Plan includes indicative road plan for Cappagh Road abutting the site's southern boundary to become a local distributor road; Map Sheet 17
- This Development Plan objective has been incorporated into the layout, with adequate set-back(s), upgrade works to the local road incorporating cycle lanes, a designated right turn lane and overall improvement works.
- Traffic and Transport Assessment and RSA set out how the scheme can be delivered to meet required standard. Provision of these works are incorporated into Conditions 10, 11 and 12.
- Layout of proposed direct access was designed in accordance with geometric standards in TII's National Roads design publications. The standard was carried through for the sight distances assessment.

*Ground 3: Concerns regarding impacts on appellant's lands and emissions*

- Appellant's farm lands are zoned General Employment.
- Under preparation of County Development Plan 2023-2029 the appellants did not request their farm to be unzoned or reserved for agricultural purposes to provide a buffer from Industrial or General Employment developments.
- Highlights proximity of the appellant's farmstead and farm lands to Huntstown Quarry and wider Heavy Industry surrounding the appellant's landholding. Intervening lands between site and farmstead are zoned General Employment
- Third party dwellings to the east are closer to the appeal site than the appellant's farmstead. No other residents have appealed the decision.

- Proposal is plan-led in terms of location.

#### *Ground 4: Concerns regarding infilling of land*

- Infilling of lands and reprofiling of ground levels will be a consequence of cut and fill within overall lands, using inert soils. There will be no contamination risks.
- EIAR Chapter 6 sets out a detailed consideration of aspects relevant to soils, land and geology which are site clearance, excavation and stockpiling of subsoils across Phase 1, construction of buildings, paved yards and drainage systems, landscaping measures and operational stage impacts.
- Soils are clean with no evidence of contamination; EIAR Section 6.5.3.
- 11,607m<sup>3</sup> of topsoil will be stripped. Landscaping requires approx. 9,161m<sup>3</sup>, with remaining 1,906m<sup>3</sup> sent off site. 34,155m<sup>3</sup> of subsoils will be excavated to achieve formation levels, of which 4,925m<sup>3</sup> will be used with remainder sent off site. Based on initial laboratory analysis soils to be removed are suitable for recovery at authorised soil recovery sites, meet quality criteria in EPA's Article 27 Guidance on Soil and Stone By-Products and are suitable for use at other development sites that are permitted to accept such soil and stone.
- Concerns relating to infilling of lands are unfounded. Appellants appear not to have considered EIAR or particulars which provides evidence demonstrating no risk of contaminated surface water leaking to adjoining farmland at construction.
- CEMP and RWMP are highlighted along with incorporated mitigation measures for operational stage to manage storm water and discharges
- Operational stage EPA licence requirements will ensure no pollution risk to soils, lands or otherwise.

#### *Ground 5: Concerns regarding emissions*

- No uncertainty over use of lands relating to open air storage of materials that are to be processed. All wastes accepted at MRF will be off-loaded inside. There will be no storage externally of unprocessed waste; EIAR Section 3.8.1
- The only materials stored externally will be bales of solid recovered fuel and refuse derived fuel. Fuel is stored inside before it is sent off site in loose form

to cement kilns/incinerators. If operational issues at kilns/incinerators result in temporary inability to accept fuels, contingency measure is to compact and wrap fuel in polythene to form bales for temporary storage outside until kilns/incinerators are back in line; EIAR Section 3.8.2.1.

- P.A. conditioned waste related activities to be confined to Phase 1.
- Operation of MRF will be regulated by IE Licence issued by EPA. It will define the facility's operational boundary which will include the building, paved marshalling yards and will not extend beyond Phase 1.
- EPA licensing regulations require EPA to confirm that a proposed licensable activity is planning compliant. Licence cannot authorise an activity, e.g., external waste storage in area for which planning permission is not in place
- EPA licence will specify operational and infrastructural controls that must be implemented and ELVs that must be achieved to ensure that operations do not give rise to environmental pollution or impairment of amenity outside facility's boundary. Environmental pollution includes adverse impacts caused by emissions to atmosphere, surface water and groundwater.
- It is incorrect to state that these issues were not considered in the EIAR. EPA licensing and design particulars incorporated into the project will ensure no polluting emissions will arise. The updated EIAR and Planning Statement submitted as FI fully address all concerns cited relating to emissions.

#### *Other Issues*

- Notes that the Board will be assessing the appeal *de novo*.
- P.A. decision is generally acceptable to applicant, except Conditions 5 and 37
- Condition 5 is restrictive. Adequate buffer zone planting is proposed between FCCP and western hedge. Condition does not provide 'or as otherwise agreed' which would allow arborist/landscape consultants demonstrate adequate separation distance and that no root zones will be impacted
- Matters in Condition 37 will be addressed in EPA Licence. Planning conditions are not to overlap with other consent processes.
- Refers to Section 34 of Planning and Development Act. OPR Practice Note

PN03 states 'Where a permission relates to a development that requires an IPC licence or a waste licence the planning authority must take into consideration that the control of emissions arising from the activity is a function of the EPA and therefore a condition controlling emissions should not be attached to a decision to grant permission.'

### Conclusion

- Overarching project rationale will provide for environmental, business and public health needs and a waste management facility that will facilitate recycling by residential and commercial sources for the GDA.
- AA screening exercise determined the proposal does not have potential for significantly affecting the integrity of any Natura 2000 sites or their associated conservation objectives. The Board now as the competent authority to carry out screening for AA should reach same conclusion.
- Proposal has been designed to integrate new buildings to existing industrial fabric

### **6.3. Planning Authority Response**

The planning authority states that it has no further comments to make, and requests the Board to uphold its decision. In the event its decision is upheld, the planning authority requests that conditions relating to financial contributions and/or bonds in accordance with the Council's Section 48 Development Contribution Scheme are included in the Board's determination.

### **6.4. Observations**

1no. observation has been received from Geraldine Cooper. The main issues raised in the observation are as follows:

- Observer lives on quiet narrow cul de sac of R135, approx. 50m from proposed site entrance.
- Deep concerns regarding potential impact on family's quality of life.

- Since application was lodged in 2023, observer's residence has experienced two significant flooding events. Both required emergency intervention from Irish Water and FCC to pump water from home. These incidents were directly attributed to improper diversion of storm drains from R135 into observer's low lying property. Flooding caused extensive damage to their property and posed a serious safety risk to family.
- Appreciates importance of sustainable practices and circular economy hubs, but it cannot come at expense of safety and well-being of observer and family.
- Deeply troubled by lack of adequate measures to address existing stormwater management issues. Proposed relocation of storm drains on R135 to accommodate the increased surface water run off generated.
- EIAR must be scrutinised to ensure all potential environmental impacts including surface water management and flooding are adequately addressed.
- Rathdrinagh Land Unlimited also owns the adjoining Bioenergy plant. Utilising the entrance to this plant would significantly reduce the environmental impact on residents's lives at the proposed development's entrance, which is further down the quite R135 cul de sac. By utilising existing infrastructure and access, this can minimise disturbance to surrounding environment and mitigate potential disruptions to the local community. This alternative entrance option aligns with sustainable development principles and demonstrates a proactive approach to reducing environmental footprint and community disruption. Requests this alternative entrance proposal is considered.
- Requests the Board to postpone any decision until new, adequate storm drains are relocated on R135 to mitigate flood risk and safeguard the well-being of existing residential.

## 6.5. Further Responses

No further responses were received.

For clarity, the EPA was invited by the Commission on 31 October 2025 to make a submission. In terms of detail, the EPA address cited in the Commission's letter relates to its Johnstown Castle Estate, Co. Wexford address, i.e. a different EPA

address to that contained in the planning authority's EPA referral.

No submission was received.

## 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having visited the site, and having regard to the relevant local, regional and national policies and guidance, I do not consider that a *de novo* assessment of the proposal is warranted in this case.

7.2. In order to avoid duplication, a range of matters raised in the grounds of appeal and which are more appropriately addressed in the EIAR are addressed in that section of this IR. I consider that the main issues in this appeal, other than those set out in detail within the EIA, AA and WFD sections, are as follows:

- Principle of Development
- Use of Lands within Overall Site Boundary
- Planning Authority's Condition 37
- Other Issues: Development Contributions

7.3. Section 11.0 of this IR is a schedule of the Planning Authority's Conditions, with commentary outlined regarding the recommended inclusion or otherwise in the recommended decision, in the event the Commission was minded to grant.

### 7.4. **Principle of Development**

#### *Land Use Zoning and Development Plan Objectives and Policies*

7.4.1. The proposed development consists of the construction of a Materials Recovery Facility (MRF) and Food Container Cleaning Plant (FCCP). It is phase 1 of a development described as the Huntstown Circular Economy Hub.

7.4.2. The overall nature and scale of the proposed development is described at Section 2.0 of this IR. The 2no. elements of the scheme would be accessed from a new vehicular entrance off the FCC-owned cul-de-sac road, located off North Road. This road is indicated on [www.tailte.ie](http://www.tailte.ie) as R135, and is the former N2.

- 7.4.3. The site is zoned Heavy Industry, and the vision for this zoning outlines that such areas provide suitable and accessible locations specifically for heavy industry and shall be reserved solely for such uses. I note that 'Waste Disposal and Recovery Facility (High Impact)' use is permitted in principle. Separately, 'Industry - High Impact' is defined (at Appendix 7, Technical Guidance) as the use of a building, or part thereof, or land for any industry which requires special assessment due to its potential for detrimental environmental effects.
- 7.4.4. I consider that the proposed use can be considered to comprise a High Impact waste recovery facility, in addition to the processes proposed in the FCCP building.
- 7.4.5. Much of the lands in the site's immediate vicinity to the north and north west are similarly zoned Heavy Industry, although I note in contrast that the lands directly adjoining to south and west, and on the eastern side of North Road are zoned General Employment.
- 7.4.6. I consider that the proposed development would be in compliance with the HI land use zoning objective. In addition, the proposed development is compliance with a number of Development Plan policies and objectives which support the transition to a circular economy or a green economy, for example, Policy IUP22 and Policy CAP25.

*National Waste Management Plan for a Circular Economy 2024-2030*

- 7.4.7. An overview of National Waste Management Plan for a Circular Economy 2024-2030 is outlined at Section 5.0. This Plan outlines that MRFs is a type of Pre-Treatment Facility, urban and industrial locations are favourable for this facility type, and they should be within 10km of a national road (or beyond this subject to criteria). A 50m set back distance from the location of the principal processing to the nearest residential property is recommended where a licence is required.
- 7.4.8. Based on FI EIAR Fig. 9-6, FI drawing Huntstown Circular Economy Hub – Landscape Masterplan Sheet 1 of 1 (Drawing No. 7670-L-2100) and [www.tailte.ie](http://www.tailte.ie) mapping, I estimate that the proposed MRF building is
- approx. 300m north east of the dwelling house at Kildonan at its nearest point, and that the odour control unit at the northern end of the MRF's rear (west) elevation is approx. 370m from this dwelling

- approx. 380m west of the small cluster of approx. 3no. dwelling houses on North Road, in the vicinity of the T-junction with the FCC-owned road.
- Approx. 470m south east of a residential receptor on the eastern side of North Road.
- Approx. 970m south of Ravenswood Housing Scheme

Having regard to the separation distances from the proposed MRF building to the nearest residential properties, I consider the proposed development would be in compliance with and exceeds the minimum 50m separation distance stated in this policy document.

7.4.9. For completeness, I note that a residential property, located within the permitted data centre site, is shown in the FI EIAR at Fig.9-6 Sensitive Human Receptors Construction and Operational Phase. As outlined at Section 4.0 (Planning History) of this IR, the planning permission for that scheme allows for demolition of 2no. houses; P.A. Ref. FW21A/0151 and ABP-313583-22 refers. Given that development has commenced on site, I am satisfied that any impacts on these 2no. houses on North Road as a result of the proposed development can be excluded from further assessment. The location of these 2no. houses are in any event in excess of 50m from the subject site.

7.4.10. The subject site is approx. 2km from N2/M50 junction (Junction 5) via North Road, and therefore meets the criterion of being located within 10km of a national road.

#### *Conclusion*

7.4.11. Having regard to the proposed development's compliance with Development Plan HI land use zoning objective and various circular and green economy policies and objectives, and to compliance with the minimum separation distances set out in the *National Waste Management Plan for a Circular Economy 2024-2030*, I consider that the proposed development at the subject site would be acceptable in principle. Matters relating to detail of the proposed development are assessed further in Section 8.0 Environmental Impact Assessment.

### **7.5. Use of Lands within Overall Site Boundary**

7.5.1. The third party raises concerns regarding a lack of information relating to use of that

part of the site which is to be reserved for future development. Particular concerns are that this part of the site may be used for open air storage of materials that are to be processed. I discuss this matter of external storage in further detail at Section 8.0, with reference to FI EIAR Chapter 9 – Air.

7.5.2. However, with regard to the extent of the red line boundary, I note that the subject site comprises 2 fields and part of the FCC-owned road. Given that much of the eastern part of the site does not contain any proposed works, save for amendments to the FCC-owned road and the new vehicular access and internal route within the subject site, I consider it reasonable in this instance, should the Commission be minded to grant permission, for a condition to attach confirming that there shall be no external storage of materials within the red line boundary of the subject site at operational phase.

#### **7.6. Planning Authority's Condition 37**

7.6.1. The applicant's response to the grounds of appeal request that Condition 37 should not be included as operational matters will be dealt with under EPA licence.

7.6.2. Condition 37 requires matters relating to *inter alia* a management plan for delivery of materials/waste to the MRF, to include details of anticipated type, quantity and source and anticipated traffic volumes, to be submitted prior to commencement. After one year of operation, actual waste data and actual traffic volumes relating to the preceding year are required to be submitted, in addition to anticipated waste data and anticipated traffic volumes for the forthcoming year.

7.6.3. The applicant's response to FI Item 1 (Planning Report) states that the annual materials intake will be 95,000 tonnes. The planning authority considered the FI response to be acceptable. I note that while the 4no. waste sources are outlined, the composition of each of these 4no. waste sources, as a proportion of the overall 95,000 tonnes, is not set out

7.6.4. Save for Condition 2 which states that materials/wastes accepted at the facility will not exceed 95,000 tonnes per annum, no other conditions are attached stipulating a maximum quantum of any of the waste types to be accepted per annum. Trip generation and traffic impacts as a result of the proposed development are outlined at FI EIAR Chapter 14: Material Assets – Traffic & Transportation.

7.6.5. Having regard to the range of information required to be submitted pursuant to Condition 37, and given that the MRF will operate under an IE licence, I do not consider the range of information cited in Condition 37 is required to be submitted.

7.6.6. However, having regard to the scale of the proposed development, should the Commission be minded to grant permission, I consider it appropriate that the maximum 95,000 tonnes per annum be confirmed by condition, and also that only the 4no. waste sources to be accepted at the site should be confirmed by condition. Should the Commission be minded to grant, it is recommended that this matter can be adequately addressed by way of condition.

### **7.7. Other Issues – Development Contributions**

7.7.1. The planning authority's decision does not include any condition requiring payment of a supplementary development contribution. I note from the planning authority's website ([www.fingal.ie](http://www.fingal.ie), accessed 01 December 2025) that the appeal site is not located within an area which requires payment of a supplementary development contribution.

7.7.2. For completeness, 2no. conditions require payment of financial contributions, namely Conditions 13 and 40.

7.7.3. Condition 13 requires payment of a special contribution under section 48(2)(c) of the Planning and Development Act 2000, as amended, for the sum of €25,571.70. The application of this special contribution is discussed in Section 8.0 of this IR, in the assessment of FI EIAR Chapter 14 - Material Assets: Traffic and Transportation.

7.7.4. Condition 40 requires payment of the sum of €1,042,017.77 as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefitting development in the area of the authority, as provided for in the Contribution Scheme for Fingal County made by the Council. Should the Commission be minded to grant permission, it is recommended that a similar condition requiring payment of a contribution in accordance with Section 48 of the Planning and Development Act 2000, as amended, be attached, for an unspecified amount.

## 8.0 Environmental Impact Assessment

### 8.1. Statutory Provisions

- 8.1.1. This section sets out the EIA of the proposed project and should be read in conjunction with both planning, appropriate assessment and water framework directive assessment sections of this report.
- 8.1.2. The proposed development consists of the construction of a Materials Recovery Facility (MRF) and Food Container Cleaning Plant (FCCP). It is phase 1 of the Huntstown Circular Economy Hub.
- 8.1.3. The nature of the proposed development in terms of the buildings and other works proposed, and in terms of the processes involved at operational phase are outlined at Section 2.0 of the IR.
- 8.1.4. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, lists *11. Other Projects (b) Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.*
- 8.1.5. It is outlined (at FI EIAR; Section 1.3) that for the purposes of the EIA Directive the term 'disposal' included recycling. As the annual intake in the MRF will exceed 25,000 tonnes an EIA is required.
- 8.1.6. I note that the FI EIAR states (at Section 3.2) that the annual waste intake will be 90,000 tonnes. In contrast the FI Item 1 response states that the overall annual materials intake will be 95,000 tonnes. The planning authority's Condition 2 states materials/wastes accepted at the facility shall not exceed 95,000 tonnes per annum. While I note that there would appear to be a discrepancy in the submitted information, for the purposes of this assessment I consider that the higher 95,000 tonnes p.a. figure can be taken as the materials/waste intake proposed in this case.

### 8.2. EIA Structure

- 8.2.1. Section 8 of this IR comprises my EIA of the proposed development in accordance with the Planning and Development Act 2000, as amended and the associated Planning and Development Regulations 2001, as amended, which incorporate European directives on environmental impact assessment (Directive 2011/92/EU as amended by 2014/52/EU). Section 171 of the Planning and Development Act 2000, as amended, defines EIA as:

(a) consisting of the preparation of an EIAR by the applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary information by the Board, the reasoned conclusions of the Board and the integration of the reasoned conclusion into the decision of the Board, and,

(b) includes an examination, analysis and evaluation, by the Board, that identifies, describes and assesses the likely direct and indirect significant effects of the proposed development on defined environmental parameters and the interaction of these factors, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

8.2.2. Article 94 of the Planning and Development Regulations, 2001 (as amended) and associated Schedule 6 set out requirements on the contents of an EIAR.

This EIA section of the report is therefore divided into two sections. The first section assesses compliance with the requirements of Article 94 and Schedule 6 of the Regulations, 2001 (as amended).

The second section provides an examination, analysis, and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on the following defined environmental parameters, having regard to the FI EIAR and relevant supplementary information:

- population and human health,
- biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
- land, soil, water, air and climate,
- material assets, cultural heritage and the landscape,
- the interaction between the above factors, and
- the vulnerability of the proposed development to risks of major accidents and/or disasters.

8.2.3. It also provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Commission's decision, should it agree with the recommendation made.

**8.3. Consultations and Issues Raised in Respect of EIA**

- 8.3.1. The application has been advertised and submitted in accordance with statutory requirements. Direct and formal public participation in the EIA process was undertaken throughout the statutory planning process.
- 8.3.2. This EIA has had regard to the submissions and observations received from the planning authority, prescribed bodies and the public. These are summarised in Section 3.0.
- 8.3.3. I am satisfied that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development in advance of decision making.
- 8.3.4. In particular, I draw to the Commission’s attention that no submission from the EPA was received by planning authority. The EPA was invited to make a submission on the appeal, and no submission has been received.

**8.4. Compliance with the Requirements of Article 94 and Schedule 6 of Regulations 2001, as amended**

- 8.4.1. In the table below, I assess the compliance of the submitted FI EIAR with the requirements of article 94 and schedule 6 (paragraphs 1 and 2) of the Planning and Development Regulations 2001, as amended.

Table 8.1 – Compliance with the Requirements of Article 94 and Schedule 6 of the Planning and Development Regulations

<b>*Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)</b>
A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including the additional information referred to under section 94(b).
<i>*Subsequent to the lodgement of the original application which included an EIAR, an FI EIAR was submitted. This ‘FI EIAR’ is referred to as such in this section.</i>  A brief description of the proposed development is contained in Chapter 1 - Introduction. An overview of the proposal is outlined in Chapter 3 – Project Description.

Details of the location and site are outlined in Chapter 2 – Existing Site Description. The design and size of the development are outlined in Chapter 3. Proposal is for construction and operation of Phase 1 of Huntstown Circular Economy) on a 9.863ha site, comprising a Materials Recovery Facility (MRF) and a Food Container Cleaning Plan (FCCP).

The MRF will have a waste intake of 95,000tonnes p.a, with a 98% recovery rate objective. Waste types are described in brief at Section 3.2, and materials intake and processes are outlined at Section 3.8. The operation of the MRF will be regulated by an EPA Industrial Emissions Licence.

The FCCP will provide a centralised washing/sterilisation facility for large food retailers in the GDA to facilitate multiple re-use of items.

As per public notice, the 2no. buildings incorporate ancillary office and staff facilities and solar PV panels. Project includes an ESB substation, site works, external storage areas, reprofiling of lands, new site entrance for vehicular and pedestrian access, upgrade works to adjacent public road, including footpath and cycle path provision, weighbridge and attenuation tanks.

In each technical chapter the FI EIAR details are provided on use of natural resources and the production of emissions and/or waste (where relevant). Chapter 10 – Land and Soil outlines details of type of soil and underlying geology on site. Proposed access arrangements to the site during construction and operation phases are set out in Chapter 14 – Material Assets: Traffic & Transportation. Chapter 13 – Material Assets outlines that it addresses *inter alia* waste management.

A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b).

An assessment of the likely significant direct, indirect, and cumulative effects of the development is carried out for the technical chapters of the FI EIAR.

I consider that the information as presented is reasonably adequate. I am satisfied that the assessment of significant effects is largely comprehensive and robust and enables decision making. However, in instances where I have considered that the information as presented has not been demonstrated to be sufficiently robust, I

have outlined where relevant information has been viewed online (such as [www.gsi.ie](http://www.gsi.ie)) or where relevant information is cited elsewhere in the FI EIAR.

In addition, I highlight in particular that I consider the information submitted in respect of Chapter 14: Material Assets to be deficient, primarily due to the absence of detail on lodged drawings regarding electricity infrastructure within/traversing the site. However, I outline in the assessment of Chapter 14: Material Assets my recommendation, should the Commission be minded to grant permission, as to how these deficiencies could be addressed.

A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b)).

The FI EIAR includes designed in mitigation measures and measures to address potential adverse effects identified in technical studies. These, and arrangements for monitoring, are outlined in the various technical chapters.

The FI EIAR includes a Construction Environmental Management Plan (CEMP) at Appendix 3.3.

Chapter 9 – Air outlines that an odour management system will extract odorous air and treat same in an odour control unit. An external odour control plant with flue forms part of the design of the project. Mitigation measures comprise standard good practices and site-specific measures. Emissions will be regulated by an EPA IE Licence.

A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment (including the additional information referred to under section 94(b)).

A description of the alternatives considered is contained in Chapter 4 - Alternatives.

It includes commentary on chosen locations, 'do-nothing' scenario and brief commentary on alternative designs/layouts. A justification for selecting the chosen

layout and design including surface water drainage proposal is outlined. With regard to Iteration 2 (Fig. 4.2) which appears to include an entrance/egress at the internal access route serving Huntstown Quarry and other facilities/utilities, the rationale for discounting this iteration is not comprehensively discussed. The FI Item 14(d) response states constraints evaluated by the design team include *inter alia* access.

However, I am satisfied based on the 6no. iterations presented overall, that the applicant has studied reasonable alternatives in assessing the proposed development and has outlined the main reasons for opting for the current proposal before the Commission and in doing so the applicant has taken into account the potential impacts on the environment.

**Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2).**

A description of the baseline environment and likely evolution in the absence of the development.

A description of the baseline environment is included in each technical chapter of the EIAR and an assessment of the likely evolution of it, in the absence of the development.

A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved

The methodology employed in carrying out the FI EIA, including the forecasting methods is set out, in each of the individual chapters assessing environmental effects.

Section 1.13 states that where difficulties were encountered in compiling the required information these are described in the relevant chapters. However, I note that in a number of individual technical chapters there is no comment as to whether difficulties were encountered or not. I consider that even where difficulties are not encountered, it would be appropriate to confirm same, for clarity.

However, I am satisfied that forecasting methods are adequate in respect of likely effects on the various issues.

A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.

It is outlined at Chapter 1 – Introduction that the FI EIAR

- Addresses all aspects in Schedule 6 of the Planning and Development Regulations 2001 (S.I.No. 600 of 2001) as amended, having regard to requirements of Article 5(1) and Annex IV of Directive 2011/92/EU as amended by 2014/52/EU
- Has considered EIA of Projects Guidance on the preparation of the Environmental Impact Assessment Report published by the European Commission (2017)

Chapter 10 – Population and Human Health states with regard to Major Accidents, that the proposed development will not be subject to European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations, S.I. No. 476 of 2000.

The FI EIAR outlines that Huntstown Power Station, a Tier 2 Seveso site, is approx. 280m to north west.

Chapter 3 – Project Characteristics includes fire safety management measures that will be implemented at operational phase (further to FI Item 14(n)(iv)).

I consider that the presented baseline, including the FI response and FI EIAR, adequately addresses the vulnerability of the project as it relates to the risk of major accidents/hazards.

Separately, a Flood Risk Assessment (FRA) is included at FI EIAR Appendix 7.1. These risks are reasonable and are assessed in my report.

Article 94 (c) A summary of the information in non-technical language.

This information has been submitted in Vol. 1 Non-Technical Summary.

I have read this document, and I am satisfied that the document is concise and

comprehensive and is written in a language that is easily understood by a lay member of the public.

In terms of detail, I note a discrepancy in FI EIAR Chapter 14: Material Assets: Traffic & Transport, relating to operating timeframes at operational phase. This inconsistency is also referenced in Vol. 1 Non-Technical Summary.

Article 94 (d) Sources used for the description and the assessments used in the report

Details of the methodology and discipline specific best practice and guidance are presented in the relevant Chapters included within this report. Sources of information mentioned in the text are listed in full in the individual References in the technical chapters. I consider the sources relied upon are generally appropriate and sufficient.

Article 94 (e) A list of the experts who contributed to the preparation of the report

Chapter 1 – Introduction outlines that this FI EIAR has been prepared by a project team, coordinated by a consultancy who also prepared a number of chapters. A list of those firms/consultants who completed field surveys and site specific assessments are set out, totalling 13no. It is stated that these were prepared in accordance with best practice, and in the expert opinion of the authors, are considered sufficient to address the potential significant effects associated with the proposed development.

The individual technical chapters outline the qualifications, experience and any other relevant credentials of those who compiled each chapter.

I am satisfied that the EIAR has been prepared by experts with competency in the technical subject areas.

### **Compliance**

- 8.4.3. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, the FI EIAR and supplementary information provided by the developer is sufficient to comply with article 94 of the Planning and Development Regulations 2001 (as amended). Matters of detail are considered in my assessment of likely significant effects below.

## 8.5. Assessment of Likely Significant Effects

8.5.1. This section of the report sets out an assessment of the likely environmental effects of the proposed development under the following headings, as set out in Section 171A of the Planning and Development Act 2000, as amended:

- Population and human health,
- biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
- land, soil, water, air and climate,
- material assets, cultural heritage and the landscape,
- the interaction between the above factors, and
- the vulnerability of the proposed development to risks of major accidents and/or disasters.

8.5.2. In accordance with section 171A of the Act, which defines EIA, this assessment includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interaction of these. Each topic section is therefore structured around the following headings:

- Issues raised in the appeal/application.
- Examination of the EIAR.
- Analysis, Evaluation and Assessment: Direct and indirect effects.
- Conclusion: Direct and indirect effects.

8.5.3. With regard to decommissioning of the project, it is outlined that although the MRF does not have a defined lifetime, the EPA licence will require preparation of a Decommissioning Management Plan (DMP). It will include removal of all wastes and hazardous substances, clean out of buildings and plant and equipment removal. It will identify actions to ensure decommissioning works will not cause environmental pollution. The FI Item 14(n)(iii) response states that as the MRF has not been constructed and EPA licence not issued, it is not possible at this time to prepare a

site specific DMP.

- 8.5.4. The examination of the EIAR is largely structured to follow the technical chapter headings. My assessment is based on the FI EIAR and associated documentation, and refers to that originally lodged where relevant.
- 8.5.5. I have noted previously that Section 1.13 of the FI EIAR states that where difficulties were encountered in compiling the required information, these are described in the relevant chapters. However, it would appear that the individual technical chapters do not state whether difficulties were encountered. I consider that where no difficulties were encountered, it would be appropriate to state this, for clarity. Given the absence of this information in the FI EIAR, the following technical chapters discussed below do not contain a statement relating to whether difficulties were encountered, or not.
- 8.5.6. As outlined previously at Section 7.0 (Assessment) of this IR, I consider that the 2no. dwelling houses located within the permitted data centre site (P.A. Ref. FW21A/0151 and ABP-313583-22), and on which development has commenced, can be excluded from further assessment as to any impacts from the proposed development on these properties.

## 8.6. **Climate**

### Issues Raised

- 8.6.1. The grounds of appeal did not raise any specific issues in relation to climate.
- 8.6.2. Impacts of the proposed development on climate are addressed in Chapter 5.
- 8.6.3. In the first and second Planner's Report, no issues were raised in relation to climate. Both reports noted that the predominant source of greenhouse gas (GHG) emissions during construction will be on foot of manufacturing and transportation of construction activities, materials and end of life phase. Following mitigation, residual impacts are imperceptible, neutral and short term. During operational phase, residual impacts are imperceptible, neutral and long term. The second Planner's Report concludes that subject to mitigation measures, the proposed development is not likely to have significant adverse effects on climate.

### Examination of the EIAR

#### Context

- 8.6.4. The EIAR sets out relevant legislation and guidance, methodologies used to calculate GHG emissions, and baseline information.
- 8.6.5. The EIAR identifies the potential for a range of environmental effects on Climate.
- 8.6.6. It states (at Section 5.3.3) that embodied GHG emissions will comprise 75% of emissions associated with construction of industrial buildings in the proposed development, and that this is a conservative estimate compared to the value determined for residential buildings.
- 8.6.7. It outlines that the Climate Action Plan (CAP) 2021 sets out measures to be taken to reach Ireland's targets in each sector of the economy. It complements the National Policy Position and contains measures relevant to the management of GHG emissions at a national level, including a plan of action to achieve a 51% reduction in GHG emissions by 2030 and for Ireland to achieve net-zero emissions by 2050.

#### Baseline

- 8.6.8. It is set out (at Section 5.5.1) that the binding annual GHG emission target for Ireland under the Climate Action and Low Carbon Development (Amendment) Act is a reduction of 51% in emissions by 2030 compared to 2018 levels. Ireland's emission target is 29,886 kt CO<sub>2</sub> eq in 2030.
- 8.6.9. With regard to climate vulnerability, it outlines that the baseline climate of the receiving environment is described in Section 9.4 (Chapter 9 – Air Quality), and also refers to the assessment of climatic hazards in the Council's Climate Adaptation Strategy 2019-2024.
- 8.6.10. The receiving environment outlined at Section 9.4 of the EIAR sets out that the site is 13km from the east coast. Meteorological conditions at the site are not significantly affected by coastal influences. Land features in the vicinity can be described as agricultural and industrial land, which is flat. The site is approx. 3km from Tolka River Valley which runs north west to south east through Dublin.
- 8.6.11. The nearest meteorological station operated by Met Éireann is at Dublin Airport, approx. 4km to north east. The general climate and local meteorological conditions at Dublin Airport provide a highly indicative representation of climate at the subject site. The prevailing wind at the airport is from the west and south west. Table 9-17 Long-Term Average Meteorological Parameters Dublin Airport includes average

windspeed to be 5.3m/s.

8.6.12. With regard to climate vulnerability, it is outlined (at Section 5.5.2) that the site is not in a flood risk zone. Additional risk of flooding associated with climate change in the region is not likely to affect the proposed development.

Potential Effects

8.6.13. The FI EIAR identifies the potential for a range of environmental effects on Climate. Likely significant effects, as identified in the FI EIAR, are summarised in Table 1 below:

Table 1: Summary of Predicted Impacts on Climate in the Absence of Mitigation

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	<p>If proposed development does not proceed there will be no GHG emissions from the processes. Emissions offset benefits from operation of the MRF will not accrue. Given the land use zoning it is likely that the site will be developed for industrial use in the short term.</p> <p>All additional MSW would be sent to waste-to-energy facilities as –</p> <ul style="list-style-type: none"> <li>- There would be no capacity to handle or process additional wastes and to segregate and materials and recover valuable waste streams from MSW, and</li> <li>- It is not possible to send MSW directly to landfill, as they require organic waste to be biostabilised before it can be accepted.</li> </ul> <p>Proposed development will facilitate segregation of a large fraction of organic material from MSW which will be sent for biostabilisation after segregation. Organic material landfilled will have virtually no life cycle assessment (LCA) GHG emissions.</p> <p>With regard to the MRF, the Do Nothing scenario would result in higher amount of GHG Emissions of 12,5234tCO2-</p>

	<p>e/t, compared to Do Something GHG Emissions of 8,755 tCO<sub>2</sub>-e/t (Table 5-11).</p> <p>With regard to the FCCP, GHG emissions resulting from the wastewater treatment was calculated as 73 Tco<sub>2</sub>e/annum.</p>
Construction	<ul style="list-style-type: none"> <li>• GHG emissions generated as part of manufacture of construction materials (embodied emissions)</li> <li>• Additional traffic associated with construction</li> </ul> <p>Embodied GHG emissions are listed in Table 5-9, and total 3.5ktCO<sub>2</sub>-e.</p> <p>Construction Stage Emissions are listed in Table 5-10 and includes Embodied GHG emissions as a percentage of total construction GHG emissions.</p> <p>It outlines that these GHG emissions are conservatively estimated to be 0.011% of non-ETS (Emissions Trading System) GHG emissions (if additional measures are applied to GHG reduction) in 2024.</p> <p>Emissions from construction phase, in context of non-ETS GHG emissions, are considered negative, slight and long term.</p>
Operation	<ul style="list-style-type: none"> <li>• Generation of GHG associated with <ul style="list-style-type: none"> <li>- Traffic</li> <li>- Energy required for on-site operational activities</li> <li>- Biostabilisation and landfilling of segregated organic material</li> <li>- Combustion of other waste streams in municipal waste incinerators and cement kilns</li> <li>- Wastewater generated in washing process (FCCP)</li> <li>- Electricity to operate WWTP</li> </ul> </li> </ul> <p>Regarding traffic, (at Section 5.6.2.1) the scoping</p>

assessment indicates that no further assessment is required to demonstrate that traffic will result in GHG emissions at significant levels. Potential impact of GHG emissions on climate associated with traffic was not considered further.

As outlined at Table 5-11, the Do Something scenario operation of the MRF results in 8,755 Tco2-e/t per annum compared to a Do Nothing scenario of 12,523 Tco2-e/t per annum, i.e., a reduction in GHG emissions of 3,768 tCO2e/annum.

Total GHG emissions resulting from operation of the FCCP were estimated to be 308 tCO2e/annum.

It outlines that the benefits from FCCP activities that will have significant GHG emissions reductions (replacement of single use plastics and diversion of contaminants to recycling facilities) have not been quantified as part of this assessment.

Reduction/offsetting GHG emissions:

- Offsetting GHG emissions by recycling metal, glass, and batteries instead of combustion in a WTE facility. Offsetting may not occur at the site, but without the project to process certain waste streams, GHG emission offsets would not be realised at downstream waste management facilities.
- Reuse of plastic trays eliminates single (use) plastic packaging in food industry, reducing GHG generation
- Removal of residual food products from trays that would otherwise end up in waste management system which will either eliminate need for biostabilisation of organic material before landfill, incineration, and facilitates generation of fresh waste

	<p>water treatment sludge that can be composted or used for feedstock at an anaerobic digestion plant.</p> <p><u>Summary - Overview</u></p> <p>GHG emissions associated with construction and operational stages will contribute to climate change. GHG emissions offsets in the operational stage will negate potential effects that would occur if the proposed development does not proceed.</p>
Decommissioning	Decommissioning of the project is not proposed.
Cumulative	It is outlined that the assessment of cumulative effects took into consideration Ireland's legally binding obligations on GHG emission reduction, the impacts of existing traffic and those associated with the proposed development.

### Mitigation Measures

- 8.6.14. At design stage, the design team considered guidance on energy performance as set out in the building regulations, and decided the appropriate energy options are roof-mounted solar panels, insulation of pipes conveying heated water, energy efficient artificial lighting systems and EV charging points.
- 8.6.15. At construction phase, the impact from emissions was determined to be insignificant and mitigation not required. However, best practice measures will be implemented including –
- Optimise schedule and haul routes for delivery/removals
  - Efficient use of construction equipment and resources
  - Minimisation of waste
- 8.6.16. At operational phase, the impact of the emissions was determined to be positive and insignificant and therefore no additional mitigation is required.

### Residual Impacts

- 8.6.17. At construction phase, impact will be negative, slight, national, likely and long term.
- 8.6.18. At operational phase, impact will be positive, imperceptible, national, likely and long

term.

### Direct and Indirect Effects Assessment

- 8.6.19. I have examined, analysed and evaluated Chapter 5 of the EIAR and all the associated documentation on file relating to climate. I am satisfied that the applicant's presented baseline is comprehensive and that the key impacts in respect of climate, as a consequence of the proposed development, have been identified.
- 8.6.20. However, as outlined previously, I note that the presented baseline relating to the receiving environment, as it relates to climate, is set out in Chapter 9, as distinct from Chapter 5. Notwithstanding this, I consider that the relevant section of Chapter 9 has been adequately cross-referenced in Chapter 5 and that the receiving environment, albeit outlined in Chapter 9, has been adequately outlined.
- 8.6.21. The EIAR cites Fingal's Climate Adaptation Strategy 2019-2024. The Fingal Development Plan 2023-2029 does not appear to include a reference to a Council climate adaptation strategy, although it does refer to Fingal Climate Action Plan 2019-2024. Notwithstanding this, I note that the Fingal County Council Climate Action Plan 2024-2029 was approved in February 2024, as viewed on [www.fingal.ie](http://www.fingal.ie), and which is outlined at Section 5.0 of this IR.
- 8.6.22. The EIAR also sets out that relevant legislation and guidance (at Section 5.2) include the Climate Action Plan 2021 (Department of the Environment, Climate and Communications). The FI response was lodged to the planning authority on 18 December 2023. In this regard I note that the Climate Action Plan (CAP) 2021 has been superseded multiple times, including by CAP 2023, which was launched on 21 December 2022, as viewed on [www.gov.ie](http://www.gov.ie). I draw to the Commission's attention Climate Action Plan 2025, the relevant CAP at time of writing, as outlined at Section 5.0 of this IR. Accordingly, I note that the CAP 2021 cited in the FI EIAR is incorrect. However, having regard to the CAP 2025 information viewed on [www.gov.ie](http://www.gov.ie), and to all information outlined in the FI EIAR, I consider that there is sufficient information on file to assess the proposed development as it relates to climate.
- 8.6.23. In terms of high level themes regarding the Circular Economy and Other Emissions, CAP 2025 outlines that moving to a circular economy will reduce GHG emissions

and make a significant contribution to achieving climate objectives. It includes Actions for 2025 (at Section 19.4) CE/25/4, which is to support implementation of the second Whole of Government Circular Economy Strategy. With regard to Transport, Action and Updates include the policy pathway for cutting transport emissions centres around the 'Avoid-Shift- Improve' approach and specifically, Compact Growth Transport Orientated Development.

- 8.6.24. I consider that the proposed development is consistent with the high level themes and with the Actions set out in CAP 2025, and that it would not have any undue climate related impacts.
- 8.6.25. With regard to the reference that the site is not in a flood risk zone, I draw to the Commission's attention that FI EIAR – Appendix 7.1 Flood Risk Assessment states that the site is located within Flood Zone C, that the proposed development is defined as a Less Vulnerable Development and the site is appropriate for the proposed development. I consider that the inclusion of the FRA conclusions, as they relate the subject site's potential vulnerability to climate change would have been appropriate in Chapter 5 – Climate. However, notwithstanding the absence of this information within Chapter 5, having regard to the information outlined elsewhere in the FI EIAR relating to the site's location within Flood Zone C, the classification of the proposed development as a Less Vulnerable Development, and the conclusion that it will not obstruct or impede important flow paths nor result in residual risk, I am satisfied that the information on file is sufficient to demonstrate that the proposed development would not be vulnerable to climate change impacts.
- 8.6.26. With regard to residual impacts at construction phase, the FI EIAR states that the impact will be negative, slight, national and long term. I agree that the impacts on climate at construction phase would be negative and slight. However, I do not agree that the impacts would be 'national', and I do not consider that the impacts would give rise to significant effects. I also do not agree that the impact would be long term, given the short-term nature of the construction phase.
- 8.6.27. With regard to residential impacts at operational phase, the FI EIAR states that the impact will be positive, imperceptible, national, likely and long term. I agree that the impacts would be positive, imperceptible, likely and long term. However, having

regard to the nature, scale and location of the proposed development, I do not agree that the impacts would be 'national'.

8.6.28. Accordingly, I consider that the proposed development would have no significant adverse impacts on climate. I am also satisfied that there would not be significant cumulative adverse impacts.

#### Conclusion: Direct and Indirect Effects

8.6.29. Having regard to the examination of environmental information in respect of climate, in particular the EIAR, the planning authority's reports and submission and observations received by the planning authority and the Commission during the course of the application, I do not consider that there are any significant direct or indirect climate impacts.

### **8.7. Land and Soil**

#### Issues Raised

8.7.1. The grounds of appeal do not raise any specific issues in relation to land and soil. However, the third party raises concerns that lands shown 'infilled as part of the proposed development' may result in leakage of contaminated surface water into adjoining lands.

8.7.2. The first Planner's Report does not raise concerns regarding land and soil.

8.7.3. Land and Soil are addressed in Chapter 6 of this EIAR.

#### Examination of the EIAR

##### Context

8.7.4. Section 6.2 outlines the relevant legislation and guidance relating to this chapter, in addition to that set out in Section 1.5. However, I note that Section 1.5 of the EIAR relates to EIA Scope. The methodology is outlined at Section 6.3, and refers to the associated appendices as follows:

- Appendix 6.1: Geophysical Survey Report
- Appendix 6.2: Site Investigation Report

## Baseline

- 8.7.5. It is outlined that the site encompasses 2no. fields and a section of the service road. The western field is no longer in use for animal grazing, and the eastern field had been used for tillage but is currently uncultivated. The service road allows access to the 220kV substation and a farm holding (Kildonan) to the south west.
- 8.7.6. The topography of the site, with a hill in the centre, means that significant earthworks are required to achieve optimum development levels (at Section 6.8 Prevention and Mitigation Measures)
- 8.7.7. Topsoils are mineral soils of varying thickness. Across most of the site, soils are deep and well-drained, in the southern part site they are poorly drained, and in the central part they are shallow and well-drained. The elevated area in the centre is covered by mineral alluvium.
- 8.7.8. In terms of subsoils, subsoils
- in the west, south and east of north of the site are glacial tills derived from Carboniferous limestone
  - in the centre and east of the site subsoils are glaciofluvial sand and gravels
- It outlines that the 2022 site investigation confirmed the subsoils are glacial tills, comprising stiff greyish brown gravelly sandy silty CLAY containing frequent cobbles and boulders, ranging from 0.75m below ground level in the west to 7.5m near the southern boundary.
- 8.7.9. In terms of bedrock, it outlines that the GSI Bedrock Dublin GeoUrban Geology map indicates that most of the site is underlain by calcereous shale and limestone conglomerate of the Tober Coleen Formation, with only a small area in the west underlain by nodular and muddy limestone and shale of the Boston Hill formation. An anticlinal fold is mapped running through the centre of the site.
- 8.7.10. In terms of soil quality, it is outlined that a subsoil quality assessment was completed as part of the 2022 site investigation, the results of which are outlined at Table 6.1 Soil Quality.
- 8.7.11. It outlines that BTEX (benzene, toluene, ethylbenzene, xylene), TPH (Total

Petroleum Hydrocarbons), PCB (Polychlorinated Biphenyls) and PAH (polycyclic aromatic hydrocarbons) were not detected and metal levels were within the range of naturally occurring levels in unpolluted Irish soils. Soils are clean, with no evidence of contamination.

Potential Effects

8.7.12. The EIAR identifies the potential for a range of environmental effects on Land and Soil. Likely significant effects, as identified in the EIAR, are summarised in Table 2 below:

Table 2: Summary of Predicted Impacts on Land and Soil in the Absence of Mitigation

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	There will be no landtake, soils and subsoils will not be excavated and there will be no short term change to potential for impact on land and geology. Given the zoning and location it is likely that the site will be developed for industrial use in the short term.
Construction	<p>Topsoils (approx. 11,067m<sup>3</sup>) will be stripped, of which approx. 9,161m<sup>3</sup> will be retained on site for landscaping and the remaining 1,096m<sup>3</sup> sent off site.</p> <p>Approx. 34,155m<sup>3</sup> of subsoils will be excavated, to meet formation levels for access road, buildings, underground services and car parking.</p> <p>4,925m<sup>3</sup> of excavated material will be used in the development, with the remainder sent off site.</p> <p>Based on initial laboratory analysis, soils to be removed are suitable for recovery at authorised soil recovery sites, meet criteria in EPA's Article 27 Guidance on Soil &amp; Stone By-Products, and are suitable for use at other sites permitted to accept Article 27 By-Product criteria.</p> <p>Approx. 2,700m<sup>3</sup> imported aggregate required for sub base.</p> <p>There is potential for spills/leaks where polluting substances</p>

	(e.g. oils) are handled and when refuelling mobile plant that could impact exposed subsoils.
Operation	<ul style="list-style-type: none"> <li>• Rainwater that is not harvested will infiltrate to ground via the soakaway and permeable paving.</li> <li>• Potential for accidental spills when filling diesel storage tank and refuelling of mobile plant which could infiltrate to ground through damaged paving.</li> <li>• Potential minor oil leaks from vehicles in permeable paved areas and leaks from foul sewers could infiltrate to ground</li> <li>• In event of fire, there is potential for contaminated firewater run-off to infiltrate to soil via damaged paving and leaking sewers.</li> </ul>
Decommissioning	It is not proposed to decommission the project.
Cumulative	Project will contribute to cumulative land take in area zoned for Heavy Industry. This accords with 'prudent' approach recommended in Section 3.7.3 of EIA Guidelines in relation to development of zoned lands in the immediate environs of the proposed development. It refers to cumulative impacts assessed in EIAR Chapter 8 – Biodiversity.

### Mitigation Measures

8.7.13. At construction phase, there is a preliminary CEMP (Appendix 3.3) and a preliminary RWMP (Appendix 3.2), both of which will be updated to take into consideration any additional measures required by conditions. Measures include:

- Construction materials with potential to impact on soils will be stored in secure banded areas within construction compound
- Provision of drip trays and waste receptacles (bins and skips)
- Provision of spill clean-up equipment and staff training. Any spillages will be contained and contaminated soil disposed of in licensed waste facility
- Stripping and stockpiling of topsoil will only be undertaken when necessary

8.7.14. At operational phase, it is outlined –

- Impermeable paved yards and floors will be regularly inspected and repaired
- Above ground oil storage bund in MRF and drains will be regularly inspected, with integrity testing completed every 3 years
- Staff will be trained in accident response actions and spill clean-up equipment maintained on site
- Fire safety and emergency response measures will be implemented to mitigate fire risk. In event of fire, appropriate response actions will be taken to extinguish fire as quickly as possible to minimise adverse environmental impacts detailed in Section 10.8.3.1 (For clarity, the cited Section 10.8.2.1 in Chapter 10 - Population and Human Health relates to Fire Safety).
- Regarding monitoring, oil interceptor will be inspected weekly. Discharge will be monitored at frequency specified in EPA licence. Parameters will include hydrocarbons. Monitoring results submitted to EPA will be publicly accessible.

#### Residual Impacts

8.7.15. Proposed loss of c.9ha of former agricultural land will have a negative, imperceptible, local likely and permanent impact on land.

8.7.16. In terms of soils, it outlines that the oil interceptor upstream of the underground attenuation system and permeable paving are designed to protect water quality. The proposed development will have a negative, not significant, local, likely and permanent impact on soils.

#### Direct and Indirect Effects Assessment

8.7.17. I have examined, analysed and evaluation Chapter 6 of the EIAR and all the associated documentation on file in respect of land and soil. I am satisfied that the applicant's presented based is reasonably comprehensive and that key impacts in respect of likely significant effects on land and soil, as a consequence of the proposed development, have been identified.

8.7.18. However, in terms of detail, I note that Chapter 6 does not comment on any potential risk of landslide, nor does this appear to be discussed in the associated appendices to

this chapter (Appendix 6.1 - Geophysical Survey Report and Appendix - 6.2 Site Investigation Report).

- 8.7.19. For completeness, I note that FI EIAR Chapter 10 – Population and Human Health states that the site is not in an area at risk of land instability.
- 8.7.20. In addition, I note that the Geological Survey of Ireland website ([www.gsi.ie](http://www.gsi.ie)) mapping relating to Landslide Susceptibility Classification Description assigns D – Low to the area in which the subject site is located. Having regard to this ‘D’ susceptibility classification and ‘Low’ susceptibility description, and also to the stated content at Chapter 10 – Population and Human Health outlined above, I am satisfied that the proposed development would not give rise to landslide risk.
- 8.7.21. With regard to the third party’s concerns regarding infilling of lands which may result in leakage of contaminated surface water into adjoining lands, I note that the applicant’s response (to ‘Ground 4’) states that infilling of lands and reprofiling of ground levels will be as a consequence of cut and fill within the overall lands, that inert soils will be used and there will be no contamination risks. It refers to EIAR Chapter 6 which it states sets out a detailed consideration of aspects relevant to soils, land and geology which are site clearance, excavation and stockpiling of subsoils across Phase 1, construction of buildings, paved yards and drainage systems, landscaping measures and operational stage impacts. It highlights that soils are clean with no evidence of contamination; EIAR Section 6.5.3 refers.
- 8.7.22. With regard to infilling of lands and potential leakage of surface water onto the third party’s lands, I note that the separate FI CEMP (Appendix 3.3 of FI EIAR) states that tracked 360 degree excavators will be used to strip topsoil, and a dumper will move excavated materials to temporary stockpile locations from where surplus soils will be removed from site. With regard to groundwater, it is stated that excavation works will not extend below the water table and dewatering will not be required. I consider approx. 34,155m<sup>3</sup> excavated subsoil to be a substantial quantum, and as 4,925m<sup>3</sup> of excavated material is to be retained on site, the remaining 29,230m<sup>3</sup> to be sent off site is also substantial. Combined with the 1,906m<sup>3</sup> topsoil to be removed off site, the total volume of soils to be removed from the site is 31,136m<sup>3</sup>.
- 8.7.23. Chapter 6 outlines that initial laboratory analysis indicates that the soils are suitable

for recovery at authorised soil recovery sites. The RWMP (Appendix 3.2) states that the Resource Manager will be responsible for identifying development sites that have regulatory approval for acceptance of Article 27 By-Product Soil and Stone and for preparing Article 27 Notifications to EPA. In addition, I note that Chapter 16 – Summary of Mitigation Measures includes (at Section 16.3.2) that the carrying out of soil stripping and stockpiling will be in a manner that minimises risk of erosion. Accordingly, while the total volume of soils at 31,136m<sup>3</sup> to be removed off-site is substantial, I consider that its eventual disposal/re-use has been adequately addressed in the FI EIAR.

8.7.24. I note also that mitigation measures at construction phase include any spillages to be contained, and at operational phase spill clean-up equipment will be maintained on site. Also at operational phase, impermeable paved yards and floors are to be regularly inspected and repaired where required, and the oil interceptor will be inspected weekly.

8.7.25. In this regard I have considered the matters raised by the third party, the applicant's response to same, the information on file and in particular the FI EIAR, and I consider that subject to mitigation measures, that the proposed development would not result in leakage of contaminated surface water into adjoining lands.

8.7.26. Based on the information outlined in the FI EIAR, suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant impacts on land and soil.

#### Conclusion: Direct and Indirect Effects

8.7.27. Having regard to my examination of environmental information in respect of land and soil, in particular the FI EIAR provided by the applicant, it is considered that the main significant direct and indirect effects on land and soil are, and will be mitigated as follows:

- Significant direct negative effects arising for land and soil during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including measures set out in a Construction Environment Management Plan (CEMP) and Resource Waste Management Plan (RWMP).

## 8.8. Water

### Issues Raised

- 8.8.1. The grounds of appeal raise issues relating to water. Concerns raised regarding infilling of land which may result in leakage of contaminated surface water into adjoining lands is discussed in previous section relating to Land and Soils (Chapter 6), and is further discussed in this chapter, particularly with reference to the third party's bored well.
- 8.8.2. The grounds of appeal also outline that the farmhouse on the adjoining land is the third parties' sole residence, and that the house's private water supply is a bored well. It states that the potential for groundwater contamination is a serious concern that needs to be addressed.
- 8.8.3. The applicant's response to the grounds of appeal does not appear to refer specifically to the matter of the third party's bored well. It outlines *inter alia* that the appeal site is further removed from the appellant's farmstead than existing Heavy Industry, with General Employment zoned lands between the appeal site and the farmstead, that there is no unacceptable conflict in locational principles, and that the proposal is plan-led in terms of location.
- 8.8.4. The observation received on the appeal raises concerns regarding flooding, outlining that since the application was lodged in 2023, there have been 2 significant flooding events. This is attributed to improper diversion of storm drains from R135 into observer's property. The observer requests the Board to postpone any decision until new, adequate storm drains are relocated on R135 to mitigate flood risk and safeguard residents' well-being.
- 8.8.5. The first Planner's Report outlines that measures for control and management of surface water/surface water discharge to field drains and/or ground during the construction phase should be detailed in the CEMP (in Appendix 3.3 of the EIAR). The FI Item 14(c) response states *inter alia* that there are no drains or watercourses either inside or adjacent to site boundary, and nearest water feature is Huntstown Stream, and mitigation measures referred to in (EIAR) Section 6.3 are incorporated into revised Preliminary CEMP.

- 8.8.6. With regard to surface water, the planning authority requested Further Information (FI Item 9) to submit ground percolation results to illustrate that the site has adequate percolation. The FI response outlined that given the poor infiltration rate on site via the BRE365 Test the storm system has been provided with cellular storage to allow adequate on site storage in the event of a 1/1000 year rainfall event, to allow rainwater storage on site and gradual infiltration via the included soakaway. The Second Water Services' report states no objection, subject to conditions. It considers that cellular storage with gradual infiltration along with remaining SuDS measures to be acceptable. The Second Planner's Report considers the FI response acceptable. The planning authority's Condition 20 requires compliance with
- (a) Building Regulations, Technical Guidance Document 2010 H – Drainage and Wastewater Disposal Section 1.3.10.2(g)
  - (b) No surface/rainwater to discharge to foul sewer
  - (c) Surface water drainage to comply with Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006.
- 8.8.7. With regard to flooding, a flood risk assessment (FRA) was submitted as FI. The Second Water Services' report states no objection. It notes the proposed development is a less vulnerable development, located in its entirety with Flood Zone C, that mitigation measures have been incorporated into the design of pluvial/overland flows and groundwater flows are deemed negligible.
- 8.8.8. With regard to water/foul sewer, as outlined at Section 3.0 of this IR, Uisce Éireann's original letter (dated 25 April 2023) states no objection, subject to conditions, including a requirement to engage with UÉ regarding minimising impacts on the permanent wayleave and on the GDD pipeline overlap. A subsequent UÉ letter (dated 10 January 2024) is largely the same as the previous letter, but also states that prior to commencement, the applicant is asked to provide clarity to the planning authority that the proposed development is outside the GDD wayleave area.
- 8.8.9. The planning authority's Condition 21 is a standard condition requiring the applicant to sign a connection agreement with Irish Water (UÉ) prior to commencement and to adhere to standards and conditions in that agreement.

8.8.10. Condition 34 requires submission of any Trade Effluent Discharge Licence copy, agreed/as revised with EPA and/or Uisce Éireann.

### Examination of the EIAR

#### Context

8.8.11. Impacts of the project on water are addressed in Chapter 7 of the FI EIAR. Appendices are attached at Appendix 6.1 (Site Investigation Report) and Appendix 3.1 (Engineering Report).

8.8.12. Sources used in the chapter are listed.

#### Baseline

8.8.13. There are no watercourses within the site and the nearest water feature is Huntstown Stream, approx. 970m to north. Abbotstown Stream is 1.5km to west and Bachelor's Stream is 1.6km to southeast.

8.8.14. The site lies within the catchment of the River Tolka, c.3km to south. The Tolka is part of the IE\_EA\_Tolka Water Management Unit (WMU) designated in the first cycle of the Eastern River Basin District (ERBD) Management Plan under the UE Water Framework Directive (WFD). The site is in the Tolka\_050 River Water Body. It outlines the latest ecological status/potential of the Tolka\_050 is Poor due to significant pressure of urban run off and urban wastewater, and the river is At Risk of meeting its RBMP objectives.

8.8.15. With regard to hydrogeology, it outlines that groundwater was not encountered during drilling of boreholes and excavation of trial pits in September 2022. Water levels checked in October and November had depths ranging from 2.1m to 3.7m below ground level.

8.8.16. The GSI aquifer map indicates the Boston Hill Formation underlies the west and north of the site and is classified as a locally important bedrock aquifer, moderately productive only in local zones. The Tober Colleen Formation, shown underlying the south east of the site is poor and moderately productive only in local zones. The GSI aquifer classification based on GSI Bedrock Map scale 1:100000 is not consistent with detailed bedrock stratigraphy for Dublin Area scale 1:50000 described in

Section 6.5.2.3, which indicates the majority of the development is underlain by Tober Colleen Formation.

- 8.8.17. The closest recorded abstraction well is c.850m to north east. It has reported yields of 83.8m<sup>3</sup> per day, but its use is unknown.
- 8.8.18. The GSI groundwater vulnerability map indicates aquifer vulnerability of the site to be High to Moderate. However, site investigation indicates vulnerability in the west to be Extreme.
- 8.8.19. In terms of groundwater flow direction, within the site the direction is influenced by the hill in the centre and the shallow groundwater flow is to the west and south. Outside the boundary the flow is to the south towards the Tolka.
- 8.8.20. With regard to groundwater quality, it is outlined that the Dublin Groundwater Body (IE\_EA\_G\_009) is under review and therefore current status has not been determined.
- 8.8.21. With regard to flood risk, the FI EIAR refers to the submitted FRA, which concludes that there is no indication of flooding from coastal, pluvial, fluvial and groundwater sources at the site.
- 8.8.22. Appendix 3.1: Engineering Report of the FI EIAR outlines that connection to the foul sewage and watermain supply are proposed to North Road using existing services. Appendix A: Proposed Drainage & Watermain Drawing (appended to Appendix 3.1) contains 2no. drawings, namely Drainage & Watermain Layout – Sheet 1 (Drawing No. C-100) and Drainage & Watermain Layout – Sheet 2 (Drawing No. C-101).

#### Potential Effects

- 8.8.23. The FI EIAR identifies the potential for a range of environmental effects on Water. Likely significant effects, as identified in the FI EIAR, are summarised in Table 3 below.

Table 3: Summary of Predicted Impacts on Water in the Absence of Mitigation

Project Phase	Potential Direct, Indirect and Cumulative Effects
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Do Nothing	There will be no change to potential impacts on surface or groundwater. Given the land use zoning and location, it is likely that the site will be developed for industrial use.
Construction	<ul style="list-style-type: none"> <li>• Topsoil will be stripped and subsoils excavated, of approx. *45,200m<sup>3</sup>. Subsoil depth ranges from 1m to 25m across the site. Subsoil removal may have a localised effect on the aquifer vulnerability rating.</li> <li>• Potential for spills/leaks where polluting substances (e.g. oils) are handled and refuelling mobile plant could infiltrate soils and migrate to water table.</li> </ul> <p>*I note that this is very marginally below the combined 45,222m<sup>3</sup> outlined in Chapter 6 - Land and Soil.</p>
Operation	<ul style="list-style-type: none"> <li>• There will be no emission to surface waters. Rainwater that is not harvested will infiltrate to ground via soakaway and permeable paving, reducing aquifer recharge rate.</li> <li>• Potential for accidental spills during filling of diesel tank and refuelling of mobile plant which could infiltrate to ground through damaged paving.</li> <li>• Potential for minor oil leaks in permeable paving. Leaks from foul sewers to infiltrate to groundwater.</li> <li>• Potential for contaminated firewater runoff to infiltrate to soil via damaged paving and leaking sewers, and migrate to water table.</li> </ul>
Decommissioning	The project is not proposed to be decommissioned.
Cumulative	<p>As there will be no discharge to surface water at construction or operational phases, an assessment of cumulative effects of other existing or approved development is not required.</p> <p>The aquifer is not a significant groundwater resource. There will be no polluting substances to ground/groundwater and it is not proposed to abstract groundwater. An assessment of</p>

	cumulative effects of the proposed development along with existing or approved projects is not of particular environmental importance.
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Mitigation Measures

- 8.8.24. It is outlined that SuDS measures were incorporated into the design of the surface water management system. At construction phase, the preliminary CEMP and RWMP describe mitigation measures that will be implemented, both of which will be updated as referred to in FI EIAR Section 6.8.2. Additional measures that will be implemented when pouring concrete is for this to be carried out where possible when dry, pouring will be monitored to minimise risk of accidental discharge and washout from mixed plant or concrete trucks will not be permitted on site.
- 8.8.25. Monitoring at construction phase consists of regular inspection of works to ensure that materials and waste handling and storage practices accord with CEMP and RWMP.
- 8.8.26. At operational phase, mitigation measures include
- surface water drainage system will maximise groundwater recharge within site. A Class 1 oil interceptor on the inflow to the soakaway will be provided
  - Where permeable paving is provided, biodegradation of hydrocarbons will occur within the subbase.
  - Regular inspection of impermeable paved yards and floors. Repair if required
  - Above ground oil storage bund in the MRF and drains will be regularly inspected, with integrity inspection every 3 years.
  - Staff will be trained in accident response actions and spill clean up equipment maintained on site
  - Fire safety and emergency response measures will be implemented to minimise risk of fire outbreak. In event of fire, response actions to ensure fire is extinguished as quickly as possible are detailed in Section 10.8.3.1 (Chapter 10 – Population and Human Health)

8.8.27. In terms of monitoring at operational phase, oil interceptor will be inspected weekly to ensure proper function, and discharge monitored at frequency specified in EPA licence and parameters will include hydrocarbons. Monitoring results will be submitted to EPA and will be publicly accessible.

#### Residual Impacts

8.8.28. At construction phase, there will be no emissions to on or off site water features and no impacts on surface waters. Impacts of potential accidental spills of polluting materials will be minimised by mitigation measures in CEMP. Removal of soils and subsoils will affect aquifer vulnerability rating, but this will be offset by impermeable surfaces. Construction phase impacts on groundwater will be negative, not significant, local, likely and permanent.

8.8.29. At operational phase, there will be no emission to on or off site water features and therefore no impacts on surface waters. Rainwater harvesting will reduce recharge rate and affect the bedrock aquifer's quantitative status. The storm water drainage system is designed to maximise groundwater recharge within the site boundary, but discharge to ground has the potential to indirectly impact on groundwater quality. The oil interceptor upstream of the underground attenuation system and the permeable paving are designed to protect groundwater quality. The operational phase will have a negative, not significant, local likely and long term impact on groundwater quality, and a negative, imperceptible, local, likely and long term impact on the quantitative status on the bedrock aquifer.

#### Direct and Indirect Effects Assessment

8.8.30. For clarity, I draw to the Commission's attention that the Water Framework Directive is assessed elsewhere in this IR.

8.8.31. I have examined, analysed and evaluated Chapter 7 of the FI EIAR and all of the associated documentation, submissions and observations in respect of water. I am satisfied that the applicant's presented baseline is reasonably comprehensive and that the key impacts in respect of likely effects on water, as a consequence of the proposed development, have been identified.

8.8.32. However, I am not satisfied that baseline information relating to identification of

watercourses in the immediate vicinity of the site has been adequately described. In addition, I consider that matters raised in UÉ's second letter on file require further assessment. These and other matters are discussed below.

### ***Watercourses in Vicinity of the Site***

8.8.33. With regard to watercourses in the immediate vicinity of the subject site, I note the following:

#### ***Tailte Éireann 25inch mapping***

8.8.34. A watercourse is shown on the 25inch maps (viewed on [www.tailte.ie](http://www.tailte.ie)), from a point directly west of the western site boundary. This stream is shown to extend westward and then turns southwards. This watercourse, albeit on historic mapping, is not referred to in the FI EIAR nor the AA Screening report.

#### ***P.A. Ref. FW22A/0258***

8.8.35. The plans and particulars on nearby P.A. Ref. FW22A/0258 (permission granted for weighbridges, soil waste inspection and quarantine shed and offices at Huntstown South Quarry) show

- 'outfall to Finglas Stream'; (FI) Proposed Site Layout; Drawing RFI A (January 2023) refers.
- a cross section lodged with application shows 'outfall to Finglas Stream'
- AA Screening report lodged with that application states Finglas Stream ultimately flows ca. 4km into River Tolka at Glasnevin that outflows to South Dublin Plan and River Tolka Estuary SPA another 4.5km downstream.

8.8.36. Based on the information viewed on the planning authority's online planning search and [www.tailte.ie](http://www.tailte.ie) mapping, I estimate the location of 'Finglas stream' is approx. 300m from the subject site's western boundary (from the subject site's nearest point to the watercourse indicated on 25inch map).

#### ***Geological Survey of Ireland – mapping***

- Aerial images viewed on [www.gsi.ie](http://www.gsi.ie) (Groundwater Data Viewer) indicate a stream that approximates to that shown as 'Finglas Stream' on P.A. Ref.

FW22A/0258. The aerial image viewed on the GSI website shows this stream to traverse the quarry lands.

#### EPA mapping

- The site is within WFD River Sub Basin TOLKA\_050.
- Bachelors Stream (TOLKA\_050) to the south is within same river sub basin as the subject site as outlined above (TOLKA\_050).
- Huntstown Stream to the north (WARD\_030) is in a separate river sub basin to the north, namely WARD\_030.
- Abbotstown Stream to south west (TOLKA\_040) is in a separate river sub basin to west, namely TOLKA\_040.

#### Commentary

- 8.8.37. This 'Finglas Stream' watercourse has not been identified by the applicant. As viewed on [www.gsi.ie](http://www.gsi.ie) and on P.A. Ref. FWA22A/0258, this stream would appear have a roughly west/east alignment. This stream is not evident on 25inch mapping, nor on current [www.tailte.ie](http://www.tailte.ie) mapping. As outlined above, I estimate that 'Finglas Stream' is approx. 300m to west of the subject site's western boundary.
- 8.8.38. With regard to potential impacts on water, including any potential hydrological pathway to 'Finglas Stream', one of the key issues is whether the watercourse indicated on the 25inch mapping to extend from a point directly west of the subject site, currently exists. I note that the watercourse shown directly west of the subject site on [www.tailte.ie](http://www.tailte.ie) mapping (25inch map) is located immediately outside the subject site.
- 8.8.39. Given that 'Finglas Stream' is not shown on 25inch mapping, and given the stated absence of any stream adjoining the site on plans and particulars on file, it appears that there have been changes to the hydrological environment in the vicinity of the site. In this regard I note also the substantial scale of quarry processes nearby.
- 8.8.40. On the basis of all information on file, I am not satisfied that it has been adequately demonstrated that the stream located to west of the site on 25inch mapping currently exists or not. In addition, given the location of the 'Finglas Stream' shown on P.A. Ref FW22A/0258, I am not satisfied that streams in the vicinity other than the 3no.

shown on EPA mapping (as viewed on [www.catchments.ie](http://www.catchments.ie)), namely Huntstown, Bachelors and Abbotstown, have been adequately identified and described.

- 8.8.41. However, I note also the content of the FI FRA. It outlines that there are no Arterial Drainage Schemes within the vicinity of the site, the only such scheme being the Broadmeadow and Ward scheme located over 500m to north. With regard to groundwater flooding, it states that site investigation carried out on site included the drilling of 3no. boreholes to a maximum depth of 72.210m some 6.49m below the finished floor levels and no groundwater was encountered.
- 8.8.42. With regard to these findings, I further note the locations of the 2no. boreholes shown in the FI EIAR – Appendix 6.2 Site Investigation Report. The report states (at Section 1.2) that the initial scope of ground investigation included 2no. boreholes and 3no. trial pits in order to establish the rock, soil and groundwater conditions beneath the site. I consider that there appears to be an inconsistency between the 3no. boreholes referenced in the FI FRA, and the 2no. boreholes cited in the FI Site Investigation Report. However, notwithstanding this, I note that BH02 and BH03 are shown on Fig. 2 Borehole Location Plan in the FI Site Investigation Report.
- 8.8.43. I draw to the Commission's attention that BH02 is the nearer of the 2no. boreholes to the southern site boundary, being located a short distance north of this site boundary and west of the Uisce Éireann temporary wayleave area. This location is that which is nearer the third party's dwelling and is in close proximity to the adjoining lands to the south at Kildonan townland. BH03 is located directly west of the central hedgerow within the site, and as such is somewhat more distant from the site's western boundary to Kildonan townland. It is outlined (at Section 4.3) of this submitted report that all boreholes and trial pits were dry during excavation. On the basis of the information in the FI EIAR, I am satisfied that the baseline information relating to groundwater has been adequately described.
- 8.8.44. In terms of detail, I note that Fig. 1 Borehole Location Plan does not show the location of boreholes and trial pits in the context of the proposed development. The position of proposed buildings does not reflect that proposed in the subject application, and the red line boundary relates to a more limited site area. While noting these inconsistencies, I do not consider that this detailing materially impacts

on the assessment of the information contained in the FI Site Investigation Report.

8.8.45. While noting the absence of information relating to historic mapping and the recent planning application in the vicinity, the following is an assessment of the impacts of the proposed development on surface and groundwater, based on the FI EIAR and plans and particulars on file, and having regard also to the information viewed on P.A. Ref. FW22A/0258, [www.catchments.ie](http://www.catchments.ie) and [www.gsi.ie](http://www.gsi.ie).

8.8.46. Matters raised in the grounds of appeal and the observation received relating to water issues are discussed further in the following section.

*Construction phase – impacts on surface water*

8.8.47. I note that the FI EIAR outlines that at construction phase there will be no emissions to on or off site water features and therefore no impacts on surface waters. While there is potential for accidental spills of polluting materials, mitigation measures in the CEMP will minimise impacts. I am satisfied that the potential impacts on surface water at construction phase would be adequately addressed by the design of the proposed development and mitigation measures. I note that the construction phase would itself be short term in duration.

*Construction phase – impacts on groundwater*

8.8.48. With regard to residual impacts on groundwater at construction phase, the FI EIAR outlines (at Section 7.11.1) that these will be negative, not significant, local, likely and permanent. These impacts would appear to relate to the aquifer vulnerability. Table 7.11.3 Summary of Residual Effects outlines the likely significant effects on groundwater quality at construction phase are negative, imperceptible, local, likely and short term. I consider that the proposed development would not result in significant negative impacts on groundwater at construction phase, subject to compliance with standard construction practices and mitigation measures outlined in the FI EIAR.

*Operational phase – impacts on surface water*

8.8.49. At operational phase, the FI EIAR outlines there will be no emissions to on or off site water features and therefore no impacts on surface waters. Subject to a number of details relating to the UÉ wayleaves being addressed by way of compliance, as

recommended in the event the Commission was minded to grant as discussed elsewhere in this section, I am satisfied that the design of the surface water management system which includes attenuation tanks, and which would result in a controlled flow rate of 0l/s/ha at operational phase, would be acceptable and would not result in significant negative effects on surface water.

*Operational phase – impacts on groundwater*

8.8.50. While the storm water drainage system is designed to maximise groundwater recharge within the site boundary, it outlines that discharge to ground has the potential to indirectly impact on groundwater quality. Mitigation measures include that the oil interceptor and permeable paving are designed to protect groundwater quality. It outlines that the operational phase will have a negative, not significant, local, likely and long term impact on groundwater quality. In this regard while noting the predicted negative impact on groundwater quality at operational phase, I note also that this is not anticipated to be significant subject to mitigation measures.

*Conclusion*

8.8.51. As outlined above, I have noted the absence of information on file relating to watercourses in the immediate vicinity of the subject site, namely the watercourse shown on 25inch mapping (if such a watercourse exists at this location) and the 'Finglas Stream' watercourse shown on P.A. Ref. FW22A/0258.

8.8.52. On the basis of all information on file, and the information viewed on P.A. Ref. FW22A/0258 and online on [www.gsi.ie](http://www.gsi.ie) and [www.catchments.ie](http://www.catchments.ie), I consider that subject to standard construction practices and appropriate mitigation measures, the proposed development would not result in significant negative impacts on water.

***Bored Well***

8.8.53. With regard to the third party's concerns that there is potential for groundwater contamination, and that their house's private water supply is a bored well, the third party raises concern that a use is not assigned to a large part of the overall site, and requests, in the event of a grant, that a condition is attached which clarifies that lands marked Phase 2 and 3 in the Masterplan should not be used for any buildings or open-air storage.

- 8.8.54. I note that no wells or springs are located within or in the vicinity of the subject site, as viewed on [www.gsi.ie](http://www.gsi.ie). I note the location of the well cited in the third party's appeal submission does not appear to be indicated in the submission received.
- 8.8.55. In terms of detail, I note that the FI EIAR states (at Section 7.6.2) that there is potential for leaks from the foul sewers to infiltrate to ground and groundwater. However, subject to standard construction practices, I consider it unlikely that leaks from foul sewers in this new project would arise.
- 8.8.56. I note that it is elsewhere outlined (at Section 10.9.2, relating to FI EIAR Chapter 10 – Population and Human Health) that at operational phase, discharges to the foul sewer at the MRF and the FCCP will be monitored in accordance with conditions of the EPA licence and UÉ Trade Effluent Discharge Licence. Condition 34 requires a copy of any Trade Effluent Discharge Licence agreed/revised with the EPA/UÉ to be submitted to the planning authority. Given that the matter of such a licence is separate to the planning code, should the Commission be minded to grant, I do not consider that the attachment of a such a condition is required.
- 8.8.57. The FI AA Screening report states that in the unlikely event of minor hydrocarbon spill, minor runoff would be largely absorbed to groundwater onsite or within surrounding grasslands. However, in this regard I note also the FI FRA site investigation details outlined above, which includes that groundwater was not encountered in the drilling of the boreholes, and that the location of 2no. boreholes are shown on Fig. 2 Borehole Location Plan (in FI EIAR – Appendix 6.2 Site Investigation Report). In this regard I note that the third party submission refers to their 'adjoining farm operation'. I consider the location of BH02, which is a short distance north of the site's southern boundary with Kildonan townland, to be reasonably proximate to the shared boundary.
- 8.8.58. Having regard to all information on file, including in particular the proposed mitigation measures, I consider that the proposed development would not give rise to significant adverse effects on surface or groundwater resulting in water contamination at construction or at operational phase.
- 8.8.59. Accordingly, while noting that the location of the cited bored well serving the third party's dwelling at Kildonan House has not been indicated, I am satisfied that the

information provided on file is sufficient to demonstrate that the proposed development would not give rise to significant groundwater contamination.

### ***Uisce Éireann/Greater Dublin Drainage Project/Wayleaves***

- 8.8.60. As outlined previously, UÉ in its first letter stated no objections, subject to conditions including that the proposed development overlaps with the northern and southern GDD routes, and requests applicant to continue to engage with UÉ regarding GDD pipeline overlap and permanent wayleave. This contrasts with the content of its second letter, whereby UÉ states no objection subject to conditions, and continues to state that the applicant is asked to provide clarity to the planning authority that the proposed development is outside the GDD wayleave area. Based on the plans and particulars on file, I note that the proposed internal access route from the FCC-owned road to the principal Phase 1 part of the subject site, i.e., the general location of the MRF and FCCP buildings, substation, parking areas, etc., traverses both the temporary and permanent GDD wayleaves.
- 8.8.61. In this regard I note the strategic nature of the permitted GDD project, as outlined at Section 4.0 of this IR; ABP-312131-21 refers.
- 8.8.62. The matter of any potential impacts on the GDD wayleaves does not appear to be discussed in the planning authority's internal reports on file, nor referenced by way of condition in its decision. While Condition 21 is a standard UÉ condition requiring a connection agreement to be signed prior to commencement, no condition specifically relating to the GDD pipeline is attached to the planning authority's decision. The matter of this pipeline traversing the site is not discussed in FI EIAR Chapter 7.
- 8.8.63. However, there is a brief comment on the GDD in Chapter 13 – Material Assets, and Appendix 3.1: Engineering Report includes Appendix F: Irish Water Greater Dublin Orbital Sewer. Appendix F comprises a GDD engineering drawing (dated June 2018) showing the part of the orbital sewer route in this area. Appendix G is Irish Water Correspondence.
- 8.8.64. It is outlined (at Section 13.5.1 of FI EIAR) that UÉ permanent and temporary wayleaves run from north to south through the site for Greater Dublin Orbital Sewer route. UÉ email correspondence dated 22 March 2023 (Appendix G), i.e., prior to

lodgement of the subject application, outlines 4no. observations, summarised as –

- Can foul sewer manhole 14 inside permanent wayleave be relocated
- Can valve and washout hydrant in temporary working area on watermain layout be relocated
- Can surface water layout be revisited to minimise impacts on permanent wayleave/TWA. If gullies and road crossings cannot be removed from the corridor, could they be relocated to minimise impacts on GDD constructability
- Can lamp standards be removed out of permanent wayleave

8.8.65. I note the observations outlined above are not specifically shown on FI drawing titled Site Plan – Food Container Plant and Materials Recovery Facility (Drawing No. HYP-A-001; Rev. 04). This drawing shows Irish Water Permanent works area wayleave outlined in yellow, and separately shows the adjoining Irish Water Temporary works area wayleave outlined in green. These wayleaves diagonally traverse the eastern part of the site. While the internal access route traverses these wayleaves, no structures are proposed on or adjoining same. An attenuation area is proposed almost directly adjacent to the permanent wayleave near the site entrance from the FCC-owned road.

8.8.66. Separately, I note the content of 2no. FI drawings, namely Drainage & Watermain Layout – Sheet 1 (Drawing No. C-100) and Drainage & Watermain Layout – Sheet 2 (Drawing No. C-101), which are also contained in Appendix A, appended to Appendix 3.1: Engineering Report of the FI EIAR as previously outlined.

8.8.67. Further to the 4no. observations raised in UE's email of 22 March 2023 (outlined above), I comment as follows on these 2no. engineering drawings -

- F14 is shown to be located just within the permanent wayleave ('yellow'). I consider it reasonable, should the Commission be minded to grant permission, to require F14 to be relocated. It is recommended that this matter could be adequately addressed by condition.
- A washout hydrant is shown within the 'green' area, which corresponds to the UE temporary works area (TWA). I consider it reasonable, should the Commission be

minded to grant permission, to require the washout hydrant to be relocated from the TWA. In the event the Commission was minded to grant, it is recommended that this matter could be adequately addressed by condition.

- With regard to surface water, no attenuation areas are shown near the site entrance on Drawing No. C-101 (Sheet 2) in contrast to the 2no. shown on the FI site plan. The FI EIAR (Appendix 3.1) outlines that a separate surface water system for trafficked hard areas and all ground surface rainwater run off will discharge through a by-pass petrol interceptor (Klargester), all rainwater will be stored and infiltrated at site, and the controlled flow rate is 0l/s/ha. Surface water drainage is indicated to traverse the permanent wayleave and the TWA. Having regard to the inconsistency in the lodged FI drawings relating to surface water management, it is recommended, should the Commission be minded to grant permission, that revised surface water management plans and particulars would be required, which detail all proposed attenuation areas, and any gullies or other drainage infrastructure relocated as appropriate to avoid impacts on both the permanent and temporary UÉ wayleaves. I consider that this matter could be adequately addressed by condition.
- The FI site plan shows that no public lighting is located within the permanent or temporary wayleaves. Lamps standards are located just outside the wayleaves.

8.8.68. I note that the location of the internal access route from the FCC-owned lands to the Phase 1 part of the site requires both wayleaves to be traversed. However, in noting that UÉ have not raised any objection to the proposed development, and having regard to the assessment above and recommended conditions should the Commission be minded to grant, I consider that potential impacts on the permanent and temporary wayleaves associated with the GDD project can be adequately addressed.

8.8.69. For completeness, and in terms of detail, I note that the FI Proposed Site Compound Plan (Drawing No. P013) shows that site compound would, at its south eastern corner, very marginally overlap with the TWA. Notwithstanding the very limited extent of site compound's overlap onto the temporary wayleave, should the Commission be minded to grant permission, I recommend a revised Site Compound Plan be

submitted which shall show that the site compound does not encroach onto the temporary wayleave. This recommended amendment would not, I consider, materially impact on the provision of a site compound at this general location.

### ***Flooding***

- 8.8.70. The observer raises concerns relating to flooding and storm water drainage.
- 8.8.71. I have viewed the OPW's flood maps at [www.floodinfo.ie](http://www.floodinfo.ie) (accessed on 02 December 2025) and note that no past flood events are shown at or in the immediate vicinity of the subject site.
- 8.8.72. As previously outlined, a Flood Risk Assessment (FRA) was submitted as FI. The Second Water Services' Report states no objection, and notes the Flood Zone C location, that mitigation measures have been incorporated into the design of the pluvial/overland flows and that groundwater flows are negligible.
- 8.8.73. In terms of detail, I have outlined previously that it is recommended, in the event the Commission was minded to grant, that revised surface water management plans and particulars would be required to avoid impacts on both the permanent and temporary UÉ wayleaves.
- 8.8.74. With regard to concerns raised by the observer relating to the improper diversion of storm drains on R135 into the observer's property, I am satisfied that stormwater management including diversion of stormwater infrastructure on the public road is a matter to be addressed by the local authority. With regard to the proposed development, given that surface water management proposals include that all rainwater will be stored and infiltrated at site, attenuation tanks are proposed and the controlled flow rate is 0l/s/ha, I consider that proposed development would not give rise to flooding or adversely affect existing stormwater drainage on North Road.
- 8.8.75. Having regard to the surface water management proposals at operational phase, I am satisfied that the proposed development would not give rise to flooding outside the subject site.

### **Conclusion: Direct and Indirect Effects**

- 8.8.76. Having regard to my examination of environmental information in respect of water, in

particular the FI EIAR provided by the applicant, the planning authority's reports, and the submissions and observations received by both the planning authority and the Commission in the course of the application and appeal, I consider that the main significant direct and indirect effects on water are, and will be mitigated where relevant, as follows:

- Significant direct negative effects arising for groundwater during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including pollution control measures, resulting in no residual impacts on water.

## 8.9. Biodiversity

### Issues Raised

- 8.9.1. The grounds of appeal do not raise any specific issues in relation to biodiversity.
- 8.9.2. The Irish Aviation Authority (IAA) in its second letter dated 5 January 2024 states that as this development is approx. 2.5km from the threshold of Runway 10R at Dublin Airport and consequently within the 13km wildlife hazard assessment zone for the aerodrome, the applicant should be requested to engage with daa/Dublin Airport to ensure that appropriate wildlife hazard reduction techniques and management can be employed in relation to the operation of the site. Condition 27 of the planning authority's decision reflects this stated requirement.
- 8.9.3. The DAU of Department of Housing, Local Government and Heritage (DHLGH) in both its first and second letters relates to archaeology only. No issues relating to biodiversity are raised in these submissions.
- 8.9.4. The first Planner's Report states that the landscape documentation lack details of hedgerow retention, that a tree survey, landscape plan and green infrastructure (GI) plan are required. With regard to the EIAR Biodiversity chapter, Planner's Report noted that habitats on site were not found to contain Annex I type features. It outlines that the Tree Survey (Appendix 8.1) carried out in March 2021 was outdated and does not meet BS 5837 requirements for such surveys. It considers that adequate provision is not made for protection, retention and augmentation of the trees and

hedgerows on the western and southern site boundaries, a significant cultural, ecological and landscape feature. The Report recommends that the layout be revised to maintain the development's stated set back of min. 7m to edge of vegetation in the townland boundary.

- 8.9.5. The second Planner's Report notes that in the south western corner of the site, trees and hedgerow are to be removed and replaced with 5no. trees. It recommends a condition requiring the building to be set back to allow for either retention of a portion of vegetation at this location and reinforcement of planting, or removal and substantial replanting with mixed hedgerow and woodland planting. It considers the GI Plan accords with Development Plan Objective DMS0124. It notes that some trees/hedgerow on the western boundary will be directly impacted and removed by the proposed development, although the poor condition of the vegetation and replanting proposals are noted.
- 8.9.6. The planning authority's Condition 5 requires a revised site layout plan and revised landscape masterplan which indicates the set back of the proposed FCCP from the south western boundary to allow for either the retention of a portion of this vegetation at this location and the reinforcement of planting, or the removal and substantial replanting with a mixed hedgerow and woodland planting.

#### Examination of the EIAR

##### Context

- 8.9.7. Impacts of the proposed development on biodiversity are set out in Chapter 5.
- 8.9.8. It is outlined (at Section 8.3) that while natural fluctuations in populations may not be fully reflected due to the instantaneous nature of the field surveys, the field surveys and background knowledge provided a desk study, provides a robust presentation of the baseline for habitats and species with the zone of influence (Zoi) of a proposed development site.
- 8.9.9. The desk study was carried out to determine existing information and records relating to sites, species and habitats protected under the Habitats Directive and sites and species protected under the Birds Directive, and biodiversity, habitats and species near the proposed development. Information sources and relevant

legislation are cited.

- 8.9.10. Site surveys were carried out on 04 December 2020, 01 March 2021 and 27 August 2022 to identify habitats, flora and fauna present on site. Bat activity surveys (dusk) were conducted under suitable weather conditions on 27 August 2022. A preliminary roost assessment was carried out at ground level on all trees earmarked for removal. A tree survey was conducted in July 2023

#### Baseline

- 8.9.11. 11no. Natura 2000 sites that can potentially be affected by the proposal and their respective distances from the subject site are listed at Section 8.6.1. The site is not within a NHA or pNH, the nearest being Santry Demesne pNHA. The site is approx. 10.7km from Important Bird Areas Dublin Bay (IE09) and 11.9km from Baldoyle Bay (IE112). A number of RAMSAR sites, a non-statutory designation, around Dublin Bay are listed, including Baldoyle Bay and Rogerstown Estuary.
- 8.9.12. There are no watercourses within the development site. The closest watercourses are Huntstown Stream approx. 970m to north, Abbotstown Stream 1.5km to west and Bachelor's Stream 1.6km to south east.

#### Habitats

- 8.9.13. The site is located within National Grid 10km square O14. The National Biodiversity Data Centre (NBDC) lists one protected plant species, Meadow Barley, within O14, which is protected by the Flora (Protection) Order 2022 (S.I. No. 235/2022).
- 8.9.14. Fig. 8.2 Habitats shows the range of habitats across the subject site., and Table 8.6 lists the various habitats with the site. The site comprises 2 agricultural fields separated by an overgrown treeline. It covers a mixture of flat to undulating land with a high point of c.90m at an old sand pit/quarry at centre of eastern field, to a low point of c.80m along the southern site boundary. Soils are mixture of dry minerals with sand from the old quarry site.
- 8.9.15. The larger eastern field formerly used for tillage is no longer cultivated, and the smaller western field formerly used for grazing, most likely by horses, has been ungrazed for 2-3 years. A mix of Hedgerow (WL1)/Treeline (WL2) occurs along the

southern and western site boundaries. The internal boundary has more species diversity than the external boundaries, and includes elm, ash and oak. All hedges are in excess of 150 years old and are a higher value habitat at a local level. Both elm and ash dieback diseases are present.

- 8.9.16. The eastern field is classified as Tilled land (BC3). In the absence of active management, common ruderal species have become established, i.e., dandelion, willowherb, creeping thistle and ragwort. These are of value to seed eating bird species such as linnet, which was recorded here.
- 8.9.17. A Wet Grassland (GS4)/Scrub (WS1) mosaic has become established on the site boundary. Scrub species such as great willow, blackthorn and hawthorn are spreading inwards.
- 8.9.18. In the western field, Wet Grassland (GS4) has formed a mosaic with Neutral Grassland (GS1). Buddleia, a medium impact invasive species as classified by NDBC, was recorded in this area.
- 8.9.19. A small manmade berm spans both fields near the southern boundary and Neutral Grassland (GS1) has formed along its ridge.
- 8.9.20. With regard to invasive species, in addition to Buddleia outlined above, 9no. high impact native species have been recorded within grid square O14, including Japanese Knotweed; Table 8.7 refers. However, no Third Schedule invasive species or species which are at risk of having damaging effects were recorded within the development site.

### Fauna

- 8.9.21. It is outlined that 6no. Irish bat species have been recorded within O14. Lesser horseshoe bat listed on Annex II of the Habitats Directive does not occur in this area. Whiskered Bats could occur as this species is widespread in the Irish countryside. The trees within the internal boundary were considered to be of low potential value for bats, with no obvious cavities nor potential roost features (PRFs). The elm are not of sufficient size to be of value for bats. The bat activity survey carried out on 27 August 2022, commencing at 19:48hours and sunset was at 20:28hours. Survey

findings indicate that low numbers of individual bats were using the hedgerows for foraging and commuting. Bats were detected on Transect B (the internal boundary). Trees on site, as part of a connecting corridor with the wider landscape, could provide a foraging and commuting corridor of local importance for bats. Overall, habitats within the site are of low to moderate value for foraging bats and linear features provide moderate bat foraging habitat. Agricultural grassland and tillage areas provide low value habitat.

- 8.9.22. Otter or signs of otter have been recorded on 14 occasions within grid square O14, the most recent being May 2015 (NBDC; 28 March 2023). No signs of otter were recorded during site surveys. Wet grassland habitat could potentially provide habitat for Common Frog, although this species was not recorded during site visit, and there is no breeding habitat within the site. Given the lack of watercourses onsite and the level of road traffic in the vicinity, the site does not provide critical resources for otter and is of negligible value for otter.
- 8.9.23. No signs of badger were recorded during site surveys. Hedgehog, stoat, hare and pigmy shrew are likely to occur within the site. There is no suitable habitat for red squirrel within the site. There are no records of pine marten in vicinity and given the lack of suitable habitat onsite they are unlikely to occur.
- 8.9.24. With regard to amphibians and reptiles, Common Frog is discussed above. There are no suitable habitats for smooth newt within the site. Terrapin and yellow-bellied slider have been recorded within O14, both of which are non-native species and will not occur within the site. No valuable habitats for reptiles were recorded.
- 8.9.25. With regard to birds, it is outlined that the NBDC list 15no. Annex I Bird species which have been recorded within O14. The habitats within the proposed development site do not represent critical foraging or breeding habitat for these Annex I birds. Species recorded within the site on the 3no. survey dates are shown in Table 8.12. Two of these, snipe and meadow pipit, are on the Birds of Conservation Concern in Ireland (BOCCI) Red list, and two are on Amber list, namely linnet and swallow. Snipe, meadow pipit and linnet are probable breeders at the site. Mature trees and scrub are likely to provide valuable nesting habitat for birds. Overall, the site is of local value for bird species that are common in the Irish

countryside, but given the small size of the site, this is of limited value and the area to be affected is not likely to be a critical feeding resource for bird species in the context of the wider landscape.

Potential Effects

8.9.26. The FI EIAR identifies the potential for a range of environmental effects on Biodiversity. Likely significant effects, as identified in the FI EIAR, are summarised in Table 4 below.

Table 4: Summary of Predicted Impacts on Biodiversity in the Absence of Mitigation

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	<p>Lands within the development boundary would largely remain under the same management regimes.</p> <p>No significant changes to habitats are likely to occur.</p> <p>Given site location and zoning it is likely that it will be developed for industrial use in short term.</p>
Construction	<p>The FI EIAR outlines that the Screening for Appropriate Assessment (AA) report on file concludes that the proposed development either alone, or in-combination with other plans and/or projects does not have the potential to significantly affect any European site, in light of their conservation objectives, and Stage 2 AA was not required.</p> <p>Habitats: Potential impacts on various habitats within the site are outlined. The most negative of these is the moderate effect resulting from the removal of the internal hedgerow/treeline.</p> <p>Invasive species: Impacts from Buddleia are predicted to be negative, not significant and long term.</p> <p>Bats: Long term loss of low to moderate value local bat</p>

	<p>foraging habitat. Habitat loss has potential to impact local bat populations. There will be no significant disturbance impacts from lighting during construction. During winter months bats will be in hibernation and no significant impact will occur.</p> <p>Impact on foraging bats will be negative, moderate and medium at a local level.</p> <p>Otter: There is no direct hydrological connection from the site to Huntstown Stream. Construction mostly during daytime will avoid the largely nocturnal foraging habits of otter. In the event of otters passing through or foraging within the area, there may be some short term displacement of otter. However, increased noise and disturbance will not significantly impact on otter due to their ability to move from short term disturbance. Given the low value of the site for otter, the impact of construction works will be negative, not significant and short term at a local level.</p> <p>Other mammals: Common mammal species are likely to continue to use retained/new landscaped habitats on site, albeit in much lower numbers. They are likely to be displaced in short term during construction due to increased noise and disturbance. Effects are predicted to be negative, slight and short term at a local level.</p> <p>Amphibians and reptiles: As no signs of common frog were recorded during site surveys, impacts will be negative, imperceptible and long term at a local level.</p> <p>Birds: Potential impacts include disturbance and injury to eggs, young and nests, and long term loss of potential nesting sites and foraging habitat.</p>
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	<p>Overall impact on breeding birds is likely to be negative, moderate and short term.</p> <p>Removal of semi-natural grassland habitats means that grassland nesting species such as snipe and meadow pit will no longer breed or forage with the site, and it will reduce foraging/nesting habitat for species such as linnet and goldfinch.</p> <p>Increased noise and disturbance is likely to disturb and or displace breeding birds from the site, although noise levels fall off quickly outside the site boundary. Given mobile nature of birds, the common nature of habitats within the site and availability of alternative foraging habitat in the immediate vicinity, the impact from disturbance will be slight at a local level, although snipe and meadow pit will be more vulnerable to disturbance.</p> <p>Water Quality and Aquatic Ecology: High levels of silt in surface water run-off could theoretically impact on fish and invertebrate species in nearby watercourses. While spillage and leaks could potentially impact on exposed subsoils, there is no direct pathway for surface water run-off to local watercourses. Given distance from local watercourses and lack of hydrological/hydrogeological connections, the impact on fish and aquatic invertebrates during construction will be neutral, imperceptible, local, unlikely and short term.</p> <p>Air: No significant emissions to air will occur.</p>
Operation	<p>No significant impacts on aquatic or terrestrial habitats identified.</p> <p>No impacts on invasive species will occur.</p> <p>Bats: Habitat fragmentation due to loss of foraging and commuting habitat has potential to impact local bat</p>

populations. Increased activity, human presence, noise and artificial lighting may disturb or displace bats. Impact will be negative, slight, likely and long term at local level.

Otter: Badly designed lighting could displace otter from nearby habitats and create connectivity barrier. No signs of otter were recorded and there are historical records of otter in vicinity. Impacts will be neutral, imperceptible, long-term at local level.

Other mammals: Increased activity, human presence, noise and artificial lighting may disturb or displace species such as pygmy shrew or hedgehog from foraging habitats. Given retention of trees/hedgerows, availability of similar habitat in vicinity and mobile nature of species, potential impacts are predicted to be negative, slight and long term at local level.

Amphibians & reptiles: No impact.

Birds: There will be a net reduction in habitat available for snipe and meadow pipit. Habitat removal (at construction phase) will result in these threatened species being displaced from the site.

Common bird species are likely to continue to forage and breed within retained hedgerow/treeline.

Where nesting habitat is retained, e.g., hedgerow/treeline, increased disturbance may impact breeding birds.

Increased human presence, noise and lighting reduce the number of birds using these habitats. Impact on birds will be negative, slight, likely and long term at a local level due to disturbance/displacement of bird species.

	<p>Other Species: No significant effects on invertebrate species have been identified.</p> <p>Water Quality &amp; Aquatic Ecology: There will be no emission to surface waters. There is potential for spills during filling of diesel storage tank and refuelling of mobile plant which could infiltrate to ground through damaged paving. Potential for minor oil leaks in permeable paved areas and leaks from foul sewers to infiltrate to groundwater. Given distance from local waterbodies, there is no potential for direct discharges of these watercourses.</p> <p>Given distance from local watercourses and lack of hydrological/hydrogeological connections to local watercourses, impact on fish and aquatic invertebrates will be neutral, imperceptible, not likely, local and short term.</p> <p>Air quality: Impact will be negative, imperceptible, local, likely and long term.</p> <p>Fire: There may be damage to landscape areas and trees in site boundary. These low ecological habitats are readily replaced</p>
Decommissioning	Decommissioning of the project is not proposed.
Cumulative	<p>3no. nearby consented projects are outlined at Table 8.15:</p> <p>P.A. Ref. FW22A/2058: grant in 2023 for 3no. weighbridges, soil waste inspection and quarantine shed and offices at Huntstown South Quarry, approx. 300m west.</p> <p>P.A. Ref. FW22A/0213: grant in 2023 for 1no. Distribution System Operator (DSO) electrical substation and 40no. battery storage units approx. 100m to east.</p> <p>P.A. Ref. FW21A/0151: Application under appeal to</p>

	<p>demolish 2 houses &amp; construct 2 data halls c.120m to north.</p> <p>It outlines that construction mitigation measures outlined in this EIAR chapter and the CEMP will ensure that no significant cumulative noise/disturbance effects of habitat loss for badgers will occur during construction works.</p>
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### Mitigation Measures

8.9.27. At design stage, landscape design was to retain existing trees and hedgerow on the boundary wherever possible. Landscape plan includes planting of native shrub species east of the MRF, to compensate for loss of internal boundary/treeline. Planting of native shrubs and trees will supplement boundary hedgerows. Lighting scheme will minimise impact of lighting on bats by retaining dark areas around external boundaries. Fire safety measures to mitigate fire risk are described at Section 10.8.1.6.

8.9.28. At construction phase, mitigation measures include –

- all staff and subcontractors will be responsible for understanding the importance of avoiding pollution onsite. An Outline CEMP is at Appendix 3.3.
- Vegetation will be removed outside of breeding season where possible. Hedges on southern and western boundaries will be protected in accordance with recommendations in BS 5837:2012, by adequate fencing around trees, avoidance of reduction in levels in root protection area (RPA) and inspection for disease/storm damage, and treating or carrying out tree surgery. Damaged/disturbed habitats will be reinstated and landscaped.
- Regarding bats, all mitigation measures will be agreed with NPWS prior to commencement. Environmental Clerk of Works will work with contractor to ensure trees marked for retention are adequately protected. If bats are recorded, no work will proceed without a derogation licence. Directional lighting will be used to avoid lightspill.

- Invasive species survey will be undertaken to determine if species in Part 1, Third Schedule of S.I. No. 477 of 2011 have become established. If so, a site specific invasive species management plan will be implemented

8.9.29. No operational phase mitigation measures are outlined.

8.9.30. Monitoring at construction phase consists of a bat specialist attending onsite during removal of mature and semi-mature trees. At operational phase the inspection regimen in Landscape Management Plan will be implemented.

#### Residual Impacts

8.9.31. Residual impacts on habitats and species at follows -

- Habitats: Loss of semi-natural grassland, internal hedgerow/treeline and scrub habitat means there will be net loss of habitats. This will have negative, slight, local, likely and long-term impact.
- Invasive species: No residual impact
- Water quality: no residual impact on local water quality and aquatic ecology given absence of direct discharges to surface water and distance from local watercourses
- Air quality: impact at construction will be negative, imperceptible, localised and temporary with implementation of CEMP
- Bats: No significant impact from tree removal
- Otter: Residual impacts will be neutral, imperceptible, not likely and long term at local level
- Other mammals: Residual impact will be negative, not significant, likely and long term at local level
- Amphibians and reptiles: No residual impact
- Other species: Residual impacts on fish, terrestrial and aquatic invertebrates will be neutral, imperceptible and long term.

8.9.32. With regard to breeding birds, it outlined that they will be displaced during construction. At operational phase common woodland edge birds species are likely

to recolonise retained and landscaped hedgerow and grassland habitats, albeit in lower numbers. Ground nesting birds snipe and meadow pipit will be prevented from breeding or foraging at the site. Residual impacts will be negative, moderate and long-term at local level.

#### Direct and Indirect Effects Assessment

8.9.33. I have examined, analysed and evaluated Chapter 8 of the FI EIAR and all of the associated documentation on file in respect of biodiversity. I am satisfied that the applicant's presented baseline is reasonably comprehensive and that the key impacts in respect of likely significant effects on biodiversity, as a consequence of the proposed development, have been identified.

#### *Cumulative Impacts*

8.9.34. However, with regard to cumulative impacts, I consider that the information provided section of the EIAR is relatively limited. I note also that a number of development proposals at or in the immediate vicinity of the subject site have been permitted subsequent to the planning authority's decision to grant. I draw the Commission's attention to Section 4.0 (Planning History) of this IR, which includes and expands on the 3no. cases cited above. In this regard I note -

- P.A. Ref. FW21A/0151 (ABP-313583-22) has been since been granted and development has commenced on the data centre site, approx. 50m to north
- In terms of detail, access to the P.A. Ref. FW22A/0258 site (weighbridges and soil waste inspection/quarantine shed), is via the main Huntstown Quarry entrance.
- With regard to P.A. Ref. FW22A/0213 (DSO electrical substation and containerised battery storage units), any implications of the overlap, as viewed on [www.fingal.ie](http://www.fingal.ie) mapping, between the boundaries of this site with the subject appeal site are not discussed in this FI EIAR Chapter. However, I note that overlap indicated is very marginal, and would appear to relate to lands on North Road or its immediate vicinity. In the event the Commission was minded to grant permission, I consider that the development permitted by P.A. Ref. FW22A/0213 would not, if implemented, prejudice the implementation of the subject appeal case as it relates to development on North Road.

- 8.9.35. I consider that there are a number of other relevant permitted developments at or in the immediate vicinity of the subject site which have been recently granted permission. For example, part of the **ABP-312131-21** (Greater Dublin Drainage) project traverses the eastern area of the subject appeal site. Separately, the **ABP-318677-23 site** (110kV Air Insulated Switchgear (AIS) tail-fed substation compound and 110kV underground cable connection to Finglas) marginally overlaps with the subject appeal site to the south east. The FI EIAR outlines that undergrounding and re-routing of overhead powerlines is currently underway. The matter of overhead powerlines/underground cables are discussed under Chapter 13: Material Assets.
- 8.9.36. In this regard therefore I note that certain works are permitted to be carried out pursuant to other planning permissions in part of the subject site. Having regard to the nature and location of the permitted developments, as they relate to the development on the subject site, I consider that the proposed development combined with these other recently permitted developments would not give rise to significant effects on biodiversity.
- 8.9.37. With regard to badgers, given that it is stated that mitigation measures will ensure that no cumulative noise/disturbance effects or habitat loss for badgers will occur during construction works, this would appear to be inconsistent with detail outlined (at Section 8.6.9.3), which states that no signs of badger were recorded during site surveys. No predicted impacts on badgers are outlined. While noting that there appears to be an inconsistency in information relating to badgers, given that no signs of badger were recorded, I am satisfied that no significant impacts would arise as a result of the proposed development, cumulatively with other projects, on badgers.

#### *Hedgerows/Boundaries/Trees*

- 8.9.38. The proposed development includes the removal of the central hedgerow.
- 8.9.39. While the Tree Survey conducted in July 2023 is cited (at Section 8.4.2) in the FI EIAR, the findings of same do not appear to be discussed in detail in Chapter 8 – Biodiversity. It is outlined at Section 11.6.21 (Chapter 11- Landscape & Visual Impact) that the Tree Survey identified 265no. trees, of which 1no. is moderate quality (Grade B), 246no. are low quality (Grade C) and 18no. are category U. It is outlined elsewhere in Chapter 11 (at Section 11.7.1) that to facilitate the

development c.170m of the central hedgerow will have to be removed. I consider that the removal of this hedgerow would be acceptable in the context of its location on a zoned, serviced site, and also in the context of other existing boundary hedgerows being retained on site.

- 8.9.40. However, while the importance of retaining the southern and western hedgerows/planted boundaries in terms of biodiversity is outlined, I do not consider that the importance of the retention of same in terms of cultural heritage has been adequately outlined in either Chapter 11 or Chapter 12 - Cultural Heritage.
- 8.9.41. In this regard I note that Fig. 12.1 shows an extract from OSi 1836 map. However, while the location of field boundaries are described, no reference is made to townland boundaries. I have viewed first edition OS historic mapping on [www.tailte.ie](http://www.tailte.ie), and consider that the site's southern and most of the western boundary form the townland boundary with Kildonan townland.
- 8.9.42. The planning authority's Condition 5 requires a revised site layout plan and revised landscape masterplan which indicates the set back of FCCP from the south western boundary to allow for either the retention of a portion of this vegetation at this location and the reinforcement of planting, or the removal and substantial replanting with a mixed hedgerow and woodland planting.
- 8.9.43. The partial FI Site Plan (Drawing No. HYP-00-001; Rev.01) annotates the separation distance between the southern elevation of the proposed MRF building and the site boundary to its south as 7675mm. The site layout suggests a vehicular route between the building and site boundary. I note that the FI Development Impact Plan (Drawing No. 7670-L-2700; Rev. P01) shows that existing trees in this approximate location are Category C – *Trees of low quality with an estimated life expectancy of at least 10 years, or young trees with a stem diameter below 150mm to be felled to facilitate development.* The separate FI landscape drawing (Phase One Landscape Proposals – 1-500 Sheet 1 of 1; Drawing No. 7670-L-2101; Ref. P01) indicates 4no. trees (Field Maple) and Native Hedgerow along the boundary south of the MRF.
- 8.9.44. Having regard to the C category condition of existing trees to be removed at this location, I consider that the removal of same is acceptable, subject to suitable replacement proposals. I note that the separation distance from the southern

elevation of the MRF building is relatively narrow at 7.6m, in the context of an access route also at this location. In this regard I note that in addition to the 4no. trees proposed, Native Hedgerow is also indicated to be provided along this boundary. I consider this to be acceptable in biodiversity terms. While the removal of existing trees/hedgerow and its replacement with Field Maple and Native Hedgerow would change the current boundary detailing with regard to planting, I do not consider that these landscaping proposals would alter the demarcation itself of the townland boundary and would not be in conflict with Development Plan Objective DMSO128 – Demarcation of Townland Boundaries.

8.9.45. Accordingly, in the event the Commission was minded to grant, I do not consider that the attachment of the planning authority's Condition 5 is required in this instance.

#### *Landscaping*

8.9.46. The FI Green Infrastructure Plan Report states (at Section 10.0 Policy GINHP21 Protection of Existing Trees and Hedgerows) there will be a 5 year guarantee after construction that all proposed planting works still exist and have established in line with landscape design expectations. Should the Commission be minded to grant, it is recommended that reference to the 5-year timeframe is included by way of condition.

8.9.47. For clarity, I note the planning authority's Condition 8 relating to a tree bond cites a 3-year timeframe. In the event the Commission was minded to grant, it is recommended that a similar condition is applied (for an unspecified amount) and stipulates instead a 5-year timeframe.

#### *Water Quality*

8.9.48. The FI EIAR outlines (at Section 8.13.3) there will be no residual impact on local water quality and aquatic ecology.

8.9.49. I note that the Huntstown Stream, stated at 970m to north to be the nearest to the subject site, is in WFD River Sub Basin WARD\_030, i.e., a separate WFD river sub basin to the subject site, which is located within WFD River Sub Basin TOLKA\_05.

8.9.50. As outlined elsewhere in this IR, I have concluded with regard to WFD that the proposed development will not result in risk of deterioration on any water body

(rivers, lakes, groundwaters, transitional or coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives. In this context, I am satisfied that the proposed development would not result in adverse impacts on water quality and would not, therefore, have any consequent adverse impacts for such habitats and species connected to waterbodies.

#### *Condition 27*

8.9.51. With regard to the planning authority's Condition 27 requiring the applicant to engage with DAA relating to wildlife hazard reduction techniques, I note this condition does not require details to be agreed with the planning authority, and I do not consider that it is sufficiently clear as to what extent of engagement or wildlife management is required. In the event the Commission was minded to grant, I recommend an alternative condition would be more appropriate, which requires the developer to submit for the written agreement of the planning authority, details of and evidence of liaison with DAA relating to a strategy to ensure appropriate wildlife hazard reduction techniques and management.

#### Conclusion: Direct and Indirect Effects

8.9.52. Having regard to my examination of environmental information in respect of Biodiversity, in particular the FI EIAR and associated documentation provided by the applicant, the planning authority's reports, reports of prescribed bodies and observations received, and to all information on file, I do not consider that there would be any significant direct or indirect effect on Biodiversity.

### 8.10. **Air**

#### Issues Raised

8.10.1. The grounds of appeal raise concerns that the part of the site, where no use is indicated, may be used for open air storage of materials that are to be processed, and that such open storage would result in odour and dust emissions that would be detrimental to the operation of the adjoining farm.

8.10.2. Impacts of the proposed development on Air are addressed in Chapter 9 of the FI

EIAR.

8.10.3. The First Planner's Report noted that the applicant states that there are no sensitive residential locations within 100m of the site boundary and the closest residential receptors are over 170m from where construction works take place. It notes that considerable earthworks are proposed during construction and also that a third party submission considers that the applicant's stated distances from receptors to be incorrect. FI Item 14(k) refers to Section 10.5.1, noting that a cluster of 3no. dwellings 200m east of Phase 1 on North Road are the nearest receptors, and requests that this and other applicable distances are reviewed. The Second Planner's Report noted the FI response indicates that 10no. sensitive receptors, whose locations are shown in Fig. 9.6 of the original EIAR, were identified and included in the assessment of impacts. It notes that at operational phase residual impacts on air quality in terms of odour will be negative, imperceptible, local, likely and long term. The Planner's Report considers this to be acceptable.

#### Examination of the EIAR

##### Context

8.10.4. The EIAR sets out the methodology, and refers to the study area as being the local environment in the vicinity.

8.10.5. Relevant legislation, guidelines and sources relating to air quality are set out, including –

- Air Pollution Act 1987, as amended
- Air Quality Standards Regulations 2011 (S.I. No. 180/2011), as amended
- Ambient Air Quality and Cleaner Air for Europe (CAFE) Directive(2008/50/EC)
- Fourth Daughter Directive (20004/107/EC)
- EPA (2020) Air Dispersion Modelling from Industrial Installations Guidance Note (AG4).

8.10.6. Air quality information sources include EPA (2020) Air Quality in Ireland 2019 – Indicators of Air Quality and Met Éireann (2021) meteorological monitoring data.

8.10.7. It outlines that dust will be the predominant emission of concern at construction

stage.

### Baseline

8.10.8. Key elements of the receiving environment set out at Section 9.4 of the FI EIAR have been previously outlined in assessment of FI EIAR Chapter 5 – Climate of this IR.

8.10.9. The FI EIAR outlines that with regard building downwash, a Building Profile Input Programme (BPIP) was used to determine the effects of buildings at the site on the point source of emissions. Plume Rise Model Enhancements (PRIME) was used in the dispersion modelling assessment to determine the effect of building induced turbulence on plumes from point sources at the proposed development. Buildings/structures at Huntstown Bioenergy Facility included in the BPIP programme are outlined at Table 9-10.

### *Odour:*

8.10.10. Sensitive receptors included in the assessment of construction phase impacts are presented in Table 9-19 and Fig. 9-6. With regard to odour emissions, sensitive residential receptors from the proposed development are locations to south and north east. It outlines that the closest sensitive residential receptors are –

- 160m east of site boundary and 435m east of Odour Control Unit (OCU) stack
- 265m south west of site boundary and 360m south west of OCU stack

Sensitive commercial and industrial receptors are located to north east, north west and south east. The closest sensitive commercial or industrial receptors are 40m to south (adjacent to site entrance) and approx. 338m southeast of OCU stack.

8.10.11. With regard to emissions, the odorous waste streams will be handled and processed in the MSW/Brown Bin Bay in the MRF. The Bay will be maintained under negative air pressure with air being treated in an OCU and vented through an elevated odour exhaust stack on the western side of the building. Negative pressure will be maintained in the Bay by:

- Having a well-sealed building, and
- Exhausting air to the OCU at a rate that results in 2no. air changes per hour inside the MSW/Brown Bin Bay

The OCU will have a maximum exhaust concentration of odour of 1,000 oue/m<sup>3</sup>.

8.10.12. The EPA's guidance document air quality impact assessment (AG4; updated in 2020) states that there is no general statutory odour standard in Ireland relating to industrial emissions. It outlines that UK guidance (EA, 2011, adapted for Irish EPA use) recommends odour standards should vary from 1.5–6.0 OUE/m<sup>3</sup> as a 98<sup>th</sup> percentile of 1 hour averaging periods at the worst-case sensitive receptor based on offensiveness of odour and with adjustments for local factors such as population density.

8.10.13. Odour sources at the proposed development fall into the most offensive category based on EPA guidance and odour exposure criterion relevant to operations at the site is C98, 1-hour  $\leq$  oue/m<sup>3</sup>.

8.10.14. The proposed facility is located in Zone A (Dublin), one of the 4 zones defined in Air Quality Standards Regulations 2011. It is approx. 800m north of the residential areas of Finglas.

*Traffic:*

8.10.15. With regard to traffic, the pollutants of most concern near roads are nitrogen dioxide (NO<sub>2</sub>) and particles (PM<sub>10</sub>) in relation to human health and oxides of nitrogen (NO<sub>x</sub>) in relation to vegetation and ecosystems. The proposed development will increase traffic volumes associated with:

- Transportation of waste streams that will be delivered and processed and ultimately hauled from the site for further processing
- Staff and service vehicles attending the site

*Nuisance Dust:*

8.10.16. With regard to dust, the EPA and local authorities generally apply German TA Luft Air Quality Standards (TA Luft, 1986) guideline to development consents and IE Licences, namely a recommended threshold guideline value of 350mg/m<sup>2</sup>/day for dust deposition.

Potential Effects

8.10.17. The FI EIAR identifies the potential for a range of environmental effects on Air. Likely significant effects, as identified in the FI EIAR, are summarised in Table 5

below.

Table 5: Summary of Predicted Impacts on Air in the Absence of Mitigation

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	No development will take place. Air quality at the site will remain at baseline levels, and will change with time in line with general trends for the site and wider surrounds.
Construction	<p>Potential temporary impacts are dusts and vehicle emissions. No demolition is proposed.</p> <p><i>Dust:</i></p> <p>Maximum land area for earthworks is assumed to be greater than 10,000sqm, classified as large. 150,000m<sup>3</sup> volume of proposed buildings is classified as large.</p> <p>Maximum 10 – 50 HDVs (Heavy Duty Vehicles) used on any one day is classified as medium trackout. Closest residential receptors are 170m from construction works. No sensitive residential locations within 100m of site boundary. Unmitigated risk of dust impacts is low for dust soiling and for health effects of PM10.</p> <p>Unmitigated impact of construction on air quality is negative, imperceptible and temporary. Mitigation will not be required to reduce potential construction impacts to levels that can be described as not significant.</p>
Operation	<p>Traffic: Total volume of traffic generated is less than the scoping criteria for –</p> <p>AADP OF &gt; = 1,000</p> <p>HDV AADT of &gt;= 200</p> <p>There will be no changes in speed band or carriageway alignment by &gt;=5m. No further assessment required for adverse air quality impacts generated by traffic. Potential impact will be imperceptible, negative and long term.</p> <p>Odour: Incoming MSW and brown waste streams handled</p>

	<p>and processed in MRF have potential for air quality impacts. Operational phase has potential for odorous emissions that could cause adverse impacts that are significant, negative and long term.</p> <p>Fire: Smoke emissions would be generated by combustion of materials and wastes. Localised impacts on air quality would be brief.</p>
Decommissioning	It is not proposed to decommission the project.
Cumulative	<p>At construction stage, the closest point between construction activities and Huntstown Quarry will be 300m. Implementation of CEMP will ensure that impact levels in combination with quarry operations will be imperceptible, negative and temporary.</p> <p>At operational phase, baseline air quality levels in the study area are well below regulatory limits. Potential impact in combination with baseline air quality levels was found to be imperceptible, negative and long term.</p> <p>Results of a cumulative odour assessment in combination with baseline odour levels at Huntstown Bioenergy Facility show that predicted concentrations comply with odour criterion recommended by EPA for waste facilities of 1.5ouε/m<sup>3</sup> at all sensitive receptors in the modelling assessment. The OCU will ensure that odour impact identified in combination with baseline odour levels will be imperceptible, negative and long term.</p>

### Mitigation Measures

- 8.10.18. At design stage, an odour management system will extract odorous air and treat it in an odour control unit comprising a dust filter to remove dust and a carbon filter to reduce odour levels. A thick foam spray will be applied to all cladding joints

and parts of building fabric that could be susceptible to air leaks, with aim to achieve air leakage rate of  $<2\text{m}^3/\text{m}^2/\text{hour}$ . Rapid action doors will be fitted to vehicle access points. Extraction fan will achieve 2 air changes/hour. Treated air will vent to atmosphere via a single stack. Air dispersion modelling determined stack height, to ensure ground level concentrations of odours emitted would not cause odour nuisance.

8.10.19. At construction stage, mitigation measures include –

- Preliminary CEMP attached at Appendix 3.3 will be updated in advance of construction to take into consideration any additional measures required
- Dust nuisance avoidance measures include –
  - Water sprayer of exposed earthworks and site haul road during dry weather
  - Provision of wheel cleaning unit
  - Control of vehicle speeds
  - Material drop heights will be minimised
- Monitoring includes min. 3 monitoring gauges at site boundary at points closest to nearest sensitive receptors. Monitoring will be carried out monthly.

8.10.20. At operational phase, it is outlined –

- no additional mitigation measures required to reduce impacts on air quality
- Odour abatement unit in MRF will mitigate potential effects of odorous emissions. Emissions will be regulated by an EPA IE Licence. ELVs applied in the odour impact assessment are typical of levels set in EPA licences.
- Fire safety and emergency response measures implemented will mitigate fire risk, and in event of fire, ensure fire is extinguished as quickly as possible to minimise adverse environmental impacts.
- Emissions from MRF's odour control unit will be monitored at frequencies set out in EPA licence.

### Residual Impacts

8.10.21. At construction stage implementation of the CEMP will ensure that levels of

impact will be negative, imperceptible, local, not likely and temporary. No residual impacts are outlined.

8.10.22. At operational phase, traffic modelling results indicate that the impact on human health will be negative, imperceptible, local, likely and long-term. The impact on ecological sites will be negative, imperceptible, not likely and long term. No residual impacts are outlined.

8.10.23. With regard to odour at operational phase, it outlines (at Section 9.10.2.2) that predicted ground level concentrations of odour (1-hour average, 98<sup>th</sup> percentile) are presented as concentrations of odour at modelled receptors. Table 9-21 lists 10no. receptor IDs. DR1 is Kildonan House, indicated as 0.1ouε/m<sup>3</sup>. Results at other residential properties near the proposed site entrance at North Road are 0.3ouε/m<sup>3</sup>. In terms of odour, levels of impact will be negative, imperceptible, local, likely and long term.

#### Direct and Indirect Effects Assessment

8.10.24. I have examined, analysed and evaluated Chapter 9 of the EIAR and all the associated documentation on file relating to air quality. I am satisfied that the applicant's presented baseline is reasonably comprehensive and that the key impacts in respect of air quality, as a consequence of the proposed development, have been identified.

8.10.25. I draw to the Commission's attention that one of the key issues in the assessment of the proposed development is the potential for significant adverse effects arising from odorous emissions from the MRF building at operational phase, as discussed further below.

#### *Sensitive Receptors*

8.10.26. In terms of detail I consider that detailing of some of the discrete receptors shown on Fig. 9-6 Sensitive Human Receptors Construction and Operational Stages is not easily discernible, although in conjunction with Table 9-19 Sensitive Receptors included in the Assessment the principle residential locations in the vicinity of the subject site can be estimated.

8.10.27. However, I am not satisfied that the information relating DR-2 (residential receptor) is correct, which is indicated to be located a short distance west of the end of the FCC cul-de-sac road, i.e., within the access road leading to Kildonan House. I do not consider that the information on file sufficiently demonstrates that a dwelling exists at this location.

8.10.28. As outlined previously at Section 7.0 of this IR, the various distances from the MRF building and its associated odour control unit are set out. For ease of reference, these approx. separation distances are reiterated below:

8.10.29. I estimate that the proposed MRF building is

- approx. 300m north east of the dwelling house at Kildonan at its nearest point, and that the odour control unit at the northern end of the MRF's rear (west) elevation is approx. 370m from this dwelling
- approx. 380m west of the small cluster of approx. 3no. dwelling houses on North Road, in the vicinity of the T-junction with the FCC-owned road.
- approx. 470m south east of residential receptor on eastern side of North Rd.
- Approx. 970m south of Ravenswood Housing Scheme on North Road

8.10.30. As outlined previously, I consider that any potential impacts on the 2no. houses located at the data centre site on North Road and which are permitted to be demolished can be excluded from further assessment.

#### *Construction Phase*

8.10.31. With regard to construction phase impacts, I am satisfied that impacts on air quality arising at construction phase as a result of traffic and dust would be adequately addressed in the measures outlined in the Preliminary CEMP at Appendix 3.3. This appendix outlines (at Section 1.2) that the CEMP will be revised prior to construction to incorporate any additional mitigation measures that may be imposed by conditions. It also includes -

- (at Section 5.10) that a Traffic Management Plan will be prepared prior to site clearance. There will be a single access to the site. The TMP will address

maintaining cleanliness of the public roads on the approach to the site.

- (at Section 6.2) that the contractor will prepare a site specific dust management plan, and the junction at the substation access road will be inspected daily and cleaned as required.

8.10.32. With regard to dust impacts at construction phase, I have noted previously in the assessment of Chapter 6 – Land and Soil the substantial amounts of topsoil that will be stripped back and subsoil excavated. 34,155m<sup>3</sup> of subsoil will be excavated, of which 4,925m<sup>3</sup> will be used in the development with the remainder sent off site.

8.10.33. I consider that the information on file is adequate to assess the proposed development with regard to impacts on air resulting from traffic and dust generated at construction phase. However, given the nature, scale and location of the proposed development, including the substantial quantum of subsoil to be excavated and removed off site, I consider it appropriate in this instance, in the event the Commission was minded to grant, that a site specific CEMP be submitted for agreement prior to commencement, to include a dust management plan. This matter could be addressed by way of condition.

#### *Operational Phase*

8.10.34. With regard to operational phase impacts, I note in particular that the FI EIAR outlines the operational phase has potential for odorous emissions that could cause adverse impacts that are significant, negative and long term, and that mitigation in the form of an onsite odour abatement unit will be required to reduce potential impacts.

8.10.35. I note that the provision of an external odour control plant with associated flue is cited in the description of development, and I consider that the nature of the proposed development has been adequately described as set out in Chapter 3 – Project Characteristics. As outlined at Section 2.0 of this IR, the MRF building is 15.1m in height, and the height of the flue on the odour control unit located to the rear (west) of this building extends to 16m.

8.10.36. As outlined previously, predicted ground level concentrations of odour (1-hour average, 98<sup>th</sup> percentile) are presented as concentrations of odour at modelled receptors. Kildonan House is indicated as 0.1ouε/m<sup>3</sup>, and results at other residential

properties near the proposed site entrance at FCC-owned road/North Road junction are  $0.3\text{ou}\epsilon/\text{m}^3$ . With regard to the proposed rapid action doors on the MRF building, I note that there would be some inevitable escape of noise and odour. However, based on all information on file including the FI EIAR, I consider that the proposed development, of which an odour control unit is an integral part, would not result in significant adverse impacts on the environment or on the amenities of residential properties in the area. In this regard I note that at operation phase the matter of emissions would be addressed by way of IE Licence by the EPA. Accordingly, in the event the Commission was minded to grant, it is recommended that no conditions relating to emission limits are included as conditions to a grant of permission for the proposed development.

8.10.37. I note the concerns raised in the grounds of appeal relating to external storage of materials to be processed in the facility, thereby creating odour nuisance.

8.10.38. The applicant's response to the grounds of appeal states that all wastes accepted at the MRF will be off-loaded inside, and there will be no storage externally of unprocessed waste, and refers to EIAR Section 3.8.1. It outlines also that the only materials stored externally will be bales of solid recovered fuel (SRF) and refuse derived fuel (RDF). Fuel is stored inside before it is sent off site in loose form to cement kilns/incinerators. If operational issues at kilns/incinerators result in temporary inability to accept fuels, contingency measure is to compact and wrap fuel in polythene to form bales for temporary storage outside until kilns/incinerators are back in line, and refers to EIAR Section 3.8.2.1.

8.10.39. I note that Chapter 3 – Project Characteristics includes (at Section 3.8.1) that all deliveries will be in fully enclosed vehicles and all vehicles will be weighed in at the weighbridge, and (at Section 3.8.2.1) MSW will be off loaded in the MSW/Brown Bin Bay which will be fitted with an odour control system. It states that kilns and waste to energy plants regularly close down for maintenance.

8.10.40. With regard to the concerns raised relating to open storage, for completeness, I note that Chapter 16 – Summary of Mitigation Measures includes (at Section 16.4.5.1: MRF) that wastes will only be accepted and handled inside buildings, and that the EPA licence will set emission limit values for the emissions to air from the odour control unit in the MRF. It outlines (at Section 16.4.5.2: FCCP) that additional

mitigation measures are not required.

- 8.10.41. I am satisfied that MSW would not be stored externally, as outlined in the FI EIAR. However, with regard to open storage of the wrapped bales of SRF and RDF, I note the reference to kilns and waste-to-energy plants regularly closing for maintenance, and consider that this may suggest that external storage of these bales may occur regularly.
- 8.10.42. It is set out (at Section 3.8.4) that in worst case, bales are stored externally for 2 weeks, the storage area is 1000sqm, the average weekly rainfall is 75mm, such that total volume of run off diverted to foul sewer would be 150m<sup>3</sup>, equivalent to a daily average of 10.7m<sup>3</sup>.
- 8.10.43. Notwithstanding that these bales would be wrapped in polythene, having regard to the large scale of the development proposed, the 9.8ha extent of the overall largely greenfield site, and the extent of remaining lands within the subject site on which no development/use is proposed pursuant to the subject application, I do not consider that an adequate justification for these bales being stored externally, even over a limited duration, has been demonstrated.
- 8.10.44. In the event that the Commission was minded to grant permission for the proposed development, it is recommended that a condition is attached stipulating that there shall be no external storage of waste or other materials, including SRF and RDF, on the overall site. In this regard, I have noted in this assessment that while no developments/uses are indicated on the lodged drawings on the bulk of the eastern part of the overall site, I consider that it would be appropriate in this instance to include a condition restricting any development outside of 'Phase 1' lands pursuant to this permission, for avoidance of doubt.

#### Conclusion: Direct and Indirect Effects

- 8.10.45. Having regard to the examination of environmental information in respect of air quality, in particular the FI EIAR and Preliminary CEMP, the planning authority's report and submissions and observations received by the planning authority and the Commission during the course of the application, it is considered that the main significant direct and indirect effects on air quality will be mitigated as follows:

- Significant direct negative effects for air quality during construction phase,

which would be mitigated by a suite of appropriate construction phase management measures, including dust minimisation measures.

- Significant direct negative effects for air quality during operation due to potential for odorous emissions that could cause adverse impacts that are significant, negative and long term, which would be mitigated by a suite of operation phase mitigation measures, including an onsite odour abatement unit and use of rapid action doors on the MRF building.

## 8.11. Population and Human Health

### Issues Raised

- 8.11.1. Issues raised in the grounds of appeal include concerns regarding the proposed development being detrimental to residential amenity and health as a result of odours. I have assessed the matter of odours in the previous section relating to FI EIAR Chapter 9 – Air Quality.
- 8.11.2. Issues raised in the observation received relating to impacts on quality of life are addressed separately in the assessment of FI EIAR Chapter 7 – Water and Chapter 14 – Material Assets: Traffic & Transport.
- 8.11.3. The Irish Aviation Authority (IAA) in its letter dated 29 May 2023 states that the completed Aeronautical Safety Assessment and Glint and Glare Study should be submitted to daa Dublin Airport and Air Navigation Service Provider Airnav Ireland for their comment prior to finalisation of the application. The IAA's subsequent letter of 05 January 2024 states that as this development is approx. 2.5km from the threshold of Runway R10R at Dublin Airport, and within the 13km wildlife hazard assessment zone for the aerodrome, applicant should be requested to engage with daa/Dublin Airport to ensure that wildlife hazard reduction techniques and management can be employed.
- 8.11.4. The Dublin Airport Authority (daa) in its letter dated 15 May 2023 states that the proposal's proximity to the airport means operation of cranes during construction may cause concerns in relation to air safety, and at a minimum requires further detailed assessment in relation to flight procedures at Dublin Airport. It requested a condition in the event of a grant requiring the developer to agree any crane operations proposals (whether mobile or tower crane) in advance of construction

with daa and IAA.

8.11.5. No specific issues relating to aviation impacts were requested by planning authority in the FI request.

8.11.6. The planning authority's

- Condition 29 requires developer to agree in writing with daa and IAA a strategy for use of cranes on site, prior to commencement. The reason is in the interest of aircraft safety.
- Condition 17 requires applicant to comply with any future requirement of the planning authority in relation to additional mitigation works in relation to glint and glare issues that may arise for road users/residential but may only become apparent when the installation is commissioned.
- Condition 28 requires all mitigation measures in the submitted glint and glare assessment to be undertaken.
- Condition 27 states applicant shall engage with DAA to ensure that appropriate wildlife hazard reduction techniques and management can be employed in relation to operation of the site given the nature of the activities identified.

8.11.7. The HSA's letter of 09 May 2023 includes that it does not advise against granting planning permission in the content of Major Accidents Hazard, and that the owner of an establishment covered by Regulation 24(3) of S.I. No. 209 of 2015 is required to take all necessary measures to prevent major accidents occurring and to limit consequences of any major accidents for human health and population.

### Examination of the EIAR

#### Context

8.11.8. Impacts of the project on population and human health are addressed in Chapter 10.

8.11.9. It outlines that regulations and guidance are referenced at Section 1.5, and guidelines relevant to population and human health include –

- Dublin Airport LAP 2020
- Fingal Noise Action Plan 2019-2030
- Noise Action Plan Dublin Airport 2019 – 2023

8.11.10. The baseline describes surrounding land use patterns.

Baseline

8.11.11. The FI EIAR outlines the surrounding land use is a mix of quarrying, utilities and agriculture. Huntstown Power Station, a Tier 2 Seveso site, is approx. 280m to north west. The southern runway of Dublin Airport is approx. 2.4km from the site's north eastern boundary. Residential dwellings that are potential sensitive receptors to human health impacts are –

- A cluster of 3no. dwellings approx. 220m east of Phase 1 on North Road, one of which is a veterinary clinic
- Individual dwellings further north, including Ravenswood Estate Community Housing Project at 830m
- Farmhouse (Kildonan House) 280m southwest, accessed from substation road

Other receptors scattered in several directions are all over 700m from the site. There are no recreational areas, schools or nursing homes/medical centres within 1km. Commercial and energy-related facilities and Dog's Trust are not considered to be noise sensitive.

8.11.12. With regard to Major Accidents, the proposed development will not be subject to European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations, S.I. No. 476 of 2000.

8.11.13. The site is not in an area at risk of land instability or identified as being of risk of pluvial, fluvial or groundwater flooding.

8.11.14. With regard to Dublin Airport–

- The site is outside all Airport Public Safety Zones, and just outside new Airport Noise Zone C. It is 2.4km from one of Dublin Airport's main runway thresholds (Threshold 10R) and on elevated ground directed under Inner Horizontal Surface
- The site's ground surfaces are directly in view of the airport's 90m control tower and in line with tower's view towards aircraft landing on runway 10R. It is within 13km of the airport, identified as the area bird hazard risk.
- Objective OS01 of Dublin Airport LAP requires control of the type and height

of structures developed in the airport’s environs to be in accordance with Obstacle Limitation Requirements of Regulation (EU) No. 139/2014 (EASA Certification Specifications).

8.11.15. With regard to Casement Airdrome, the development is directly under the end of the Approach Surface to Casement Aerodrome’s Runway 22 and is directly under its Outer Horizontal Surface.

8.11.16. With regard to noise and vibration

- Noise Action Plan for Fingal County 2019-2023 shows Day-Evening-Night noise levels (Lden) at the proposed development reach 65dB, and exceed 65dB at the nearest dwelling cluster on North Road and at Kildonan House. Night (Lnight) levels exceed 55dB across the local area.
- Site is outside noise zone specified in Draft Dublin Airport Noise Action Plan
- A baseline noise survey was carried out on 23 – 24 February 2023 at 3no. locations, details of which are described in Section 3.4 of dBA report in Appendix 10.1. Soundscape at the 3no. locations (shown on Fig. 10.4 Baseline Monitoring Locations) was dominated by distant road traffic, with traffic on N2 being more dominant than that on M50.
- Measured noise levels at all 3no. stations were lower than mapped levels in Fingal Noise Action Plan (Fig.10.4 and Fig. 10.5). The most likely explanation is that north east and north west breezes prevailing during the survey significantly masked M50 traffic noise levels, and N2 traffic masked M50 traffic noise.

Potential Effects

8.11.17. The FI EIAR identifies the potential for a range of environmental effects on Population and Human Health. Likely significant effects, as identified in the FI EIAR, are summarised in Table 6 below.

8.11.18. Table 6: Summary of Predicted Impacts on Population and Human Health in the Absence of Mitigation

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	There will be no new emission sources to air, no additional

	<p>traffic in the vicinity, no new noise sources, no potential nuisance sources and potential risk to aviation safety.</p>
Construction	<p>c.14 month construction stage has potential to result in localised temporary nuisance due to noise, air emissions and construction related traffic.</p> <p><u>Noise</u>: Noise emissions will be from plant and equipment. Extreme worst case scenario consists of construction occurring at the nearest points to offsite receptors, involving plant with greatest noise output. This scenario may occur in Zone 1 (near north east corner) and Zone 2 (near south east corner). The modelling (Appendix 10.1; dBA Report; Sections 4.1.5. and 4.1.6) established that noise levels will be considerably lower than the noise criterion (65dBA) applicable to construction sites.</p> <p><u>Vibration</u>: Delivery trucks may give rise to vibrations, but are typically imperceptible beyond 10m, and highly unlikely to be perceptible at dwellings alongside access routes. North Road is currently subject to a large number of daily truck movements.</p> <p>Plant machinery is likely to be small to mid-sized. Piling is not proposed and rock breaking is unlikely. Vibro-rolling will generate high levels of vibration at point of operation. Such vibration is typically immeasurable beyond 50m.</p> <p>Peak particle velocity levels at all receptors are expected to be considerably lower than relevant human threshold and building and structural integrity criteria, and below measurement threshold. Construction operations are unlikely to be either perceptible off site, or to cause cosmetic or structural damage.</p>
Operation	<p><u>Odour</u>: Residual MSW and brown bin wastes will be processed in the MRF, are odorous and in absence of mitigation could be an odour nuisance outside boundary.</p>

	<p>WWTP in FCCP will be a physico-chemical system and will not involve potentially odorous biological stages, e.g. activated sludge. Mechanical screenings and sludge from DAF unit are potentially odorous.</p> <p><u>Noise:</u> MRF and FCCP will operate 24/7. Noise emissions sources in MRF include shredders, picking lines, compactor units. C&amp;D line will have crushing and screening equipment. Noise sources in FCCP including washing and wastewater treatment plants. Electric forklift trucks will be used. dBA completed a predictive noise modelling assessment for 3no. different methodologies (Appendix 10.1). In all cases, impacts will be imperceptible, due to high existing baseline road traffic noise levels.</p> <p><u>Nuisance:</u> Potential nuisance from litter, traffic, vermin, birds</p> <p><u>Fire:</u> A major incident such as fire presents a risk to staff and there is potential for smoke to affects occupants of residential, industrial and commercial properties in vicinity.</p> <p><u>Aircraft Safety:</u> Given site's proximity to Dublin Airport and its location beneath Casement Aerodrome flight path, birds attracted to the development present bird strike risk.</p>
Decommissioning	Decommissioning of the project is not proposed.
Cumulative	<p><u>Air Quality:</u> Cumulative impacts on air quality are addressed in EIAR Section 9.9.</p> <p><u>Noise:</u> Noise emissions from proposed development will be lower than baseline noise levels at receptors. Cumulative impacts will not arise.</p> <p>Cumulative impacts will arise in relation to an increase in North Road traffic, the increase will be negligible north of</p>

	<p>Huntstown Quarry entrance. South of the entrance, increase in traffic noise levels of 4dB results in not significant to slight impact.</p> <p><u>Traffic</u>: Potential cumulative traffic impacts are assessed in EIAR Section 14.9.</p>
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### Mitigation Measures

- 8.11.19. A number of design stage mitigation measures are outlined, including
- In terms of the building design height vis-à-vis Dublin Airport Aerodrome Operator's Map, the Dublin Airport Inner Horizontal Surface extends to 4km from centrelines of all runways, and is 45m above the airport's datum (67m OD), i.e., it is a flat surface at 112m OD. The odour control unit exhaust stack at the west corner of MRF is the highest element of the proposed development at 94.7m OD, and therefore below Inner Horizontal Surface.
  - Casement Aerodrome's Outer Horizontal Surface is 145m above its datum (86.6m). The two Casement Surfaces at 231.6m OD and 243.3m OD are very substantially higher (by 136.9m and 148.6m) than the highest element of the proposed development (94.7m OD).
  - Solar/PV panels will be provided on roofs. The new control tower at Dublin Airport extends 160m OD. The roof parapet height (1.66m above roof gutter level) is designed to obscure all panels from view from the control tower cab.
  - Site is not in a location or of height that requires aviation obstruction lighting. External lighting will be cut-off type, i.e., no showing light above horizontal.
  - Odour control system will be installed to ensure odour emissions from MRF will not be a source of off-site nuisance
  - To prevent/reduce arson risk there will be a security fence around Phase (1) and gate locked during non-operational hours. Separation distances between buildings means that fire outbreak in one building will not spread to others.
- 8.11.20. I note that mitigation measures at construction phase relating on air quality have been previously outlined in the assessment of FI EIAR Chapter 9 – Air Quality

and are not duplicated here.

8.11.21. With regard to mitigation measures relating to noise at construction phase, it states that there will be no vibration impacts, and although noise emissions will be short term and will not exceed the applicable noise criterion, mitigation measures will be implemented. These include construction generally on Monday – Friday: 0700 - 1900hours, and Saturday: 0800 - 1400hours, unless otherwise agreed, maintain plant and fitting exhaust silencers, prohibition on truck queuing on North Road, Environmental Clerk of Works to act as liaison officer and investigate noise complaints and guidance in BS5882:2009 regarding noise will be applied. With regard to aviation safety, it outlines (at Section 10.8.2.2)

- The operating height of any cranes will be limited to no more than 33m above finished ground level, and 17m above highest element of the development, i.e., no more than 112m OD.
- As required by S.I. No. 215 of 2005 Irish Aviation Authority (Obstacles to Aircraft in Flight) Order, the IAA and DAA will be informed 30 days in advance of use of any cranes and all notifications and safety measures required by either authority will be implemented, e.g., provision of aviation warning lights.

8.11.22. Operational phase mitigation measures include internal separation distances between materials storage areas/bays will comply with EPA Guidance Note: Fire Safety at Non-Hazardous Waste Transfer Stations (2013) and EPA Guidance on Fire Risk Assessment for Non-Hazardous Waste Facilities (2016), and an Emergency Response Procedure will be prepared. It outlines that noise impacts at offsite receptors will be imperceptible, and general measures that will be implemented including construction of MRF and FCCP will avoid gaps in cladding joints, and that noise emissions data from air management system and odour control unit will be entirely broadband in character, to be assessed prior to selection of same.

8.11.23. It outlines (at Section 10.8.3.3) that an Odour Management Plan (OMP) will be prepared for the MRF that identifies all potential odour sources and control measures, including materials acceptance/processing being carried out inside buildings, and odorous materials being typically sent off site within 24 hours of arrival and in any event within 72 hours. Odour nuisance will be mitigated by daily litter patrols, retaining a pest controller as required and dampening paved yards during

dry weather. In terms of monitoring, it states emissions from the odour control units will be monitored at frequencies set in EPA licence.

- 8.11.24. Aviation safety mitigation measures include use of fully enclosed delivery trucks, rapid opening and closing doors to building entrances. Additional measures if required include bird wires, netting, acoustic distress calls and kites.

#### Residual Impacts

- 8.11.25. Residual impacts are described as –
- Construction stage: negative, not significant, local, likely and temporary
  - Operational stage: negative, no significant/slight, local, likely and long term

#### Direct and Indirect Effects Assessment

- 8.11.26. I have examined, analysed and evaluated Chapter 10 of the FI EIAR and all of the associated documentation, submissions and observations on file in respect of population and human health. I am satisfied that the applicant's presented baseline environment is reasonably comprehensive and that the key impacts in respect of likely effects on population and human health, as a consequence of the proposed development, have been identified.

- 8.11.27. However, while some information is outlined relating to the receiving environment in terms of existing land uses/occupiers in the vicinity, and the location of a limited number of residential properties in the vicinity, I note that no details have been provided relating to population and employment statistics, e.g., no census information has been presented relating to these themes. While noting this absence of information, I consider that the relevant land uses in the immediate vicinity of the site have been adequately outlined.

- 8.11.28. I note increased employment during the approx. 14 month construction phase or in the later operational phase are not cited in the predicted impacts of the proposed development. Average construction staff number is 60, rising to 120 during peak. There will be approx. 30 full time staff at operational phase, as outlined at Section 3.7 (Chapter 3 – Project Characteristics). However, this would appear to be inconsistent with the detail in the Planning and Design Statement lodged with the application, which cites a maximum workforce of 50 persons. While noting this

inconsistency, in terms of impacts, I consider that increased employment would be a positive impact, to varying degrees, during both construction and operational phases.

*Airport Noise Zones:*

8.11.29. In terms of detail, the FI EIAR states (at Section 10.5.4) that the site is outside all Airport Public Safety Zones, and just outside new Airport Noise Zone C. It further states (at Section 10.5.5) that the site is outside noise zones specified in Draft Dublin Airport Noise Action Plan.

8.11.30. I note that Noise Action Plan for Dublin Airport 2024-2028 was made on 09 December 2024, i.e., subsequent to the lodgement of the subject appeal. This Noise Action Plan contains the current Development Plan mapping, which shows that the site is almost entirely within Dublin Airport Noise Zone D. The boundary demarcating Noise Zone C to the site's north approximately bounds, and marginally traverses, part of the northern boundary of the appeal site.

8.11.31. I am satisfied based on the information on file and the information contained in the current Development Plan that the site is principally located within Noise Zone D. The proposed development is not itself a noise sensitive use, and as such I consider that proposed development would not therefore be in conflict with Development Plan Objective DMSO105 – Development within Airport Noise Zones.

8.11.32. With regard to Table 5-4 in Noise Action Plan for Dublin Airport 2024-2028 (outlined previously at Section 5.0) and to associated Objective relating to Zone D, given that the subject proposal is not a noise sensitive development, I consider that the proposed development would not be in conflict with this Objective.

8.11.33. For completeness, I note that the subject site is approx. 1.8km south west of the south western most part of the Dublin Airport Local Area Plan 2020, the duration of which was extended for a further period of 5 years in March 2025.

*Crane Use:*

8.11.34. With regard to the planning authority's Condition 29 requiring the developer to agree in writing with daa and IAA a strategy for use of cranes on site, prior to commencement, I note that this condition does not require the crane use strategy to be agreed in writing by the planning authority.

8.11.35. I note that the FI EIAR outlines (at Section 10.8.2.2) that as required by S.I.

No. 215 of 2005 Irish Aviation Authority (Obstacles to Aircraft in Flight) Order, the IAA and DAA will be informed 30 days in advance of use of any cranes and all notifications and safety measures required by either authority will be implemented, e.g., provision of aviation warning light. I consider that this would suggest that this matter could be addressed separate to the planning code.

8.11.36. However, I note that the daa requests that a condition is attached to any grant, requiring the developer to agree any proposals of crane operations (whether mobile or tower crane) in advance of construction with daa and IAA. Should the Commission be minded to grant permission, it is recommended that a condition similar to Condition 29 is attached.

*Solar Panels/PV Panels:*

8.11.37. Condition 17 requires the applicant to comply with any future requirement of the planning authority for additional mitigation works relating to glint and glare issues that may arise for road users/residents but may only become apparent when the installation is commissioned.

8.11.38. However, I am not satisfied that it has been adequately demonstrated as to how potential mitigation works, if required, would be addressed by this condition. In addition, I note that this condition refers to glint and glare issues that may arise for road users/residents only.

8.11.39. IAA in their first letter (29 May 2023) stated that the Aeronautical Safety Assessment and Glint and Glare study should be submitted to daa Dublin Airport and Air Navigation Service Provider Airnav Ireland for review and comment prior to finalisation of the application.

8.11.40. I note that the daa's submission raises issues relating to crane operation at construction phase only, and does not raise any issues relating to glint and glare.

8.11.41. With regard to the IAA's comments stating that the 2no. cited documents should be submitted to Air Navigation Service Provider Airnav Ireland, I note that this is not a body listed in Article 28(1) of the Planning and Development Regulations 2001, as amended, namely 'Notice to certain bodies'. For clarity, Article 28(1)(h) and (i) of the afore-mentioned regulations states that

*'(1) where a planning authority receives a planning application, that authority shall*

.....send notice in accordance with sub-article (2) as soon as may be after receipt of the application—

*(h) where it appears to the authority that the development might endanger or interfere with the safety of, or the safe and efficient navigation of aircraft — to the Irish Aviation Authority,*

*(i) where it appears to the authority that the development might interfere with the operation and development of a licensed airport, whose annual traffic is not less than 1 million passenger movements — to the airport operator’*

8.11.42. Given that the planning application was referred by the planning authority to the IAA and daa, I am satisfied that the relevant bodies were invited to make submissions.

8.11.43. With regard to the submitted Glint and Glare Assessment (Appendix 10.3 of FI EIAR), it outlines that the proposed solar arrays were assessed to determine whether they will have potential to cause any glint or glare impacts upon specific aviation receptors at Dublin Airport, notably the air traffic control tower and the runway approaches. The PV panels will remain in a fixed position throughout the day and year. The executive summary outlines –

- There is potential for glare effects upon aircraft approaching all Dublin Airport runways, but it is of a lower level intensity, deemed by Federal Aviation Authority (FAA) to be of low risk, thus an acceptable glare level
- Potential for a level of glare at the new, taller Air Traffic Control Tower (ATCT) is considered unacceptable by FAA. However, a detailed visibility analysis determined that the design and orientation of the proposed buildings affords the panels additional screening, preventing any glint or glare at the ATCT

8.11.44. It is further outlined (at Section 4.1) that the glare at an ATCT is not acceptable but glare ‘with a low potential for after-image’ is acceptable along final approach paths to runways. It concludes that there will not be any hazardous glint and glare effects upon the Dublin Airport aviation receptors identified as a result of the proposed development.

8.11.45. Having regard to the content of the submitted Glint and Glare Assessment, I am satisfied that these potential impacts at Dublin Airport arising from the proposed

have been adequately assessed, and the conclusions are considered acceptable. I note in particular that no objections were raised by either the daa or IAA in relation to potential glint and glare impacts.

8.11.46. However, as the submitted glint and glare assessment relates to potential impacts on aviation receptors only, I consider that the submitted document is reasonably comprehensive, but is lacking in detail relating to potential glint and glare impacts, if any, on road users/residents. Should the Commission be minded to grant, it is recommended that a condition be attached, requiring that within 12 months of the proposed development becoming operational, an operational glint and glare assessment shall be carried out and submitted for the written agreement of the planning authority, whereby any glint and glare issues arising for road users/residents shall be identified and mitigation measures proposed, including a timeframe for the implementation of any additional mitigation measures. It is considered that the attachment of such a condition would adequately address this matter.

*Fire risk/emergency planning*

8.11.47. FI Item 14 (n)(iv) requested an Accident Prevent Policy and Emergency Response Procedure. The FI response states an AAP and ERP are site specific, not generic and will be implemented at operational stage. It outlines that as they must comply with scope defined in EPA licence, it is not possible to prepare site specific documents, and template AAP and ERP are enclosed. The planning authority's Condition 31 requires a comprehensive Emergency Response Procedure Report to be submitted prior to commencement. I consider that the information sought to be agreed by Condition 31 can be addressed separate to the planning code. Should the Commission be minded to grant permission, it is recommended that Condition 31 is not attached.

*Operational phase – operating times*

8.11.48. In terms of detail, I note that a 'design' mitigation measure states that to prevent/reduce arson risk, the gate will be locked during non-operational hours. As this measure is not cited in the context of construction phase, it would appear to relate to operational phase. However, the 'non-operational hours' reference would appear to be inconsistent with the stated intention for the facility to operate 24/7 (at

Section 3.7). Based on the information outlined at Section 3.7, I consider that the intended 24/7 operating timeframe has been adequately set out. I consider that the matter of locking gates is a standard operating procedure to be addressed by the operators of the facility.

8.11.49. In terms of detail, Site Layout Plan (Drawing No. P001; Rev. P) lodged with the application annotates an electric sliding security gate. Similar detailing is shown, but not annotated, on FI Site Plan – Food Container Plant and Materials Recovery Facility (Drawing No. HYP-A-001; Ref. 04). For clarity, the matter of the separate gate shown on this FI drawing near the junction with R135/North Road is discussed in the assessment of Chapter 14 – Material Assets: Traffic & Transportation.

#### Conclusion: Direct and Indirect Effects

8.11.50. Having regard to the foregoing, it is considered that the main significant direct and indirect effects on population and human health, after the application of mitigation measures, are

- Significant direct positive economic benefit through construction phase employment and associated construction phase economic activity, and operational phase employment,
- Significant direct negative effects arising for population and human health during the construction phase, which would be mitigated by a number of appropriate construction phase management measures, resulting in no significant residual impacts on population and human health

## **8.12. Landscape and Visual Impact**

### Issues Raised

8.12.1. The grounds of appeal did not raise any specific issues relating to landscape or visual impact.

8.12.2. The first Planner's Report noted that 7no. viewpoints submitted as part of the Visual Impact Assessment included images of the existing views only, and considered the assessment submitted to be limited.

8.12.3. FI Item 14(m) requested photomontages of the proposed development showing the

'As Existing View', the 'As Proposed View' and the 'As Proposed Cumulative View' (where appropriate) from 4no. locations. The FI response includes a report by a landscape architects firm. The 4no. requested existing and proposed viewpoints are set out at Appendix A – LVIA Photomontages of that report. The planning authority considered that the revisions to EIAR Chapter 11 which incorporate the photomontages and assess their significance to have adequately addressed the concerns raised.

### Examination of the EIAR

#### Context

- 8.12.4. Landscape and Visual Impact Assessment are assessed in Chapter 11 of the FI EIAR, and in the FI Item 14(m) response. The 4no. locations referenced in the FI response and the 21 July 2023 survey date for same are referenced in the FI EIAR.
- 8.12.5. Chapter 11 sets out guidelines and methodologies for landscape assessment and visual assessment. It includes Landscape Character Assessment of Fingal Development Plan 2017-2023.
- 8.12.6. The FI EIAR describes the landscape at the site and in the immediate vicinity.

#### Baseline

- 8.12.7. The topography of the 9.8ha site is described as comprising 2no. fields and a section of adjoining service road. It outlines the western field had been used for animal grazing, with the eastern field having been used for tillage. Ground levels rise from c.78m OD to 79mOD at site boundaries to a local high point of 88m OD in the centre. The quality of the southern hedgerow is generally very poor. The objective, where possible, is to retain, augment and improve this boundary vegetation.
- 8.12.8. It is outlined (at Section 11.6.1.1) that the site is not in an area designated as Highly Sensitive, Special Amenity Area or of High Amenity Value, and is not overlooked by any designated views or prospect areas. North Road is lined with incidental commercial properties and small groups of detached residential dwellings amongst which there are vacant lands and farmlands. It has a very mixed character with some properties having a refined boundary and managed landscape with other areas having a more degraded appearance. Sense of place is affected by proximity to Huntstown Quarry, substations/power stations, commercial premises and nearby

road infrastructure. A pedestrian walkway/cycle bridge that crosses the N2 slip road at the M50 junction provides a link between North Road and the Charlestown area to south of M50.

8.12.9. It is outlined that due to the local land use, topography and existing vegetation, views of the site are limited to North Road, the access roads to Huntstown Quarry, the substation service road to south (i.e., the FCC-owned road) and the pedestrian footbridge over the M50 N2 slip lane. Views are often restricted to the road corridor itself. If views are afforded over weak sections of hedge across adjacent fields, they are ultimately closed off by other hedgerows or wooded areas, quarry plant, power stations, powerlines and large scale warehouses.

8.12.10. From pedestrian bridge, powerlines and major roads infrastructure is a feature of this view which give this part of Fingal a very utilitarian landscape character.

8.12.11. Tree survey identified 265no. trees, wooded groups or hedgerows, comprising

- 1no. tree of moderate quality (Grade B)
- 246no. trees of low quality (Grade C)
- 18no. Grade U trees.

8.12.12. In terms of the proposed development, the buildings will have a neutral monochromatic (e.g. goose grey) external cladding and anti-glint and glare parapets. It is outlined that a c. 170m section of hedgerow along the existing internal field boundary will have to be removed. Hedgerows/treelines along the southern and western boundaries will be retained, save for trees identified in the tree survey as being diseased. Such trees will be replaced by native planting.

Potential Effects

8.12.13. The EIAR identifies the potential for a range of environmental effects on Landscape and Visual Impact. Likely significant effects, as identified in the EIAR, are summarised in Table 7 below.

Table 7: Summary of Predicted Impacts on Landscape and Visual Impact in the Absence of Mitigation

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	The land use at the site will not change, with no alteration to

	the landscape character and no additional visual intrusion.
Construction	<p>Project will result in landscape character change and conversion of former agricultural land to industrial use. Site is zoned for heavy industrial use. Proposal is consistent with zoning.</p> <p>Potential temporary impacts include construction of new entrance, site works including hoarding, hedgerow clearance, groundworks/excavation, building construction.</p>
Operation	<p>Elements likely to give rise to impacts are entrance off service road, alterations to ground levels, building heights boundaries, lighting and landscape works.</p> <p>Fig. 11.1 shows viewpoints, of which viewpoints 1-7 were taken in early Spring. The proposed development is outlined to may be partially visible (Views 1, 2, 3), unlikely to be visible (View 4), and not visible (Views 5, 6 and 7).</p> <p>FI viewpoints 8-11 are discussed in Appendix A. Viewpoints 8-10 have a medium to low viewpoint sensitivity, and the summary (effect) is described as negligible to slight; not significant.</p> <p>Viewpoint 11 (from pedestrian bridge over M50 to N2 slip lane) has a low viewpoint sensitivity, and the summary (effect) is slight; not significant.</p>
Decommissioning	It is not proposed to decommission the project.
Cumulative	Proposal will not have a not significant, negative, local and long term cumulative impact on landscape.

### Mitigation Measures

8.12.14. At construction phase, attention will be paid to avoiding potentially adverse construction-related effects on adjacent residences, including any lighting being sensitively located to avoid unnecessary lightspill. Monitoring at construction phase (at Section 11.10.1) includes identifying trees and hedgerows to be retained and

protected or removed, ensuring topsoil is correctly stripped and stored for reinstatement, and that landscape proposals are correctly implemented.

- 8.12.15. It is set out that at operational stage a long term maintenance plan will be put in place as specified in Sections 4 and 5 of Landscape Management Plan in Appendix 11 (Appendix. 11.3). I note that Section 4 of this document relates to Landscape Softworks – Long Term Management and Section 5.0 to Landscape Hardworks – Long Term Management.

#### Residual Impacts

- 8.12.16. Regarding landscape, it is outlined that the proposed development will alter the existing landscape as a result of changing from agricultural to industrial use. There will be no impact on existing boundary hedgerows, amenities or cultural heritage. Impact will be negative, not significant, local, likely and long term.

- 8.12.17. Regarding visibility, it is outlined that the combination of topography and existing vegetation effectively screens the proposed development from the majority of public view points. The site will be visible year-round from a viewpoint on the access road to Huntstown Quarry to north west and from new entrance off the substation service road. Other viewpoints will either be fully screened or partially visible over the winter period. In the context of the surrounding landscape which is dominated by quarrying and industrial type units, the visual impact will be negative, not significant, local, likely and long term.

#### Direct and Indirect Effects Assessment

- 8.12.18. I have examined, analysed and evaluated Chapter 11 of the FI EIAR and all the associated documentation on file in respect of landscape and visual impact. I am satisfied that the applicant's presented baseline, based on the FI EIAR, is reasonably comprehensive and that the key impacts in respect of likely effects on landscape and visual impact, as a consequence of the proposed development, have been identified.

- 8.12.19. As outlined at Section 5.0 (Policy Context), the site is located within Low Lying Agricultural Landscape Character Type, as per current Development Plan, and is categorised as having a modest value.

- 8.12.20. While relevant legislation and guidelines referenced (at Section 11.2) includes

Landscape Character Assessment (Fingal Development Plan 2017-2023), I note that this FI EIAR chapter refers to landscape character change briefly only in terms of impacts (at Section 11.7.2), and to the Low Lying Agricultural character in terms of prevention and mitigation measures (at Section 11.9). In this regard I do not consider that the nature of this Development Plan landscape character type is robustly described in this FI EIAR chapter.

- 8.12.21. However, I note also the paragraph numbering in the FI EIAR from Section 11.4.3 (Landscape Plan) continues directly to Section 11.6.1.1 (Local Landscape). The paragraph and page numbering would suggest the possible omission of information in this FI EIAR chapter. In contrast, the EIAR lodged with the application includes (at Section 11.5 Receiving Environment and 11.6 Landscape Character) an overview of Development Plan content relating to Low Lying Agricultural landscape character type.
- 8.12.22. While noting the absence of detail in the FI EIAR, I am satisfied that the topography and detailing of existing boundary hedgerows on site have been adequately outlined, and that the immediate environs have been adequately described. However, as outlined elsewhere in this report, the matter of hedgerows at the Huntstown/Kildonan townland boundary is discussed in the assessment of Chapter 8 – Biodiversity and Chapter 12 – Cultural Heritage.
- 8.12.23. With regard to the reference to the 2017-2023 County Development Plan, which is no longer in effect, I note that the operative 2023-2039 Development Plan cited elsewhere in the FI EIAR contains the same landscape character type. Accordingly, while a previous Development Plan is referenced, there is no material change in terms of landscape character type as it relates to the subject site.
- 8.12.24. I have noted elsewhere in this report that subsequent to the lodgement of this appeal, development has commenced on a substantial nearby site on North Road comprising a data centre development, and other development is currently underway elsewhere in the vicinity of the subject site.
- 8.12.25. However, in terms of detail, it is outlined that the western field had been used for animal grazing but is no longer used for this purpose. In contrast, on site visit I noted that the western field was in use for horse grazing.
- 8.12.26. With regard to the 7no. existing views (Viewpoints 1-7) indicated in the FI

EIAR (and which were also provided in the original EIAR), I note that no corresponding proposed views were included. While predicted impacts on these viewpoints are described, I consider that the information presented in both the original and FI EIARs with regard to these viewpoints is limited. However, as outlined previously, the planning authority requested FI relating to 4no. additional viewpoints, to include 'As Proposed View'. I consider that the information provided in respect of these 4no. additional viewpoints (No.s 8-11) to be acceptable.

8.12.27. With regard to mitigation measures outlined at construction phase, I consider that the information outlined is generally related to impacts on residential amenities, as distinct from impacts on visual amenities. Accordingly, I do not consider that mitigation measures that are specific to potential visual impacts of the proposed development at construction phase have been adequately outlined. However, I consider that new structures such as site hoarding would not result in significant adverse impacts on the visual amenities of the area, and would in any event be provided for a short term timeframe only.

8.12.28. With regard to existing site context, I note in particular the existing and previous agricultural uses on site, the generally level nature of the subject site as viewed from the western extent of the northern site boundary, save for the elevated lands in the centre of the site, and the surrounding site context. The MRF and FCCP buildings are proposed in the western part of the site, and are substantially set back from North Road at approx. 280m as the crow flies, as estimated from [www.tailte.ie](http://www.tailte.ie) mapping. The site is in close proximity to Huntstown Quarry, and is bounded to the south and south west by agricultural lands at Kildonan. Given the extent of development currently underway on substantial sites on North Road, the surrounding area is one which is continuing to evolve into an area which comprises large-scale infrastructural developments, utilities and other industrial/commercial uses. While noting that there is a limited number of residential properties in the vicinity of the cul-de-sac on North Road, having regard to the site's access from the FCC-owned road, I consider that the limited views of the subject site/proposed buildings from North Road, while visible would be not significant in this receiving environment. In addition, in noting the information provided with respect to Viewpoint 11 (from pedestrian bridge), I do not consider the visibility of the proposed development would result in a negative visual impact in this site context.

8.12.29. With regard to Viewpoint 5 (entrance to access road to Eirgrid station looking west), I consider that it would appear to be taken from a point on the opposite side of the FCC-owned road, and is relatively 'close up' to the hedgerow boundary, such that the wider site context is not readily apparent based on this viewpoint. On site visit I noted that the approximate location of the new vehicular entrance is located at the high point of an incline between two bends on this road. The Finglas 220kV power station is located on the opposite (southeastern) side of the road. The existing palisade boundary fence along the subject site is substantially setback from the roadside kerb. In terms of potential visual impact, I consider that while the provision of this new vehicular entrance would result in removal of some hedgerow and would be a slight adverse visual impact, I do not consider this to be a significant adverse effect.

Conclusion: Direct and Indirect Effects

8.12.30. Having regard to my examination in respect of landscape and visual impacts, including both FI EIAR and associated Appendix 11.3 Landscape Management Plan, the planning authority's report and submissions and observations received by the planning authority and Commission during the course of the application, I do not consider that there are any significant direct or indirect landscape or visual impacts.

**8.13. Cultural Heritage**

Issues Raised

8.13.1. No issues were raised in the grounds of appeal relating to cultural heritage.

8.13.2. The first Planner's Report notes that geophysical survey and test trenching were undertaken in December 2020, that overhead power lines prevented test trenching throughout much of the site, and that nothing of archaeological interest was noted in the trenches. It noted the EIAR content which outlines that the scale of development could give rise to the possibility that archaeological material could be impacted by later construction phases.

8.13.3. FI Item 14(h) requested the applicant to expand the limited Archaeological Impact Assessment (AIA) Report study area, in order to consider the impact of the proposed development on the entire site area and include geophysical survey and test trenching where features are identified. The FI EIAR includes Appendix 6.1:

Geophysical Survey, Appendix 12.1: Archaeological Report (report refers to P.A. Ref. FW20A/0063, dated 12 March 2021) and Appendix 12.2: Archaeology – ACS Report (report dated 18 October 2023).

- 8.13.4. The Development Applications Unit (DAU) of DHLGH in a letter dated 23 May 2023 notes the proposed development is large scale in extent and located in an area of high archaeological potential, and recommends conditions in the event of a grant. The DAU's subsequent letter dated 22 January 2024 notes the FI responses and recommends conditions pertaining to archaeological excavation and monitoring be included in any grant.
- 8.13.5. The second Planner's Report noted various FI response reports/documents, and that remains of two individuals were uncovered during monitoring of the undergrounding of power cables to south east of the site. It noted that the pits, ditches recorded are interpreted as a settlement enclosed by a substantial ditch, suggestive of the Early Medieval Period, and there is the possibility that further human burials may be present within the site. The Report considered that the suggested mitigation by record is acceptable where preservation in situ cannot be achieved.
- 8.13.6. The planning authority's Conditions 22, 23, 24, 25 and 26 relate to archaeology. Condition 23 requires the archaeologist to excavate all identified archaeological features and likely archaeological features in advance of commencement of any construction works, as outlined in Section (unstated) of the archaeological testing report (ACS Ltd, Excavation Licence No. 23E0872, 18 December 2023).
- 8.13.7. The planning authority's conditions are the same or almost exactly the same as DAU's recommended conditions in its letter dated 22 January 2024.

### Examination of the EIAR

#### Context

- 8.13.8. It is outlined that the general EIA legislation and guidance documents are referenced in Section 1.5 of this EIAR. However, this would appear to be an erroneous reference to Section 1.6.
- 8.13.9. It is stated that the archaeological assessment conformed to the methodologies recommended in Framework and Principles for the Protection of Archaeological Heritage (Dept. Arts, Heritage, Gaeltacht and the Islands, 1999) and in accordance

with the legislative frameworks of the National Monuments Acts 1930-2004, the Heritage Act 2000 and the European Convention on the Protection of Archaeological Heritage (ratified by Ireland 1997).

8.13.10. A 2km radius study area has been established for the proposed development.

#### Baseline

8.13.11. The receiving environment describes the development site to include an eastern field which contains a steep hill that has been partially quarried for gravel. The gravel pit is marked on the first edition Ordnance Survey (OS) Ireland map and subsequent editions. The development site is located within 2no. large fields on the 1836 map. There are no structures within these fields. The archaeological background is outlined (at Section 12.5.3) to include the prehistoric, early medieval, medieval and post medieval periods. It outlines that there are 20no. cultural heritage sites within the study area associated with the post-medieval period (c17th to c19th), none of which are on the NIAH, and 5no. of which are on the Sites and Monuments Record. These cited recorded monuments are 1.8km-1.9km from the subject site. Huntstown House was 1.4km north west of the development site, and was entirely removed during development of Huntstown Quarry, elsewhere stated to have been developed in the 1970s.

8.13.12. The geophysical survey identified the partial remains of an oval enclosure slightly offset to the south and surrounding the pre-existing quarry. It outlines that north-south and east-west aligned linear anomalies probably represent field systems or other rectangular enclosures associated with the main enclosure on the summit. The anomalies appear to extend to where human remains consisting of two individuals were identified during the undergrounding of the powerline. There is the possibility that further human remains may be present.

8.13.13. Field testing carried out in December 2020 and separately in 2023 is outlined at Section 12.5.5. It outlined that the 2023 testing did not find any materials of archaeological significance, although animal bone was present in many areas across the site. It considers that the lack of pottery sherds combined with observed archaeological features suggest a later iron age/early medieval date to the site.

8.13.14. In terms of cultural heritage value, geophysical survey and test trenching results suggest a possible enclosure at the summit of the hill, with the linear features

running down the slope to the south representing associated field systems, which is characteristic of early medieval settlement.

### Potential Effects

8.13.15. The EIAR identifies the potential for a range of environmental effects on Cultural Heritage. Likely significant effects, as identified in the EIAR, are summarised in Table 7 below.

8.13.16. Table 8: Summary of Predicted Impacts on Cultural Heritage in the Absence of Mitigation

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	The site will remain in its current condition, with no changes to potential impacts on the overall cultural heritage.
Construction	Extensive excavation of subsoils will have direct impact on identified archaeology. Preservation in situ is not an option.
Operation	No specific impacts on archaeology at operation phase are outlined, given the direct impacts outlined above at construction phase.
Decommissioning	It is not proposed to decommission the project.
Cumulative	Proposal will have a slight positive cumulative effect as preservation by record will add to the cultural heritage database on medieval activities in Co. Dublin.

### Mitigation Measures

8.13.17. At construction phase the proposed mitigation measures are preservation by record. Prior to set up works archaeological investigations will be carried out in the areas identified in the Archaeology Consultancy Services Unit (ACSU, 2023) report as containing archaeological features by a licence-eligible archaeologist in compliance with a method statement approved by the DHLGH in consultation with the National Museum of Ireland. Following completion of investigations, a final report will be submitted to Fingal County Council, DHLGH and National Museum of Ireland.

8.13.18. As there will be no impacts on cultural heritage features at operational phase, mitigation measures are not required.

### Residual Impacts

- 8.13.19. The proposed development will have a
- negative, not significant, local, likely and permanent impact on archaeological features with the site boundary
  - positive, slight contribution to the archaeological heritage record of the area

### Direct and Indirect Effects Assessment

- 8.13.20. I have examined, analysed and evaluated Chapter 12 of the FI EIAR and associated documentation, the submissions and observations on file in respect of cultural heritage, I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on cultural heritage, as a consequence of the proposed development, have been identified.

#### *Archaeology*

- 8.13.21. I note that the executive summary contained in the Archaeological Assessment (Test Trenching) dated 18 October 2023 (the 'ACSU' report) recommends that 2no. areas of containing archaeological features measuring 316sqm and 10118sqm be stripped of topsoil under archaeological supervision, archaeologically resolved, and preserved by record. **Figure 9: Detail of site development, showing geophysical survey interpretation, excavated trenches and uncovered archaeology** identifies the 2no. distinct areas comprising 316sqm and 10118sqm.
- 8.13.22. I note that the planning authority's Condition 23 does not specifically refer to these 2no. areas, and nor does the second DAU submission on which this planning condition is based. In this regard I note also that Chapter 16 – Summary of Mitigation Measures refers (at Section 16.3.8) to topsoil stripping and excavation in the eastern part of 'Phase 1' being monitored by a suitably qualified and experienced archaeologist. However, should the Commission be minded to grant permission, it is recommended that a revised condition is included which specifically refers to the 2no. areas cited in the FI Archaeological Assessment.

#### *Protected Structures*

- 8.13.23. With regard to protected structures, I note that the FI Archaeological Assessment outlines that there are no protected structures within the development

site or within the site's environs.

### *Cultural Heritage*

8.13.24. I have discussed the matter of retaining the southern and western boundaries at Chapter 8 – Biodiversity, in the context of both biodiversity and cultural heritage, and specifically with reference to Development Plan Objective DMSO128 – Demarcation of Townland Boundaries.

8.13.25. Having regard to the Category C hedgerow that is proposed to be removed, approximately along part of the Huntstown/Kildonan townland boundary, as viewed on first edition OS mapping, and the replacement of same with 4no. Field Maple trees and Native Hedgerow, I consider that these landscaping proposals would be acceptable and would not be in conflict with Development Plan Objective DMSO128.

### Conclusion: Direct and Indirect Effects

8.13.26. Having regard to my examination in respect of cultural heritage, including both FI EIAR and associated appendices, the planning authority's reports and submissions and observations received by the planning authority and Commission during the course of the application, including the submissions received from the DAU in respect of archaeology, it is considered that the main significant direct and indirect archaeological and cultural heritage impacts are, and will be mitigated where relevant, as follows:

- Significant direct negative impact on cultural heritage, namely archaeology during the construction phase, which would be mitigated by archaeological monitoring of topsoil stripping and excavation, and archaeological excavation and preservation by record where required.

## **8.14. Material Assets: Built Services**

### Issues Raised

8.14.1. The grounds of appeal did not raise any particular issues in relation to Material Assets.

8.14.2. The first Planner's Report noted a number of mitigation measures proposed within the EIAR, and that no significant residual impacts are anticipated. The same

commentary relating to material assets is contained in the second Planner's Report. No concerns relating to material assets are outlined.

- 8.14.3. UÉ's letters dated 25 April 2023 and 10 January 2024 state no objection subject to conditions. The first UÉ letter states that the proposed development overlaps with northern and southern Greater Dublin Drainage (GDD) routes, and applicant is asked to continue to engage with UÉ regarding the GDD pipeline overlap and permanent wayleave. The second letter requests the applicant to provide clarity to the planning authority that the proposed development is outside the GDD wayleave area prior to commencement. These matters are discussed in the FI EIAR assessment relating to Chapter 7 – Water.

### Examination of the EIAR

#### Context

- 8.14.4. The relevant legislation and guidance are outlined. The methodology sets out sources used for this FI EIAR chapter.
- 8.14.5. It is outlined that the aspects of the proposed development relevant to Material Assets are water, electricity and energy supplies, surface water drainage, waste management and natural resource consumption.

#### Baseline

- 8.14.6. There is no water supply and foul water drainage serving the development site, no existing surface water drainage system and rainfall infiltrates to ground. There are 2no. 38kV and 1no. 110kV overhead powerlines running from south east to north west across the north eastern part of the site, and a 10kV line running from south west to north east through the centre of the site, off which there is a south-east to north-west spur. Currently works are ongoing to remove the overhead lines and lay them underground inside the eastern and northern development boundaries. UÉ permanent and temporary wayleaves run from north to south through the site from the Greater Dublin Orbital Sewer route.
- 8.14.7. In terms of waste management, Section 13.5.2 outlines the government's Waste Action Plan for a Circular Economy (2020) takes cognisance of the European Commission's Action Plan on a Circular Economy. It sets out that Eastern Midlands Regional Waste Management Plan estimates the increase in MSW between 2012

and 2021 will be 2-3% annually. It is outlined that to ensure national and regional recovery and recycling targets are met, that the amount disposed of to landfill is minimised and that circular economy initiatives are rolled out there is a need to increase indigenous waste recycling and recovery capacity.

8.14.8. I note that no specific information is outlined in this FI EIAR chapter relating to anticipated volumes of waste intake. The response to FI Item 1 outlines (in submitted Planning Report) that the overall annual material intake will be 95,000 tonnes.

Potential Effects

8.14.9. The FI EIAR identifies the potential for a range of environmental effects on Material Assets. Likely significant effects, as identified in the EIAR, are summarised in Table 8 below.

Table 8: Summary of Predicted Impacts on Material Assets: Built Services in the Absence of Mitigation

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	There will be no new connections to electricity networks, mains water supply and foul water network and no generation from renewable sources, no expansion of waste treatment capacity in the GDA and no contribution to achieving the circular economy.
Construction	Electricity will be required for lighting and power.
Operation	Water for potable use and for use in dust control measures will be obtained from mains supply. Rainwater will be harvested for use as 'grey water' in staff welfare facilities.  Surface water drainage system will incorporate SuDS, with surplus water percolated to ground via soakaways. There will be no discharge to off-site watercourses.  Wastewater will discharge to UÉ foul sewer.  A connection will be made to existing overhead electrical powerline running along North Road, which may require a temporary disruption of supply locally. An electricity substation will be provided in the north east of site.

	<p>Electricity from roof mounted solar panels will be directly used on site.</p> <p>Proposal will increase GDA's waste treatment capacity to significantly assist in achieving national &amp; regional recycling and recovery targets and circular economy initiatives</p>
Decommissioning	It is not proposed to decommission the project.
Cumulative	<p>At operational phase proposal will contribute to cumulative natural resource consumption in GDA. Roof mounted solar panels on the processing buildings will reduce reliance on non-renewable energy sources.</p> <p>Proposal will contribute to a cumulative increase in waste recycling and recovery capacity in GDA.</p>

### Mitigation Measures

- 8.14.10. At design stage, guidance on energy performance based on Part L of the Building Regulations 1997, as amended, was considered and energy options for the project included roof mounted PV solar panels to supplement energy supply, energy efficient artificial lighting systems and EV charging points.
- 8.14.11. Construction phase mitigation measures include RWMP identifying measures to maximise reuse/recovery of C&D waste and opportunities to recycle aggregates, and fuel use being minimised by optimising delivery schedules, prohibiting vehicle idling and maintaining construction plant/equipment. Resource waste manager will monitor construction activities to ensure RWMP is implemented.
- 8.14.12. At operational phase there is no need for water or foul water mitigation measures. Waste management mitigation measures comprise waste segregation and relevant wastes (oils, batteries, electrical items) being sent off-site to authorised waste management facilities. On-site use of electricity generated by solar panels will contribute to mitigation of impacts on natural resource consumption.

### Residual Impacts

- 8.14.13. Demand on the energy grid will be somewhat off-set by electricity generated by solar panels. In relation to regional waste management capacity and circular economy initiatives the development will have a positive, moderate, likely, national

and long term impact. Table 13.11.1 outlines summary of residual impacts as -

- Construction stage: negative, not significant, likely, temporary at subject site
- Operational stage:
  - in terms of resource consumption – negative, not significant, likely, long term at national level
  - in terms of waste management – positive, moderate, likely, long term at GDA level.

#### Direct and Indirect Effects Assessment

8.14.14. I have examined, analysed and evaluated Chapter 13 – Material Assets of the FI EIAR and all of the associated documentation, submissions and observations on file in respect of material assets. I am not satisfied that the applicant's presented baseline information is comprehensive. However, with regard to waste management at construction phase, specifically volumes to topsoil to be stripped and subsoil to be excavated and either re-used within the development or removed off-site, I note that this is outlined elsewhere in this EIAR, namely Chapter 6 – Land and Soil. A RWMP is provided at Appendix 3.2 of the FI EIAR. I consider that this element of material assets at construction phase is adequately addressed elsewhere in the FI EIAR. For clarity, in this regard I draw to the Commission's attention that the conclusion on direct and indirect effects on material assets is similar to that outlined for Chapter 6 (Land and Soil).

#### *Greater Dublin Drainage (GDD) Wayleaves*

8.14.15. With regard to Greater Dublin Drainage (GDD) wayleaves which traverse the site, I discuss this matter in the context of FI EIAR Chapter 7 – Water.

#### *Electricity overhead powerlines/underground cables*

8.14.16. With regard to the electricity powerlines which are stated in the FI EIAR to being currently removed and laid underground inside the eastern and northern development boundaries, I noted on site visit that markers were visible, as viewed from near the northern site boundary, warning of high voltage underground cables, relating to 110kV Glasmore Circuit. No ongoing construction/electricity infrastructure provision works were evident on site visit.

8.14.17. Site Layout Plan (Drawing No. P001; Rev: P) lodged with the application

shows 'ESB/Energia cables denote diversion route subject to separate planning permission' generally along the north and eastern site boundaries. No detailing relating to kilovolts of these cables is specified. The separate planning application reference number to which the cable diversion is subject as referenced on Site Layout Plan (Drawing No. P001; Rev: P) is not cited on this drawing.

8.14.18. While not annotated, and in combination with other aerial images contained in documentation lodged with the application, this drawing indicates 4no. pylons/masts along the eastern boundary, bounding the FCC-owned road and within the application site outlined in red. These structures are not annotated as being proposed to be removed. A proposed footpath is indicated to extend through an apparent structural part of the most south westerly of the four pylons/masts, i.e., that which is nearest the proposed vehicular entrance.

8.14.19. The separate FI Site Plan – Food Container Plan and Materials Recovery Facility (Drawing No. HYP-A-001; Rev. 04) shows the same detailing regarding the interface between the proposed footpath and the pylon/mast.

8.14.20. In contrast, on site visit, a mast was noted along this stretch of road, but none were located in the immediate vicinity of the proposed vehicular entrance to the development. Some overhead electricity wires were noted elsewhere within the site.

8.14.21. While I note that the Tailte Éireann site location map (at scale 1:1000) lodged with the application indicates 110kV and 220kV on separate lands to the south of the subject site, no detailing of pylons or overhead powerlines traversing the subject site are annotated on the submitted Tailte Éireann mapping.

8.14.22. Having regard to the information on file, and while noting that the FI EIAR states that overhead cables are currently being laid underground at the locations specified, and that the Master Site Plan (Drawing No. P002; Rev. N) lodged with the application shows overhead wires traversing the site, there does not appear to be a distinct 'site survey' indicating the location of existing electrical overhead powerlines or underground cables, either as existed at time of lodgement of the application or at time of submission of the FI response. Accordingly, I am not satisfied that information as presented relating electricity powerlines/underground cables within/traversing the subject site has been comprehensively shown in this application.

- 8.14.23. For clarity, in this regard I note that the given that the re-routing/undergrounding of electricity infrastructure was outlined to be underway in the EIAR lodged with the application and the FI EIAR, this would suggest that there has been a change in electricity infrastructure provision on the subject site since lodgment of the application and FI response. However, no reference is made in the FI EIAR to the removal, retention or provision of any pylons/masts along the FCC-owned road pursuant to that separate planning permission.
- 8.14.24. I note that as viewed on the planning authority's website, the application site for P.A. Ref. FW21A/0144 traverses the subject site, as outlined at Section 4.0 of this IR. It includes provision of underground cable circuits, installation of 110kV cable end tower and single circuit 110kV angle mast, and removal of 3no. 38kV lattice steel towers. While not specifically cited by the applicant, I consider that this would appear to be the development described as being underway at time of both lodgment of the application and of the FI response.
- 8.14.25. I consider the absence of detailed information clearly relating to the 'permitted' works which it is stated were underway at time of lodgment of FI on site to be a significant omission. In particular, given the upgrade works to the (FCC-owned) access road proposed by this application, including footpath and cycle path provision, I consider that any masts permitted, or any 'existing' masts along this existing roadway required to be removed pursuant to a separate planning permission should be clearly shown in the context of this proposed roads/mobility infrastructure. As outlined above, on site visit a mast was noted along this FCC-owned road, in contrast to 4no. masts/pylons indicated on Site Layout Plan (Drawing No. P001; Rev: P) lodged with the application.
- 8.14.26. In this regard I consider the FI EIAR is deficient in terms of the baseline information given that a relevant planning permission relating to electricity infrastructure provision within the site was being implemented when the application was lodged and at time of FI response, and also that any (then) existing electricity infrastructure within the subject site proposed to be removed pursuant to a separate planning permission is not shown on the lodged plans and particulars.
- 8.14.27. I have noted in this assessment that no concerns were raised by the planning authority with regard to the matter of electricity infrastructure.

8.14.28. While noting this absence of information in the FI EIAR relating to site services, specifically underground and overhead electricity infrastructure within and traversing the subject site, should the Commission be minded to grant permission, it is recommended that a drawing should be submitted to and agreed in writing by the planning authority showing existing underground and above ground electricity infrastructure on site, and which shall clearly show -

- the development permitted by P.A. Ref. FW21A/0144
- upgrades to the access road, to include footpath and cycle lanes, as proposed in the subject appeal, including annotated distances to any above ground electricity infrastructure such as masts or pylons, where relevant

I consider that the submission of this information by way of condition would adequately address this matter.

#### *Cumulative Impacts*

8.14.29. There is limited information set out in this chapter with regard to cumulative impacts. It is outlined that the development contributes to a cumulative increase in the waste recycling and recovery capacity in the GDA. This FI EIAR chapter does not set out any other existing or permitted waste management developments in the vicinity of the subject site or the wider GDA with which cumulative impacts would arise.

8.14.30. With regard to other existing waste facilities in the vicinity, I have noted at Section 4.0 (Planning History) of this IR that 2no. existing facilities have recently been granted permission to expand/increase operations. These separate sites are approx. 1.1km to west (ABP-316027-23: Millenium Business Park, Cappagh Road) and 2km to south west (ABP-315257-22: Cappogue Industrial Park). Having regard to the distance of these sites to the subject appeal, I do not consider that significant cumulative adverse impacts would arise as a result of the proposed development at operational phase.

8.14.31. With regard to other existing and permitted developments in the immediate vicinity, I note the scale of the permitted data centre development (P.A. Ref. FW21A/0151 and ABP-313583-22) approx. 50m to north of the site, and other land uses in the vicinity including Huntstown Quarry and large-scale utility (electricity)

infrastructure. Having regard to existing and permitted development in the vicinity, I do not consider that the proposed development would result in significant cumulative adverse impacts on material assets at construction or operational phase.

#### Conclusion: Direct and Indirect Effects

8.14.32. Having regard to my examination of environmental information in respect of material assets, in particular the FI EIAR provided by the applicant, it is considered that the main significant direct and indirect effects on material assets: built services are, and will be mitigated as follows:

- Significant direct negative effects arising for material assets: built services during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including measures set out in a Construction Environment Management Plan (CEMP) and Resource Waste Management Plan (RWMP).
- Significant direct positive effects arising for material assets: built services during operational phase arising from increased waste recycling and recovery capacity.

### **8.15. Material Assets: Traffic and Transport**

#### Issues Raised

8.15.1. The grounds of appeal raise concerns regarding management of the shared road entering Kildonan House, including upkeep of these lands considering HGV movements in and out of the facility and likelihood of spillage along the shared road. Any future restrictions during construction phases would have negative implications for the third party at Kildonan House. The third party requests that future road, cycle and pedestrian links within the area are taken into consideration to make sure the proposal is not contrary to the future development of the surrounding lands and land use.

8.15.2. The applicant's response to the grounds of appeal outlines that North Road (former N2) connects the site to wider Blanchardstown area and is readily accessible via Cappagh Road. The Development Plan includes an indicative road plan for Cappagh Road abutting the site's southern boundary to become a local distributor road; Map

Sheet 17. This objective has been incorporated into the layout with adequate set-back(s), upgrade works and a designated right turn lane. Traffic and Transport Assessment and RSA set out how the scheme can meet required standard.

Provision of these works are incorporated in Conditions 10, 11 and 12. Layout of proposed direct access accords with geometric standards in TII's National Roads design publications.

8.15.3. The observation received states that the applicant also owns the adjoining Bioenergy plant. Using the entrance to this plant would significantly reduce environmental impact on residents' lives at the proposed entrance, and requests that this alternative entrance is considered.

8.15.4. The first Planner's Report considered that in event of grant a Final Construction Management Plan (CTMP) and Traffic Management Plan should be agreed, and safety issues including appropriate signage and traffic management as required should form part of the plan. Report noted that 58 car parking spaces based on staffing levels for Phase 1 was acceptable, and recommend FI relating to motorcycle and long stay cycle parking and lockers for staff. Report recommended FI to clarify that the Stage 1 RSA had included the overall road upgrade and junction in the report, and the second Planner's Report noted that the FI response confirmed that they had. The FI response shows 6no. motor cycle spaces east of FCCP building.

8.15.5. The first Planning and Strategic Infrastructure Department – Transportation Planning report recommends FI on a number of items. With regard to special contribution for the proposed upgrade of the junction of the R135 northbound off ramp from the N2 to a signalised junction, it outlines a development area of 78.26ha will directly impact the junction of the R135/North Road and the northbound slip road from the N2. The site is c.9.863ha, which is 12.6% of the development area. Junction upgrade cost is €202,950, of which 12.6% is €25,571.70.

8.15.6. The second Transportation Planning report states no objection subject to conditions. These conditions are included in planning authority's decision as follows -

Condition 12: The identified signalised junction upgrade of the R135 northbound off ramp from the N2 shall be in place and operational prior to proposed development becoming operational or otherwise agreed

Condition 13: €25,571.70 special contribution [section 48(2)(c)] in respect of

upgrading of junction of R135/North Road with the northbound slip road from the N2

Condition 14: Submit for agreement prior to construction full suite of detailed design drawings and reports of road infrastructure and services and construction detail drawings and reports, including programme and phasing. Schedule of drawings and reports shall be agreed in writing prior to submission of required information.

- 8.15.7. As outlined previously at FI EIAR Chapter 7: Water, UÉ's letters dated 25 April 2023 and 10 January 2024 state no object subject to conditions. The second UÉ letter requests applicant to provide clarity to the planning authority that the proposed development is outside the GDD wayleave area prior to commencement. Condition 21 requires applicant to sign connection agreement with IW prior to commencement and adhere to standards and conditions in that agreement. No other condition requiring wayleave details to be clarified is included in planning authority's decision.

### Examination of the EIAR

#### Context

- 8.15.8. This traffic and transport chapter describes anticipated traffic impacts of the proposed development. Relevant legislation and guidance taken into consideration are cited. The methodology outlines that this chapter describes the receiving roads environment and reports on past, present and forecast future traffic conditions arising at the site and on the receiving road network. The methodology was completed in accordance with TII's Traffic and Transport Assessment Guidelines PE-PDV-02045 (May 2014). It includes traffic data/surveys, trip generation, trip distribution, future road network assessments, parking and mobility management.
- 8.15.9. Vehicles transporting materials to and from the site will principally use North Road (former N2) connecting to N2/M2 and to Ballycoolin, St. Margaret's and north via R135 North Road. The current proposal relies on existing haul routes serving the south eastern portion of the Dublin Enterprise Zone and benefits from new road infrastructure intersecting R135 North Road.
- 8.15.10. Traffic Report - Traffic and Transport Assessment incl. Mobility Management Plan was lodged with the application.

#### Baseline

- 8.15.11. The development description (at Section 14.4) includes the development will

be accessed via the existing vehicle access junction from North Road that currently serves the Finglas 220kV substation. It is a Development Plan objective to connect this service road to Cappagh Road at Cappogue, which will function as a local distributor road. A right turning lane is proposed to provide access to the ESB service road. The turning lane is not required in the short term, but was provided in anticipation of the distributor road between North Road and Cappagh Road. No modifications are proposed to the T-junction on North Road to east of the site.

8.15.12. The design speed for the proposed North Road/Cappagh Road link is 60kph, which is the design speed consistent with a 50kph speed limit which applies on North Road and Cappagh Road. Vehicle track assessments confirm that the junction and internal geometry can accommodate articulated HGVs.

8.15.13. The existing service road is single carriageway, has a carriageway of approx. 7.5m with generous adjoining verges on both sides but with no adjoining footways or cycleways. It is proposed to improve the existing service road with the addition of footways and cycleways on both sides reflecting the same configuration as that of Cappagh Road to which it will connect and that of the greater road infrastructure serving the Dublin Enterprise Zone.

8.15.14. DMURS advises that in circumstances where there are regular turning movements by articulated vehicles corner radii may be increased to 9.0m. The primary internal junctions within the development spine road will be required to accommodate frequent access by articulated vehicles and have corner radii of 9.0m.

8.15.15. Forecast traffic generation – Proposed Phase 1 outlines (at Section 14.4.2) that the combined import to Phase 1 is 95,000 tonnes per annum. The FCCP is likely to be a lesser generator of traffic than a traditional MRF, and so modelling the whole as an MRF is considered to be robust. Table 14.1 indicates that the daily traffic generation rate adopted comprises 72no. HGV importing materials and 8no. HGV exporting. Traffic generation for Phase 1 would be 162 trips and for the overall Masterplan would be 324 trips.

8.15.16. The receiving environment is described at Section 14.5.

8.15.17. Future roads infrastructure objectives are outlined at Section 14.5.4, including that it is understood that the junction at the N2 off-slip at Coldwinters with North Road is required to be upgraded to signal operation. It notes that Condition 22 of

P.A. Ref. 21A/0151 (Huntstown Power) requires a special contribution in respect of upgrading the junction of R135 North Road with the northbound slip road from the N2 at Coldwinters.

8.15.18. Traffic count data was taken on the public road network in the vicinity of the site on 08 September 2022 between 07:00 – 19:00 hours at locations shown on Fig. 14-3. Weekday AM Network Peak Hour is 08:00 – 09:00 hours and PM Network Peak Hour is 16:00 – 17:00 hours.

8.15.19. Table 14.2 Surveyed Daily Network Traffic Flows sets out 13no. Road Link locations, including

- Road Link (2) North Road (South of Huntstown Quarry) has 292no.
- Road Link (3) North Road (North of Huntstown Quarry) has 2,610no.
- Road Link (5) R135 North Road (Between N2 on/off slips) has 5,743no.

8.15.20. In terms of parking, the FI EIAR states that the car and cycle parking provision was assessed with reference to demand.

Potential Effects

8.15.21. The FI EIAR identifies the potential for a range of environmental effects on Material Assets – Traffic & Transport. Likely significant effects, as identified in the EIAR, are summarised in Table 9 below.

Table 9: Summary of Predicted Impacts on Material Assets: Traffic and Transport in the Absence of Mitigation

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	Traffic volumes will be as per the future year 'baseline' or 'do-nothing' scenario.
Construction	<p>Construction period will be approx. 14 months.</p> <p>Access will be at proposed development access point and will be managed by signage and flagmen. A banksman and active traffic control will be employed when construction activity is more intense such as during concrete pours.</p> <p>Average construction staff number is 60, rising to 120 during peak, resulting in light vehicle traffic generation of 32 to 64</p>

	<p>trips per day, based on 1.8 person per vehicle occupancy.</p> <p>Site working hours will be 07:00 to 19:00hours weekdays and 08:00 to 14:00hours on Saturday.</p> <p>In early stages of project there will be approx. 25 HGV trips per day over 4-week period, and average over subsequent period will be approx. 25 or less per day.</p>
<p>Operation</p>	<p>Operational Stage Impact Assessment is outlined at Section 14.5.6.</p> <p>Table 14.22 Average Percentage Impact on Receiving Road Network outlines that for 2040, the AM Peak Hour (08:00-09:00 hours) increase is +0.9%, and for PM Peak Hour (16:00-17:00 hours) increase is 1.5%.</p> <p>Based on TIA findings, the impact on the receiving road network is below the 5% threshold and is sub-threshold.</p> <p>However, Link 2 (section of North Road located to south of existing Huntstown Quarry site access) is forecast to experience an increase in Annual Average Daily Traffic (AADT) of approx. +70% (to Year 2025). This is set against a very low baseline on the existing cul-de-sac.</p> <p>Traffic Report lodged with the application states with regard to southern part of North Road -</p> <p>Section 10.5.2.11: baseline morning peak hour traffic flows in 2025 (opening year) is 20no. vehicles (12no. light and 8no. HGV). Forecast average increase in total traffic flow is +17no. vehicles (+7no. light and +10no. HGV).</p> <p>Section 10.5.2.12: baseline evening hour traffic flow in 2025 is 23no. vehicles (19no. light and 4no. HGV). Forecast average increase in total traffic flow is +27no. vehicles (+11no. light and +16no. HGV).</p> <p>Development traffic will not impact on operation of N2 off-slip junction with North Road at Coldwinters, is unlikely to impede junction upgrade to signal control, and does not</p>

	preclude the potential to convert Huntstown Quarry access to signal control.
Decommissioning	It is not proposed to decommission the project.
Cumulative	Developments considered are those already in operation or permitted outlined at Section 15.5.4 and in the TTA Report at Appendix 15.1. Additional traffic generation arising on the receiving road network assumed through application of TII growth rates to 2022 traffic survey data includes: 2022 – 2040: +22.7%(LV)      +47.4%(HGV)

### Mitigation Measures

- 8.15.22. At construction phase, a site specific Construction Traffic Management Plan will be prepared, to include detailing the allowable working day, construction traffic, parking and environmental protection measures such as wheel cleaning facility. Resource and Waste Manager will ensure CTMP guidance is followed.
- 8.15.23. No operational phase mitigation measures required.

### Residual Impacts

- 8.15.24. Construction of the improved section of new link road will need to be carefully phased and co-ordinated with the Roads Authority so that the impact arising from the initial construction and site preparation works is controlled. The road widening and cycleway/footpath provision will be prioritised to provide access to the construction site. Delays to existing users of the ESB access road will be limited.
- 8.15.25. At operational phase, access to the development site via North Road is consistent with Development Plan objectives.
- 8.15.26. It is outlined (at Section 14.11.2) that the impact of traffic on North Road is expected up to medium term, i.e., 25 years, occurring 5.5 days a week, between 07:00 and 19:00 hours (to 14:00 on Saturdays) and is expected to continue as long as proposed development has license to operate.
- 8.15.27. Residual impacts are summarised as –
- Construction traffic will have a negative, not significant, local, likely and temporary impact on the local road network.

- At operational phase the development will have a negative, not significant, likely, local and long term impact on traffic.

#### Direct and Indirect Effects Assessment

8.15.28. I have examined, analysed and evaluated Chapter 14 of the FI EIAR and all the associated documentation on file relating to Material Assets: Traffic and Transport, including the Traffic Report lodged with application. I am satisfied that the applicant's presented baseline is comprehensive and that the key impacts in respect of traffic and transport, as a consequence of the proposed development, have been identified.

#### *Operational hours*

8.15.29. In terms of detail, I note that the information outlined relating to operational phase residual traffic impacts (at Section 14.11.2) refers to a 5.5 day week over a medium/25 year timeframe. These details relating to the 5.5 day week, etc, are also outlined in the FI EIAR Non-Technical Summary. This is in contrast to the information outlined elsewhere in the FI EIAR, which states that the proposed development would operate over a 24/7 timeframe.

8.15.30. Having regard to the HI land use zoning, the existing industrial and utility infrastructure uses in the vicinity of the site, and while noting that there is a limited number of residential properties on North Road and at Kildonan, I consider that a 24/7 operating timeframe would be acceptable in this instance.

#### *FCC-owned road*

8.15.31. A letter of consent from FCC (Property Services, Economic Enterprise, Tourism & Cultural Development Department) and associated map (not to scale) has been included with the application form. The area shown on the attached map is 1.425ha or thereabouts. The letter states *inter alia* that in the event planning permission is granted, no works should commence without prior written agreement from the Council's Property Services Section. This map shows part of the cul-de-sac access road and associated set back alongside the roadway of varying extent.

8.15.32. The matter of the future management of this access road is discussed in the following section.

8.15.33. On site visit I noted that a building contractor's yard/premises is located

directly south of the existing gated access at the junction of the FCC-owned road to North Road (R135). Notwithstanding the extant development visible on site visit, having regard to all information on file, in particular the letter of consent from Fingal County Council and the associated map, I am satisfied that the proposed development can be assessed on the basis of the lodged plans and particulars in this regard.

### *Traffic Impacts*

8.15.34. I consider that based on the information submitted in the FI EIAR and in the Traffic Report lodged with the application, the proposed development would result in increased traffic, particularly south of Huntstown Quarry, at both construction and operational phases.

8.15.35. I note the concerns raised by the third party appellant and the observer with regard to traffic and the proposed entrance location. The FI EIAR confirms (at Section 1.1) that the applicant is part of the SRETAW Group which owns the nearby Huntstown Bioenergy Anaerobic Digestion Plant.

8.15.36. With regard to Iteration 2 shown at Section 4.3.2 (Chapter 4 – Alternatives), this site layout would suggest an access route to the subject from the north, in addition to an entrance from the south east. The rationale for not including the access from the north (via Huntstown Quarry entrance) is not outlined in this section. However, having regard to wider Development Plan objectives which include the FCC-owned road connecting to Cappagh Road, as part of broader roads infrastructure and public transport infrastructure objectives in the wider area, I am satisfied that a new entrance to the proposed development from the current ESB access road (FCC-owned road) to serve the proposed development would be acceptable in principle.

8.15.37. In terms of detail, I draw to the Commission's attention that the FI Site Plan (Drawing No. HYP-A-001; Rev. 4) shows 'future access connectivity route' extending from the proposed internal access route to the northern site boundary, just east of the proposed FCCP building. However, this detailing does not form part of the development currently proposed.

8.15.38. I noted on site visit that this stretch of North Road from which the FCC-owned road is accessed was very lightly trafficked, in contrast to the area at and north of the

Huntstown Quarry entrance. At both construction and operational phases, I note that the increased traffic levels would result in a change in the current site context, whereby the access road to the site is from a quiet cul de sac location on North Road, the former N2. However, having regard to the land use zoning objective which applies to the subject site, and also the Development Plan objective to provide a new connecting road from Cappagh Road -Huntstown R135 Link , I consider that the proposed use and the associated increase in traffic levels would be acceptable in this instance.

8.15.39. With regard to the construction phase, I note the applicant's proposal to submit a site specific CTMP for agreement prior to commencement. With regard to the information lodged with the application and as Further Information, I consider that there is sufficient information on file to conclude that the proposed development would be acceptable in terms of traffic impacts. Much of the content of the CTMP included in the Traffic Report lodged with the application is similar to the CEMP content regarding standard construction practices. However, while noting that there is 1no. dwelling house accessed from the FCC-owned road, and a very limited number of houses near this road's T-junction with North Road, I consider that the submission of detailed measures for construction traffic management would be appropriate in this instance, whereby additional measures could include directional signage. In the event the Commission was minded to grant permission, it is recommended that the submission of a CTMP is addressed by way of condition.

#### *Management of FCC-Owned Road*

8.15.40. With regard to the concerns raised by the third party relating to management of the shared road, I note that the proposed development would result in increased traffic to North Road and to the main part of the development site along the FCC-owned road. On site visit I noted that the gated vehicular entrance to the adjoining dwelling and farm is at the southern end of this shared road, approximately opposite the entrance to Finglas 220kV power station.

8.15.41. At construction phase, I consider that the management of vehicular traffic has been adequately outlined in the submitted FI EIAR, which includes that access will be at the proposed development access point, will be managed by signage and flagmen, and when construction activity is more intense, a banksman and active

traffic control will be employed. The FI EIAR proposes that a site specific CTMP will be prepared. Based on the information on file, I am satisfied that subject to standard construction practices, and the submission of and agreement in writing of a site specific CEMP and CTMP that the proposed development would not give rise to significant adverse impacts at construction phase. In this regard I note also that such impacts would be short-term in duration.

- 8.15.42. With regard to the operational phase, the proposed development comprises upgrades to the existing access road, to include footpaths and cycle paths. As outlined previously, a letter of consent has been provided by Fingal County Council. In this regard I note that in addition to the provision of this upgraded transport/mobility infrastructure to a new site entrance, that the proposed development will result in increased traffic volumes on this road. On site visit, it was noted that a gate to the FCC-owned road was partially open, and accessible to vehicular traffic. The FI Site Plan – Food Container Plant and Materials Recovery Facility (Drawing No. HYP-A-001; Rev. 04) shows a gate within the site near the T-junction with North Road.
- 8.15.43. I note that the planning authority's internal reports do not comment on the provision or otherwise of this gate.
- 8.15.44. The applicant's response to the grounds of appeal at Ground 2: Link Road does not comment on the provision or use of this gate.
- 8.15.45. I note that the Development Plan seeks to create a new road from Cappagh Road – Huntstown R135 Link, and as such, the delivery of such a road scheme would substantially alter the current roads infrastructure in the immediate vicinity of the subject site. However, in terms of the existing site context, and in terms of the nature of the proposed development which includes the provision of a gate near the North Road/R135 junction, I do not consider that the applicant has adequately outlined how this roadway would be managed, particularly with regard to the use of any gates on same.
- 8.15.46. While the Traffic Report lodged with the application states (at Section 4.1.8) that no modifications are proposed at the T-Junction on North Road east of the site, this submitted report does not appear to comment on the current management of the gates and any amendments to such arrangements.

8.15.47. I consider that the use of gates in the proposed development, including in the absence of the proposed future delivery of a link road to Cappagh Road to the south west, has not been adequately outlined. Should the Board be minded to grant permission, it is recommended that details for the management of this road, including opening hours of these gates, if relevant, be submitted for the written agreement of the planning authority. It is considered that this matter can be adequately addressed by way of condition.

8.15.48. In addition, I note the planning authority's Condition 15 relating to taking in charge requirements. I would agree with the applicant's view (at Section 4.4 of Planning and Design Statement lodged with application) that Fingal's standard policy is that industrial estates are not taken in charge, as further outlined in the FI Item 11 response. However, given that part of the subject site is indicated to be a FCC-owned road, I consider it reasonable in this instance that should the Commission be minded to grant permission, to recommend the inclusion of a condition relating to taking in charge which requires the submission of a map showing the areas to be taken in charge, if relevant.

#### *Conditions 12 and 13*

8.15.49. Condition 12 requires the identified signalised junction upgrade of R135 northbound off ramp from the N2 to be in place and operational prior to the proposed development becoming operation or as otherwise agreed. Condition 13 requires a special contribution payment of €25,571.70 relating to these works.

8.15.50. The Traffic Report lodged with the application states that the Condition 22 of P.A. Ref. FW21A/0151 requires a special contribution in respect of upgrading the junction of R135 North Road with the northbound slip road from the N2 at Coldwinters. I note however that the Board's decision in this case, namely ABP-313583-22 (permitted data centre on nearby site to north) did not include a condition requiring payment of a special contribution, and required only payment of Section 48 financial contribution (Condition 23).

8.15.51. For completeness, I have viewed the planning authority's decision on P.A. Ref. FW21/0151 on [www.fingal.ie](http://www.fingal.ie) and note that Condition 22 requires payment of a special contribution in accordance with Section 48(2)(c) of the Planning and Development Act 2000 for €39,372.30 in respect of the upgrading of the junction of

R135/North Road with the northbound slip from the N2. However, as outlined above, neither this, nor any other conditions relating to payment of a special contribution, are included in the Board decision on ABP-313583-22.

8.15.52. The applicant has not raised issues relating to Conditions 12 and 13.

8.15.53. I note that while Condition 12 refers to the 'identified' signalised junction upgrade, road upgrades/works do not appear to be identified at this location on Development Plan mapping. While the first Transportation Planning report on file refers to the extent of the area to which the special contribution for the signalised junction is applied, there does not appear to be corresponding mapping. Given the absence of detailing relating to the area to which this special contribution applies, and in noting also that no condition requiring payment of same was required in a recent (2025) Board decision (ABP-313583-22) at the nearby data centre site to the north, I do not consider that the requirement for a special contribution has been adequately justified in this instance. Should the Commission be minded to grant permission, it is recommended that Condition 12 is not attached.

#### *Condition 10*

8.15.54. The FI EIAR states that no modifications are proposed to the T-junction on North Road to east of the site. Condition 10 requires details of *inter alia* the upgrade of the existing junction with the R135. I note the FI Site Plan – Food Container Plant and Materials Recovery Facility (Drawing No. HYP-A-001; Rev. 04) does not annotate road carriageway/grass margin/cycle path/footpath dimensions. No road markings are indicated between the red line boundary at North Road/R135 and the gate. I consider that revised, annotated drawings to a suitable scale, to include details of road markings at this junction, would be required. Should the Commission be minded to grant permission, it is recommended that a condition to this effect is included in a decision to grant. I consider that the inclusion of such a condition would adequately address this matter.

#### *Cycle Parking*

8.15.55. With regard to cycle parking, the Planning and Design Statement lodged with the application outlines that on the basis of TTA and MMP Census data, and given a maximum workforce of 50 persons, 2-3 staff would be expected to cycle to the site. It states bicycle storage is proposed for 16 spaces at surface level and 8no. bicycle

lockers are proposed within the buildings. However, the 8no. bicycle lockers are not annotated on the drawings lodged with the application nor on the FI plans. 16no. cycle spaces are shown east of the FCCP building; FI 'Site Plan – Food Container Plant and Materials Recovery Facility'; Drawing No. HYP-A-001; Rev. 4 refers.

8.15.56. I note that the Development Plan does not include a specific cycle parking requirement for a waste recovery facility. Given the anticipated 50no. staff number at Phase 1 (albeit 30no. full-time staff cited in the FI EIAR), I consider that the provision of a notional 24no. cycle spaces would be acceptable. However, in terms of detail, I consider that the location of the additional 8no. cycle spaces, whether located internally or externally, should be shown. In this regard I consider that the provision additional external cycle parking spaces would be acceptable, subject to same being covered and secure, and this matter could be adequately addressed by way of condition. Should the Commission be minded to grant, it is recommended that this matter be addressed by way of condition.

#### Conclusion: Direct and Indirect Effects

8.15.57. Having regard to the examination of environmental information in respect of Material Assets: Traffic & Transportation, including the Traffic Report lodged with the application, the planning authority's reports and submissions and observations received by the planning authority and the Commission during the course of the application, it is considered that the main significant direct and indirect effects on traffic and transportation will be mitigated as follows:

- Significant negative effects arising for traffic during the construction phase, which would be mitigated by appropriate construction phase mitigation measures, including a construction traffic management plan.

### **8.16. Interaction of the Foregoing**

8.16.1. Chapter 15 – Interaction of the Foregoing describes the impacts associated with the proposed development and the prevention and mitigation measures that will be implemented. A summary matrix showing interaction between environmental attributes in relation to the proposed development is presented in Table 15.1.

8.16.2. Sections 15.2 to 15.5 summarises the interactions between some of these during

construction or operational phases.

- 8.16.3. I have considered the interrelationships between the various environmental factors as presented and whether these may as a whole affect the environment, even though the effects may be acceptable individually.
- 8.16.4. However, for completeness, I consider that the various interactions described in Chapter 15 are limited. For example, no interactions are relating to chapters on Landscape & Visual Impact and Cultural Heritage are outlined.
- 8.16.5. I consider that there is interaction between Land & Soil (Chapter 6) and Cultural Heritage (Chapter 12), whereby the substantial excavation of subsoil on site may have impacts for archaeology. However, having regard to the mitigation measures outlined in Chapter 12 relating to archaeology, and the specific conditions recommended in the event the Commission was minded to grant, and which are similar to those recommended by the DAU and as contained in the planning authority's decision, I am satisfied that no residual risk of significant negative interaction between these two chapters would arise.
- 8.16.6. Having considered the detailed description of the proposed development outlined in the FI EIAR and the mitigation measures to be put in place, I am satisfied that no residual risk of significant negative interaction between any of the environmental factors would arise and no further mitigation measures, to those already provided for in the FI EIAR, or as conditions of the permission, would arise in this case.

### **8.17. Reasoned Conclusion on the Significant Effects**

- 8.17.1. Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the applicant, and to the submissions from the planning authority, prescribed bodies and observers during the course of the application and appeal, it is considered that the main potential direct, indirect, secondary and cumulative effects of the proposed development on the environment are as follows:

- Significant direct negative effects arising for land and soil during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including measures set out in a

Construction Environment Management Plan (CEMP) and Resource Waste Management Plan (RWMP).

- Significant direct negative effects arising for groundwater during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including pollution control measures, resulting in no residual impacts on water.
- Significant direct negative effects for air quality during construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including dust minimisation measures.
- Significant direct negative effects for air quality during operation due to potential for odorous emissions that could cause adverse impacts that are significant, negative and long term, which would be mitigated by a suite of operation phase mitigation measures, including an onsite odour abatement unit and use of rapid action doors on the MRF building.
- Significant direct positive economic benefit through construction phase employment and associated construction phase economic activity, and operational phase employment.
- Significant direct negative effects arising for population and human health during the construction phase, which would be mitigated by a number of appropriate construction phase management measures, resulting in no significant residual impacts on population and human health
- Significant direct negative impact on cultural heritage, namely archaeology during the construction phase, which would be mitigated by archaeological monitoring of topsoil stripping and excavation, and archaeological excavation and preservation by record where required.
- Significant direct negative effects arising for material assets: built services during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including measures

set out in a Construction Environment Management Plan (CEMP) and Resource Waste Management Plan (RWMP).

- Significant direct positive effects arising for material assets: built services during operational phase arising from increased waste recycling and recovery capacity.
- Significant negative effects arising for traffic during the construction phase, which would be mitigated by appropriate construction phase mitigation measures, including a construction traffic management plan.

## 9.0 **Appropriate Assessment**

### 9.1. **Appropriate Assessment Screening**

#### **Screening Determination**

9.2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on South Dublin Bay and River Tolka SPA (004024), Malahide Estuary SPA (004025), North Bull Island SPA (004006), Baldoyle Bay SPA (004016), Rogerstown Estuary SPA (004015) and North West Irish Sea SPA (004236) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.3. This determination is based on:

- Scientific information provided in the Screening report
- The nature and scale of the development on serviced lands
- Distance from and weak indirect connections to the European sites
- No ex-situ impacts on wintering birds
- Information provided in the FI Report in Support of Appropriate Assessment Screening (Update)

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

## 10.0 Water Framework Directive

- 10.1.1. Water Framework Directive (WFD) Screening is set out in Appendix 2 of this report.
- 10.1.2. FI EIAR Chapter 7 – Water outlines the hydrology, hydrogeology, groundwater quality and flood risk as they relate to the proposed development. It references WFD. A Flood Risk Assessment (FRA) was submitted as Further Information, and is contained in FI EIAR Appendix 7.1
- 10.1.3. Further to the provisions of Appendix 2 I conclude that on the basis of objective information that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 11.0 Planning Authority Conditions

- 11.1. The following is an overview of the planning authority’s schedule of conditions (40no.). Outlined is commentary relating to the recommended inclusion or otherwise of the conditions, in the event the Commission was minded to grant.

No.	Condition
1.	The development shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application and additional information received on the 18 <sup>th</sup> December 2023, save as may be required. Reason: To ensure that the development shall be in accordance with the <u>Comment:</u>

	Similar condition recommended.
2.	<p>Materials/Wastes accepted at the facility shall not exceed 95,000 tonnes per annum:</p> <p>REASON: In the interests of clarity.</p> <p><u>Comment:</u></p> <p>Alternative condition recommended, to include max. 95,000 tonnes p.a., and to also refer to 4no. waste streams, and requirement for records to be maintained and available to planning authority, if required.</p>
3.	<p>All materials/wastes delivered to and/or exported from the facility shall be in sealed containers/covered vehicles, as appropriate.</p> <p>REASON: In the interests of clarity.</p> <p><u>Comment:</u></p> <p>Similar condition recommended.</p>
4.	<p>A Materials and Wastes Storage Plan, agreed with the EPA, shall be submitted to the Planning Authority prior to the commencement of operations and/or waste acceptance, which is the earliest. Materials/wastes shall only be stored in designated areas and shall not be stored on open permeable areas of the site.</p> <p>REASON: In the interests of clarity.</p> <p><u>Comment:</u></p> <p>It is recommended that this condition is not included. Alternative condition recommended relating to no external storage of materials/wastes.</p>
5.	<p>Prior to the commencement of development the applicant shall submit for the written agreement of the Planning Authority a revised site layout plan and landscape masterplan which indicates the set back of the proposed food container plant from the south-western boundary of the site to allow for either the retention of a portion of this vegetation at this location and the reinforcement of the planting or the removal and substantial replanting of this area with a mixed hedgerow and woodland planting.</p> <p>REASON: In the interest of the proper planning and sustainable development of the area.</p> <p><u>Comment:</u></p> <p>It is recommended that this condition is not included, as outlined in</p>

	assessment of FI EIAR Chapter 8 – Biodiversity.
6.	<p>The agreed landscape plan management and maintenance details and Green Infrastructure Plan shall be implemented in full no later than the first planting season following substantial completion of the development. Any plant failure shall be replaced until such time at the planting scheme has become established.</p> <p>REASON: In the interest of the proper planning and sustainable development of the area.</p> <p><u>Comment:</u></p> <p>Inclusion of condition is not recommended.</p> <p>Alternative condition referencing FI landscape plan is recommended.</p>
7.	<p>To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention as outlined within the submitted tree report.</p> <p>REASON: In the interest of the proper planning and sustainable development of the area.</p> <p><u>Comment:</u></p> <p>Similar condition recommended.</p>
8.	<p>A tree bond of €70,000 is to be lodged with the Council prior to the commencement of development in order to ensure that the trees are protected and maintained in good condition throughout the course of development. This bond will be held by Fingal County Council for a period of three years post construction which may be extended in the event of possible construction related defects. Prior to the release of this bond, a report (with photographic and written records) shall be provided by the site arborist site inspections of tree protection measures which were implemented in accordance with the submitted arborist's report.</p> <p>REASON: In the interest of the proper planning and sustainable development of the area.</p> <p><u>Comment:</u></p> <p>It is recommended that this condition is not included.</p> <p>A similar condition is recommended, relating to cash deposit, bond or other such security as may be accepted by the planning authority, for an</p>

	<p>unspecified amount to be agreed.</p> <p>Given that the FI Green Infrastructure Plan Report cites a 5-year timeframe, it is recommended that 5-year time is included in lieu of a 3-year timeframe.</p>
9.	<p>The applicant shall apply for an EPA Waste Licence. All waste activities and associated emissions linked with the proposed development will be regulated by the EPA in the first instance.</p> <p>REASON: In the interest of the proper planning and sustainable development of the area.</p> <p><u>Comment:</u></p> <p>It is recommended that this condition is not included.</p> <p>The EPA Waste Licence is a matter separate to the planning code.</p>
10.	<p>The proposed details of the junction design to the development, road upgrade cross section and the upgrade of the existing junction with the R135 shall be agreed in writing the Planning Authority prior to construction and the junction designs in particular shall comply with the NTA Cycle Manual Current edition, and the approved works shall be carried out by the developer at their expense.</p> <p>REASON: In the interest of the proper planning and sustainable development.</p> <p><u>Comment:</u></p> <p>It is recommended that this condition is not attached. It appears to partially overlap with Condition 14.</p> <p>An alternative condition is recommended which references the existing cul-de-sac access road (i.e., the FCC-owned road through which the entrance to the development site is accessed). It is recommended that the alternative condition requires that drawings to be submitted include all relevant electricity infrastructure on site, such as masts. The matter of electricity infrastructure is discussed in the assessment of FI EIAR Chapter 14 – Material Assets.</p> <p>An alternative condition is recommended whereby revised drawings to be agreed show annotated road carriageway/grass margin/cycle path/footpath dimensions, and also road markings at the junction with North Road/R135.</p>

11.	<p>All Road infrastructure upgrades shall be substantially complete prior to the development becoming operational or otherwise agreed with Planning Authority.</p> <p>REASON: In the interest of the proper planning and sustainable development.</p> <p><u>Comment:</u></p> <p>It is recommended that this condition is not included.</p>
12.	<p>The identified signalised junction upgrade of the R135 northbound off ramp from the N2 shall be in place and operational prior to the proposed development becoming operational or otherwise agreed with the Planning Authority.</p> <p>REASON: In the interest of the proper planning and sustainable development.</p> <p><u>Comment:</u></p> <p>It is recommended that this condition is not included, as outlined in assessment of FI EIAR Chapter 14: Material Assets -Traffic &amp; Transport</p>
13.	<p>A special contribution under section 48(2)(c) of the Planning and Development Act 2000 of €25,571.70 shall be paid to Fingal County Council in respect of the upgrading of the junction of the R135/North Road with the northbound slip road from the N2.</p> <p>REASON: In the interest of the proper planning and sustainable development.</p> <p><u>Comment:</u></p> <p>It is recommended that this condition is not included, as outlined in the assessment of FI EIAR Chapter 14 - Material Assets: Traffic &amp; Transportation.</p>
14.	<p>A full suite of the detailed design drawings and reports of the road infrastructure and services and construction detail drawings and reports, including programme and phasing should be submitted to the Planning Authority for agreement prior to Construction. The Schedule of drawings and reports shall be agreed in writing with the Planning Authority prior to the submission of the required information.</p> <p>REASON: In the interest of the proper planning and sustainable</p>

	<p>development.</p> <p><u>Comment:</u></p> <p>See also Conditions 10, 11 and 12.</p> <p>This condition requires <i>inter alia</i> construction drawings.</p> <p>It is recommended that an alternative version of this condition is attached.</p> <p>Note – Condition 14 does not refer to junction of R135/North Road with northbound slip road from N2.</p>
15.	<p>All works shall meet the Councils standards for taking in charge and the developer shall construct and maintain to the Councils standards for taking in charge all the roads, including footpaths, verges, public lighting, open space, sewers, watermains or drains, forming part of the development, and maintain to the Councils standard for taking in charge all the roads, including footpaths, verges, public lighting, open space, sewers, watermains or drains, forming part of the development, until taken in charge by the Council.</p> <p>REASON: In the interest of the proper planning and sustainable development.</p> <p><u>Comment:</u></p> <p>Section 4.4 of Planning and Design Statement lodged with application states that Fingal’s standard policy is that such industrial estates are not taken in charge. The development has been designed to allow a management company to manage various areas. A condition pertaining to same is considered acceptable.</p> <p>Response to FI Item 11 includes extract from Fingal’s Taking in Charge policy document (2020).</p> <p>As outlined in the assessment of FI EIAR Chapter 14 – Material Assets: Traffic &amp; Transportation, it is recommended that a condition similar to Condition 15 is included, given that part of the subject site is indicated to be a FCC-owned road. It is recommended that a map is submitted showing the areas to be taken in charge, if any.</p>
16.	<p>A final MMP shall be submitted within 1 year of the development becoming</p>

	<p>operational.</p> <p>REASON: In the interest of the proper planning and sustainable development.</p> <p><u>Comment:</u></p> <p>Similar condition recommended.</p>
17.	<p>The applicant shall comply with any future requirement of the Planning Authority in relation to additional mitigation works in relation to glint and glare issues that may arise for road users/residents but may only become apparent when the installation is commissioned if a grant of permission was being considered.</p> <p>REASON: In the interest of the proper planning and sustainable development.</p> <p><u>Comment:</u></p> <p>It is recommended that this condition is not included. Alternative condition recommended, as discussed under assessment of Chapter 10 – Population and Human Health.</p>
18.	<p>A Stage 2 and Stage 3/4 Road Safety Audit shall be completed and submitted by the Applicant, to the satisfaction of the Planning Authority, in compliance with the TII Public ‘Road Safety Audit GE-STY-010124’</p> <p>REASON: In the interest of the proper planning and sustainable development.</p> <p><u>Comment:</u></p> <p>Similar condition recommended.</p>
19.	<p>A Final Construction Management Plan and Traffic Management Plan shall be agreed with the Planning Authority once the Main contractor has been awarded the contract.</p> <p>REASON: In the interest of the proper planning and sustainable development.</p> <p><u>Comment:</u></p> <p>It is recommended that this condition is not included.</p> <p>This condition largely duplicates:</p> <p>Condition 38 – CEMP</p> <p>Condition 35 - site specific Construction Traffic Management Plan</p>

20.	<p>The applicant shall comply with the following requirements of the Planning Authority of the development Plan:</p> <ol style="list-style-type: none"> <li>a. The applicant shall adhere to the Building Regulations, Technical Guidance Document 2010 H – Drainage and Wastewater Disposal Section 1.3.10.2.(g)</li> <li>b. No surface water/rainwater is to discharge into the foul water system under any circumstances.</li> <li>c. The surface water must be in compliance with the ‘Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006.</li> </ol> <p>REASON: In the interest of Public Health.</p> <p><u>Comment:</u></p> <p>It is recommended that</p> <ul style="list-style-type: none"> <li>• (a) is not included, given that matters relating to Building Regulations are separate to the planning code.</li> <li>• (b) and (c) are included as an alternative condition.</li> </ul>
21.	<p>The applicant shall sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.</p> <p>REASON: In the interest of Public Health.</p> <p><u>Comment:</u></p> <p>This is similar to a standard condition attached to UÉ reports.</p> <p>It is recommended that a similar condition is attached, which references UÉ.</p> <p>An additional condition is recommended referencing the GDD wayleaves.</p>
22.	<p>The applicant shall employ a qualified archaeologist to draw up a detailed schedule of archaeological works and to coordinate all archaeological mitigation works in advance of the construction and during construction works.</p> <p>REASON: In the interest of the proper planning and sustainable development.</p> <p><u>Comment:</u></p> <p>This condition is almost the same as Condition subsection (1) in the DAU report dated 22 January 2024.</p>

	<p>It is recommended that similar conditions to No.s 22, 23, 24, 25 and 26 are included, structured within one condition.</p>
23.	<p>The archaeologist will excavate all identified archaeological features and likely archaeological features in advance of commencement of any construction works, as outlined in Section of the archaeological testing report (ACS Ltd, Excavation Licence No. 23E0872, 18 December 2023).  REASON: In the interest of the proper planning and sustainable development.</p> <p><u>Comment:</u>  This condition is the same as Condition subsection (2) in the DAU report dated 22 January 2024.  It is recommended that similar condition is included.</p>
24.	<p>The archaeologist will monitor under licence all groundworks associated with the development and to excavate (preserve by record) under licence all archaeological features and likely features that will be impacted as a result of development works.  REASON: In the interest of the proper planning and sustainable development.</p> <p><u>Comment:</u>  This condition is the same as Condition subsection (3) in the DAU report dated 22 January 2024.  It is recommended that a similar condition is included.</p>
25.	<p>Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The development shall be prepared to be advised by the National Monuments Service of the Department of Housing, Local Government and Heritage with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.  REASON: In the interest of the proper planning and sustainable development.</p> <p><u>Comment:</u>  This condition is the same as Condition subsection (4) in the DAU report</p>

	dated 22 January 2024. It is recommended that same condition is included.
26.	<p>The Planning Authority and the National Monuments Service of the Department of Housing, Local Government and Heritage shall be furnished with a report describing the results of the monitoring.</p> <p>REASON: In the interest of the proper planning and sustainable development.</p> <p><u>Comment:</u></p> <p>This condition is the same as Condition subsection (5) in the DAU report dated 22 January 2024.</p> <p>It is recommended that the same condition is attached in event of grant.</p>
27.	<p>The applicant shall engage with the DAA (Dublin Airport Authority) to ensure that appropriate wildlife hazard reduction techniques and management can be employed in relation to the operation of the site given the nature of the activities identified.</p> <p>REASON: In the interest of the proper planning and sustainable development.</p> <p><u>Comment:</u></p> <p>It is recommended that this condition is not included. Similar condition recommended, discussed at Chapter 8 – Biodiversity.</p>
28.	<p>All mitigation measures set out within the glint and glare assessment submitted as part of the application shall be undertaken by the developer.</p> <p>REASON: In the interest of the proper planning and sustainable development of the area.</p> <p><u>Comment:</u></p> <p>It is recommended that this condition is not included. Alternative condition recommended; see also Condition 17.</p>
29.	<p>Prior to the commencement of development, the developer shall agree in writing with Dublin Airport Authority and the Irish Aviation Authority a strategy for the use of cranes on site.</p> <p>REASON: In the interests of aircraft safety.</p> <p><u>Comment:</u></p> <p>A similar condition is recommended.</p>

30.	<p>A comprehensive Fire Risk Assessment and Fire Safety Statement shall be submitted to the Planning Authority for their agreement prior to the commencement of development. The report shall have regard to Guidance Note: Fire Safety at Non-Hazardous Waste Transfer Stations, (EPA, 2013) and the Guidance on Fire Risk Assessment for Non-Hazardous Waste Facilities, (EPA, 2016), and demonstrate compliance with the requirements of Dublin Fire Brigade and an appropriate Fire Safety Certification for the facility.</p> <p>REASON: In the interest of the proper planning and sustainable development.</p> <p><u>Comment:</u></p> <p>It is recommended that this condition is not included.</p> <p>Fire safety/fire safety certificate is a matter separate to the planning code. FI EIAR Chapter 3 – Project Characteristics includes fire safety management measures that will be implemented at operational phase, further to FI Item 14(b)(ii).</p>
31.	<p>A comprehensive Emergency Response Procedure Report shall be submitted to the Planning Authority prior to the commencement of development.</p> <p>REASON: In the interest of the proper planning and sustainable development.</p> <p><u>Comment:</u></p> <p>FI Item 14 (n)(iv) requested an Accident Prevent Policy and Emergency Response Procedure.</p> <p>It is recommended that Condition 31 is not attached, as discussed under FI EIAR Chapter 10 – Population and Human Health.</p>
32.	<p>An Odour Management Plan shall be submitted to the Planning Authority prior to the commencement of operations and/or waste acceptance, whichever is the earliest.</p> <p>REASON: In the interest of the proper planning and sustainable development.</p> <p><u>Comment:</u></p> <p>It is recommended that this condition is not included.</p>

	Emissions at operational phase are a matter for the EPA. The materials recovery facility will require an EPA Industrial Emissions (IE) licence, as outlined in the description of development.
33.	<p>A copy of the Industrial Emissions licence, agreed (or as revised) with the EPA, shall be submitted to the Planning Authority prior to the commencement of operations and/or waste acceptance, whichever is the earliest.</p> <p>REASON: In the interest of the proper planning and sustainable development.</p> <p><u>Comment:</u></p> <p>It is recommended this condition is not included. IE licence is an EPA matter</p>
34.	<p>A copy of any Trade Effluent Discharge Licence agreed (or as revised) with the EPA and/or Uisce Eireann, shall be submitted to the Planning Authority prior to commencement of operations and/or waste acceptance, whichever is the earliest.</p> <p>REASON: In the interest of the proper planning and sustainable development.</p> <p><u>Comment:</u></p> <p>The attachment of this condition is not recommended.</p>
35.	<p>A site-specific Construction Traffic Management Plan shall be submitted to the Planning Authority for their agreement prior to the commencement of development.</p> <p>REASON: In the interest of the proper planning and sustainable development.</p> <p><u>Comment:</u></p> <p>It is recommended that similar condition is attached. See also Condition 19.</p>
36.	<p>A site-specific Operational Traffic Management Plan shall be submitted to the Planning Authority for the written agreement prior to the commencement of development.</p> <p>REASON: In the interest of the proper planning and sustainable development.</p> <p><u>Comment:</u></p> <p>It is recommended that this condition is not included.</p>

37.	<p>In relation to the Materials Recovery Facility (MRF) the developer/operator shall submit for the written agreement of the planning authority, the following:</p> <ul style="list-style-type: none"> <li>a) Prior to commencement of operations/waste acceptance, a Management Plan for the Delivery of Materials/Wastes to the MRF, to include: <ul style="list-style-type: none"> <li>I. Anticipated type, quantity and source of each material/waste to be accepted or used in the forthcoming year by type and source, and</li> <li>II. Anticipated traffic volumes,</li> </ul> </li> <li>b) After one year of operation, an Annual Materials/Wastes Management Plan Report for the MRF, setting out: <ul style="list-style-type: none"> <li>I. Actual Type, quantity and source of each material/waste accepted or used in the preceding year;</li> <li>II. destination of each material exported from the site;</li> <li>III. Actual Quantity, source and destination for any materials/wastes declined/not accepted at the facility, and the reason(s) for non-acceptance.</li> <li>IV. Actual Traffic Volumes</li> <li>V. Anticipated type, quantity and source of each material/waste to be accepted or used in the forthcoming year, and</li> <li>VI. Anticipated traffic volumes.</li> </ul> </li> </ul> <p>REASON: In the interest of the proper planning and sustainable development.</p> <p><u>Comment:</u></p> <p>It is recommended that this condition is not included. An alternative is recommended, which states the types of wastes that can be accepted (4no. waste streams), and that records are to required to be maintained; See also PA's Condition 2.</p>
38.	<p>A detailed Construction Environmental Management Plan (CEMP) shall be prepared and submitted to the planning authority for their agreement prior to the commencement of works, or any phase of works, including enabling works. The CEMP will set out proposed construction activities linked to a construction programme, and include a schedule of all environmental</p>

	<p>protection measures to be employed, the timing of such measures. The CEMP shall include all of the relevant environmental mitigation measures outlined in the revised EIAR (as set out in individual Chapters 5 and 15 inclusive; Chapter 16: Summary of Mitigation Measures and in the Appendices to the EIAR), and the application documentation.</p> <p>REASON: In the interest of the proper planning and sustainable development.</p> <p><u>Comment:</u></p> <p>It is recommended that a similar condition is included relating to a CEMP. However, it is recommended that reference to EIAR Chapter 16 and other details are not included.</p>
39.	<p>A report on the implementation and establishment of the Landscape Measures as submitted on the Landscape Drawing: in the Landscape and Visual Impact Assessment &amp; Landscape Matter Report (including Tree Survey): in the Green Infrastructure Plan Report; in the Landscape Management and Maintenance Plan and in the EIAR, shall be prepared and submitted to the planning authority for their agreement prior to the commencement of operations at the facility and again 2 years post commencement of operations. The report shall be prepared by a qualified Landscape Architect retained for the duration of the construction and establishment period.</p> <p>REASON: In the interest of the proper planning and sustainable development.</p> <p><u>Comment:</u></p> <p>It is recommended that this condition is not included.</p> <p>Recommended Condition 3 in IR requires complete schedule of all mitigation measures.</p>
40.	<p>Prior to Commencement of development the developer shall pay the sum of €1,042,017.77 (updated at date of commencement of development, in accordance with changes in the Tender Price Index) to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the area of the</p>

	<p>Authority, as provided for in the Contribution Scheme for Fingal County made by the Council. The phasing of payments shall be agreed in writing with the planning authority prior to the commencement of development.</p> <p>REASON: It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the Planning Authority and which is provided, or which is intended to be provided by, or on behalf of the Local Authority.</p> <p><u>Comment:</u></p> <p>A similar condition is recommended, whereby the financial contribution amount is unspecified.</p>
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## 12.0 Recommendation

12.1. Having regard to the foregoing, I recommend that permission is granted for the development as proposed for the reasons and considerations set out below.

## 13.0 Reasons and Considerations

13.1. Having regard to the following:

- (a) the nature, scale, and extent of the proposed development and the pattern of existing development in the area,
- (b) the provisions of the Project Ireland 2040 National Planning Framework, and First Revision (April 2025)
- (c) the provisions of the Climate Action Plan (2025),
- (d) the provisions of the National Biodiversity Action Plan 2023-2030,
- (e) the provisions of the Eastern and Midland Regional Assembly Regional Spatial & Economic Strategy (RSES) 2019-2031,
- (f) National Waste Management Plan for the Circular Economy 2024-2030,
- (g) the provisions of the Fingal County Development Plan 2023-2029 including the 'HI Heavy Industry' zoning for the site,
- (h) the documentation submitted with the planning application, such as the

Environmental Impact Assessment Report (EIAR) and the Report in Support of Appropriate Assessment,

(i) the submissions and observations received on file including from the local authority, prescribed bodies, and first and third parties,

(j) 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 on European sites,

(k) the planning history of the site and the vicinity of the site, and,

(l) the report of the Inspector,

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable land use on these Heavy Industry zoned lands at this location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of scale and height and in terms of the proposed quantum of waste per annum proposed to be accepted, and would be acceptable in terms of pedestrian and traffic safety. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening**

The Commission completed an Appropriate Assessment screening exercise (Stage 1) in relation to the potential effects of the proposed development on designated European sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, the distances to the nearest European sites, and the absence of any direct hydrological connections, the submissions and observations on file, the information and reports submitted as part of the application and appeal, and the Inspector's report. In completing the screening exercise, the Commission adopted the report of the Inspector and concluded that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that an Appropriate Assessment (Stage 2) and the preparation of a

Natura Impact Statement would not, therefore, be required.

### **Environmental Impact Assessment (EIA)**

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

### **Reasoned Conclusions on the Significant Effects**

The Commission considered and agreed with the Inspector's reasoned conclusions that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Land and Soil: Significant direct negative effects arising for land and soil during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including measures set out in a Construction Environment Management Plan (CEMP) and Resource Waste Management Plan (RWMP).
- Water: Significant direct negative effects arising for groundwater during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including pollution control measures, resulting in no residual impacts on water.
- Air: Significant direct negative effects for air quality during construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including dust minimisation measures.
- Air: Significant direct negative effects for air quality during operation due to potential for odorous emissions that could cause adverse impacts that are significant, negative and long term, which would be mitigated by a suite of

operation phase mitigation measures, including an onsite odour abatement unit and use of rapid action doors on the MRF building.

- Population and Human Health: Significant direct positive economic benefit through construction phase employment and associated construction phase economic activity, and operational phase employment.
- Population and Human Health: Significant direct negative effects arising for population and human health during the construction phase, which would be mitigated by a number of appropriate construction phase management measures.
- Cultural Heritage: Significant direct negative impact on cultural heritage, namely archaeology during the construction phase, which would be mitigated by archaeological monitoring of topsoil stripping and excavation, and archaeological excavation and preservation by record where required.
- Material Assets: Built Services: Significant direct negative effects arising for material assets: built services during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including measures set out in a Construction Environment Management Plan (CEMP) and Resource Waste Management Plan (RWMP).
- Material Assets: Built Services: Significant direct positive effects arising for material assets: built services during operational phase arising from increased waste recycling and recovery capacity.
- Material Assets: Traffic & Transportation: Significant negative effects arising for traffic during the construction phase, which would be mitigated by appropriate construction phase mitigation measures, including a construction traffic management plan.

The Commission considers that, subject to compliance with the conditions out below, the proposed development would be consistent with the applicable land use zoning

for the site and other policies and objectives of Fingal Development Plan 2023-2029, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of scale and height and in terms of the proposed quantum of waste per annum proposed to be accepted, would not cause adverse impacts or serious pollution to biodiversity, lands, water, air, noise or waste, would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience, and would be capable of being adequately served by water supply, wastewater and surface water networks without risk of flooding. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 14.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 18<sup>th</sup> day of December 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR), received by the planning authority as Further Information on 18<sup>th</sup> day of December 2023, shall be implemented.</p> <p>Reason: To protect the environment.</p>
3.	<p>In advance of commencement of the proposed development the developer shall submit to the planning authority a complete schedule of all mitigation</p>

	<p>measures. This shall identify who is responsible for the implementation of these measures and a timescale for implementation.</p> <p>The schedule of measures shall include the following additional requirements for agreement with the planning authority:</p> <p>(a) 2no. areas of containing archaeological features measuring 316sqm and 10,118sqm identified as 2no. distinct areas on Figure 9 ' Detail of site development, showing geophysical survey interpretation, excavated trenches and uncovered archaeology' contained in Archaeological Assessment (Test Trenching) dated 18 October 2023 by Archaeology Consultancy Services Unit (ACSU) shall be stripped of topsoil under archaeological supervision, archaeologically resolved, and preserved by record.</p> <p>Reason: In the interest of residential amenity, to protect the environment and cultural heritage and in the interest of the proper planning and sustainable development of the area.</p>
4.	<p>The intake of waste material to the site shall not exceed 95,000 tonnes per annum, which shall consist of</p> <ul style="list-style-type: none"> <li>• Domestic and Commercial Residual Municipal Solid Waste (MSW),</li> <li>• Domestic, Commercial and Industrial wastes comprising mixed and single stream dry recyclables,</li> <li>• Domestic and Commercial food waste – brown bin and</li> <li>• Source Segregated and Mixed Construction and Demolition Waste.</li> </ul> <p>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 not be available for use directly by members of the general public. The structures hereby approved shall be for waste recovery purposes only.</p> <p>REASON: In the interest of clarity.</p>
5.	<p>(a) (i) No storage, loading, unloading or processing, either permanent or temporary, of any materials shall occur outside of the material</p>

	<p>recovery facility building. External storage of materials shall not be permitted within the red line boundary of the application site at operational phase.</p> <p>(ii) For avoidance of doubt, temporary external storage of compacted wrapped bales comprising solid recovered fuel or refuse derived fuel shall not be permitted.</p> <p>(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.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
6.	<p>The development hereby permitted relates only to those areas described as 'Phase 1' and including access routes within the overall application site. No development shall be carried out on lands identified as 'Outside scope of this application' on drawing titled 'Site Plan – Food Container Plan and Materials Recovery Facility' (Drawing No. HYP-A-001; Rev. 04) received by the planning authority as Further Information on 18 December 2023.</p> <p>Reason: In the interest of clarity and in the interest of development management.</p>
7.	<p>The landscape plan titled Phase One Landscape Proposals 1-500 Sheet 1 of 1 (Drawing No. 7670-L-2101; Rev. P01) received by the planning authority as Further Information on 18 December 2023, shall be implemented in full within the first planting season following substantial completion of the development. 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.</p>

	Reason: In the interest of visual amenity.
8.	<p>The recommendations pertaining to tree retention as outlined in the BS5837 Tree Survey Report, contained in Appendix 8.1 of the EIAR submitted to the planning authority as Further Information on 18 December 2023, shall be implemented in the proposed development.</p> <p>Reason: In the interests of biodiversity and visual amenity.</p>
9.	<p>Prior to commencement of development, the developer shall submit for the written agreement of the planning authority, details of, and evidence of liaison with the Dublin Airport Authority, of a strategy to ensure appropriate wildlife hazard reduction techniques and management.</p> <p>Reason: In the interest of aircraft safety.</p>
10.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of five years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To secure the protection of trees on the site</p>
11.	(a) All works shall meet the Councils standards for taking in charge and the

	<p>developer shall construct and maintain to the Councils standards for taking in charge all the roads, including footpaths, verges, public lighting, open space, sewers, watermains or drains, forming part of the development, and maintain to the Councils standard for taking in charge all the roads, including footpaths, verges, public lighting, open space, sewers, watermains or drains, forming part of the development, if and until taken in charge by the Council.</p> <p>(b) Prior to commencement of development, a Taking in Charge map shall be submitted to and agreed in writing the planning authority, which shall clearly delineate those areas proposed to be taken in charge, if any.</p> <p>REASON: In the interest of the proper planning and sustainable development.</p>
12.	<p>(a) The proposed details of the junction design to the development, road upgrade cross section and the upgrade of the existing junction with the R135 shall be agreed in writing with the Planning Authority prior to construction and the junction designs in particular shall comply with the NTA Cycle Manual Current edition, and the approved works shall be carried out by the developer at their expense. Drawings to be submitted shall include a site plan which shall show</p> <ul style="list-style-type: none"> <li>(i) the location of all relevant electricity infrastructure, such as masts</li> <li>(ii) annotated dimensions of the road carriageway, grass margin, cycle path and footpath widths, and all relevant road markings at the junction of access road with North Road/R135</li> </ul> <p>(b) Plans and particulars to be submitted to comply with (a) above shall comprise a full suite of the detailed design drawings and reports of the road infrastructure and services and construction detail drawings and reports, including programme and phasing. The Schedule of drawings and reports shall be agreed in writing with the planning authority prior to the submission of the required information.</p>

	<p>(c) Details to be submitted shall include proposals for the management of the access road from the R135, including the opening hours of the gates shown on drawing titled Site Plan – Food Container Plant and Materials Recovery Facility (Drawing No. HYP-A-001; Rev. 04), received as Further Information by the planning authority on 18 December 2023.</p> <p>REASON: In the interest of the proper planning and sustainable development.</p>
13.	<p>Prior to commencement of development, revised drawings shall be submitted indicating the location of an additional 8no. long stay cycle parking spaces, in addition to the 16no. cycle spaces shown on drawing titled ‘Site Plan – Food Container Plant and Materials Recovery Facility’; Drawing No. HYP-A-001; Rev. 4, submitted as Further Information on 18 December 2023. The proposed cycle parking provision may be provided internally or externally. Where provided externally, the cycle parking area shall be covered and secure.</p> <p>REASON: In the interest of sustainable transportation and in the interests of clarity.</p>
14.	<p>(a) Prior to commencement of development, a Stage 2 road safety audit shall be submitted to the planning authority for written agreement which shall be in compliance with Transport Infrastructure Ireland’s publication ‘Road Safety Audit GE-STY-01024’ (2017).</p> <p>(b) Prior to occupation of the development, a Stage 3/4 road safety audit shall be submitted to the planning authority for written agreement which shall be in compliance with Transport Infrastructure Ireland’s publication ‘Road Safety Audit GE-STY-01024’ (2017).</p> <p>Reason: in the interest of amenity and of traffic and pedestrian safety.</p>
15.	<p>(a) Within 12 months of the proposed development becoming operational,</p>

	<p>an operational glint and glare assessment shall be carried out and submitted for the written agreement of the planning authority, whereby any glint and glare issues arising for road users/residents shall be identified and mitigation measures proposed, including a timeframe for the implementation of any additional mitigation measures.</p> <p>(b) Any additional mitigation measures proposed shall not conflict with those outlined in the Glint and Glare Assessment contained in Appendix 10.3 of the EIAR received as Further Information by the planning authority on 18 December 2023.</p> <p>REASON: In the interest of residential amenity and traffic safety.</p>
16.	<p>A strategy in relation to the use of cranes during construction shall be agreed in writing with the Irish Aviation Authority (IAA) and the Dublin Airport Authority (DAA) prior to the commencement of any development on site.</p> <p>REASON: In the interest of aviation safety.</p>
17.	<p>(a) The developer shall enter into water and wastewater connection agreements with Uisce Éireann prior to commencement of development and all development shall be carried out in compliance with Uisce Éireann standards codes and practices.</p> <p>(b) Prior to commencement of development, the following shall be submitted to and agreed in writing by the planning authority:</p> <p>(i) a revised Site Compound Plan which shall show that the site compound does not encroach onto the temporary wayleave associated with the Greater Dublin Drainage project.</p> <p>(ii) a revised drainage and watermain layout, which shall show that all drainage and water services infrastructure proposed as part of this scheme shall avoid impacting on the permanent and temporary Uisce Éireann wayleaves which traverse the site. Details to be submitted shall clarify, where relevant, that no washout hydrants, manholes, gullies or other relevant drainage infrastructure shall be located within the wayleaves, or as otherwise</p>

	<p>agreed with the planning authority.</p> <p>REASON: In the interest of public health and in the interests of clarity.</p>
18.	<p>(a) The disposal of surface water shall comply with the requirements of the planning authority for such works.</p> <p>(b) Prior to commencement of development, revised surface water management plans and particulars shall be submitted to and agreed in writing by the planning authority, whereby all relevant detailing relating to the location of attenuation tanks shall be clearly delineated. Drawings to be submitted shall include a drainage layout and a separate proposed site plan, and the extent of attenuation areas shall be consistent across the drawings.</p> <p>Reason: To ensure adequate servicing of the development, and in the interests of clarity.</p>
19.	<p>The applicant shall comply with the following requirements of the Planning Authority:</p> <ol style="list-style-type: none"> <li>a. No surface water/rainwater is to discharge into the foul water system under any circumstances.</li> <li>b. The surface water must be in compliance with the 'Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006.</li> </ol> <p>REASON: In the interest of Public Health.</p>
20.	<p>(a) The applicant shall employ a qualified archaeologist to draw up a detailed schedule of archaeological works and to coordinate all archaeological mitigation works in advance of the construction and during construction works.</p> <p>(b) The archaeologist will excavate all identified archaeological features and</p>

	<p>likely archaeological features in advance of commencement of any construction works, as outlined in the archaeological testing report Archaeological Assessment (Test Trenching) (ACSU Ltd, Excavation Licence No. 23E0872, 18 December 2023).</p> <p>In particular, the 2no. distinct areas containing archaeological features measuring 316sqm and 10,118sqm, annotated on Figure 9 'Detail of site development, showing geophysical survey interpretation, excavated trenches and uncovered archaeology' contained in the Archaeological Assessment (Test Trenching) document shall be stripped of topsoil under archaeological supervision, archaeologically resolved, and preserved by record.</p> <p>(c) The archaeologist will monitor under licence all groundworks associated with the development and excavate (preserve by record) under licence all archaeological features and likely features that will be impacted as a result of development works.</p> <p>(d) Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The development shall be prepared to be advised by the National Monuments Service of the Department of Housing, Local Government and Heritage with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.</p> <p>(e) The Planning Authority and the National Monuments Service of the Department of Housing, Local Government and Heritage shall be furnished with a report describing the results of the monitoring</p> <p>REASON: In the interest of the proper planning and sustainable development</p>
21.	<p>Prior to commencement of development, a site services drawing shall be submitted to and agreed in writing with the planning authority, which shall clearly show all relevant utilities infrastructure serving and or traversing the subject site. The annotated drawing shall be to a suitable scale, and shall show, in particular, all existing underground and above ground electricity</p>

	<p>infrastructure. The electricity infrastructure shall be shown in the context of</p> <ul style="list-style-type: none"> <li>(a) the development permitted by P.A. Ref. FW21A/0144, and</li> <li>(b) upgrades to the access road including footpath and cycle lanes, as proposed in the subject appeal, including annotated distances to any above ground electricity infrastructure such as masts or pylons, where relevant.</li> </ul> <p>REASON: In the interests of clarity and in the interests of development management.</p>
22.	<p>Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority.</p> <ul style="list-style-type: none"> <li>(a) The CEMP shall include but not be limited to:</li> <li>(b) Collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including dust management plan and noise and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in</li> <li>(c) accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority.</li> <li>(d) The location of the compound for storage of plant and machinery and the location for storage of deliveries to the site,</li> <li>(e) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains</li> <li>(f) A community liaison officer shall be appointed for the duration of the construction works.</li> <li>(g) The agreed CEMP shall be implemented in full in the carrying out of the development.</li> </ul> <p>(ii) The CEMP shall incorporate elements of the separate construction traffic management plan, required by Condition 22 of this permission, as</p>

	<p>appropriate.</p> <p>REASON: In the interest of environmental protection.</p>
23.	<p>A detailed Construction Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of</p> <ul style="list-style-type: none"> <li>(a) the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site, and measures to obviate queuing of construction traffic on the adjoining road network,</li> <li>(b) measures to prevent the spillage or deposit of clay, rubble or other debris on the road network;</li> <li>(c) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any road or footpath during the course of site development works, and</li> <li>(d) parking during the construction phase.</li> </ul> <p>REASON: In the interest of traffic safety and convenience.</p>
24.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays and 0800 to 1400 on Saturdays, and not at all on Sundays and bank holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>REASON: In order to safeguard the residential amenities of property in the vicinity.</p>
25.	<p>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</p>

Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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 An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

REASON: It is a requirement of the Planning and Development Act 2000, as amended, 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.

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Cáit Ryan  
Senior Planning Inspector

31 December 2025

## Appendix 1: Appropriate Assessment Screening

Screening for Appropriate Assessment Test for likely significant effects	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Brief description of project</b>	<p>Section 2.0 of the main report sets out a description of the proposed development. In brief, the proposal is for a Materials Recovery Facility (MRF) and Food Cleaning Container Plant (FCCP), odour control unit, new entrance from ESB station road and road upgrades including footpaths and cycle paths, landscaping and site works.</p>
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The site is not located within or adjacent to any European site. The nearest European sites are set out at Step 2.</p> <p>The site location and description are set out in Section 1.0 of the main report. In brief, the site is accessed from North Road, a cul-de-sac. The site comprises 2 fields and part of a Fingal County Council road, which continues to a cul-de-sac at which Finglas 220kV power station is located.</p> <p>Report in Support of Appropriate Assessment Screening (hereafter referred to as 'AA Screening Report') <u>lodged with application</u> concludes: Proposed development, either alone or in combination with other plans and/or projects, does not have the potential to significantly affect any European site, in light of their conservation objectives, and Stage 2 AA is not required.</p> <p>Planning authority's FI Item 13 requested a full appraisal of proposed surface and foul water management regime, during construction and operation, including detailed analysis of volumes and quality of water arising during operation. <u>FI AA Screening Report</u> conclusion: Stage 2 AA is not required.</p> <p>The examination of AA screening in this Appendix 2 for the proposed development is based on the FI plans and particulars. This is outlined as follows: Site survey (at Section 7) includes Fig. 6 Habitat map of proposed development site. It states there are no</p>

watercourses within study area. The site contains 2no. agricultural fields separated by an overgrown treeline. It is a mixture of flat to undulating land. There is an old sand pit/quarry in the eastern field.

- There is a mix of Hedgerow (WL)/Treeline (WL2) along southern and western site boundaries. All hedges are in excess of 150 years old and are a higher value habitat at a local level. Elm disease and ash dieback disease are present.
- The larger eastern field is Tilled land (BC3), but has not been actively farmed for tillage for several years. There is Neutral Grassland (GS1)/Scrub (WS1) in centre of field. Plant species are of value for seed eating bird species. Linnet was recorded here.
- At the north eastern corner of the site, lands are Wet Grassland (GS4)/Scrub (W1).
- Grazing has not taken place for 2-3 years on western field, where Wet Grassland (GS4) has formed a mosaic with Neutral Grassland (GS1)

No Birds Directive Annex I species were recorded during surveys on 04 December 2020 and 27 August 2022. The rank grassland within the site is generally not suitable for wading birds.

Invasive species:

FI AA Screening Report states NBDC website lists a number of high impact invasive species within 10km grid square O14. These belong to species groups comprising bird (1no.), flatworm (1no.), flowering plant (4no.) and terrestrial mammal (3no.). No high-risk invasive species were recorded within the subject site.

Buddleia, medium impact invasive species, were recorded within western field. As this is not in Third Schedule of Birds and Natural Habitats Regulations 2011 (S.I. No. 477 of 2011), it does not have potential to lead to an offence under these Regulations.

**Operation Phase**

Surface water drainage

Design consists of –

- SuDS infiltration soakaway with storage capacity
- Permeable paving to car park areas
- Rainwater harvesting to building roofs

All rainwater from will be stored and infiltrated at site, there is no outfall from the site and the controlled rate is therefore 0l/s/ha.

	<p>Open swales/retention ponds are not a viable means of SuDS as they attract bird life. Site's proximity to Dublin Airport would increase risk to aircraft.</p> <p><u>Foul drainage</u> Site is not currently serviced by foul drainage. Nearest available connection to public foul sewer is on North Road, east of site. Proposed UÉ Greater Dublin Orbital Sewer route passes through site. At meeting with IW in December 2022 agreement was provided in principle for proposed 'warehouse' development. Treated wastewater will be discharged to transitional waters (Liffey Estuary Lower)/coastal waters (Dublin Bay) via discharge point from Ringsend WWTP.</p> <p>SRF/RDF bales will be stored externally as contingency in event that cement kilns/waste to energy plants are off-line during planned annual maintenance shut-down or there is major outage. Bale wrapping is to prevent liquid seeps from materials during storage and transport. It prevents rainfall infiltration. Risk of surface water contamination is low.</p> <p>Small streams surrounding the site are:</p> <ul style="list-style-type: none"> <li>• Huntstown Stream 970m to north</li> <li>• Abbotstown Stream 1.5km to west</li> <li>• Batchelor's Stream 1.6km to south east</li> </ul> <p>Site topography falls from east to west. There is no hydrological pathway to Huntstown Stream. Although unlikely, uncontrolled surface water runoff from the site could potentially reach Abbottstown Stream 1.5km to west and Bachelor's Stream 1.6km to south east.</p>
<b>Screening report</b>	Y
<b>Natura Impact Statement</b>	N
<b>Relevant submissions</b>	<p><b>Development Applications Unit (DAU) of Department of Housing, Local Government and Heritage (DHLGH):</b> Letter dated 23 May 2023 does not raise any issues relating to AA. Issues raised in this and in further letter dated 22 January 2024 relate archaeology only.</p> <p><b>Uisce Éireann (UÉ):</b> Letter dated 25 April 2023 states no objection, subject to conditions. In addition to 4no. standard conditions, a condition states that proposed development also overlaps with northern and southern GDD routes, and applicant is asked to continue to engage with UÉ regarding GDD pipeline overlap and permanent wayleave.</p>

A further UÉ letter dated 10 January 2024 is largely the same as that dated 25 April 2023. However, it also states that prior to commencement the applicant is asked to provide clarity to the planning authority that the proposed development is outside the GDD wayleave area.

**Other:** Submissions from Irish Aviation Authority (x2), Dublin Airport Authority and Health and Safety Authority are outlined in the main IR.

**Submitted FIAA Screening Report**

This sets out Water Quality Data at Section 6.0.

[Water quality as it relates Water Framework Directive (WFD) is discussed in further detail at Appendix 2 of this IR].

Section 6.0 Water Quality Data includes:

Information based on *inter alia* River Basin Management Plan (RBMP) 3<sup>rd</sup> Cycle (July 2022) states

- Site is located Catchment: Liffey and Dublin Bay HA 09, and within Tolka\_SC\_020 sub catchment
- There is generally poor water quality throughout this sub catchment
- Ecological status in both Tolka\_040 and 050 water bodies was Poor in the 2013-2015 monitoring cycle continuing Poor status in these waterbodies and are At Risk. Tolka\_060 is At Risk due to Diffuse Urban and Combined Sewer Overflows
- There are a lot of industrial pressures throughout sub-catchment. Majority of problems are urban diffuse and misconnections.
- Misconnection studies have been initiated and extensive studies in Tolka Valley Park area
- Illegal dumping is an issue in Dunsink Lane area
- Improvement attempts made with large scale SuDS programme in Ballymun area

It outlines –

Waterbody	Significant Pressure	WFD Status
Tolka_050	Urban runoff, urban wastewater	At Risk
Tolka_060	Urban runoff, urban wastewater	At Risk
Tolka_Estuary	Urban wastewater	At Risk

It states (at Section 5 European Sites) that there is no hydrological connection to Huntstown Stream. Although unlikely given absence of a direct hydrological connection, uncontrolled surface water runoff from the site could potentially reach Abbotstown Stream (1.5km west) and Bachelors Stream (1.6km south east). These are tributaries of River Tolka which flows into South Dublin Bay and Tolka River Estuary SPA approx. 7.8km downstream.

**EPA and GSI Websites, including Mapping**

Separate to the submitted information outlined above, I note also the content of EPA mapping (viewed at [www.catchments.ie](http://www.catchments.ie))

- The site is within WFD SubCatchment Tolka\_SC\_020
- The site is within WFD River Sub Basin TOLKA\_050. The nearest waterbody to the subject site within TOLKA\_050 is:
  - Bachelors Stream; IE\_EA\_09T011100 approx. to 1.6km south east
- WFD River Sub Basins which adjoin WFD River Sub Basin Tolka\_050 are:

- WARD\_030, in which Huntstown Stream (IE\_EA\_08W010300) approx. 970m to north of site is located.
- TOLKA\_040, in which Abbotstown Stream (IE\_EA\_09T011000) approx. 1.5km to west of site is located.

Given that Huntstown and Abbotstown Streams are in two separate WFD River Sub Basins to the subject site, I consider that potential hydrological pathways from the proposed development to these waterbodies is highly unlikely, and that potential impacts on European sites via these 2no. waterbodies are highly unlikely.

With regard to Bachelors Stream, this is Waterbody: TOLKA\_050.  
The EPA's update (October 2025) for this waterbody over the 2019-2024 period is At Risk.  
The assigned Value is Poor.

I note also the GSI mapping (aerial imagery) viewed on [www.gsi.ie](http://www.gsi.ie). Aerial imagery viewed indicates a stream roughly on a west/east alignment, a short distance west of the site. This stream is not referenced in the submitted FI AA Screening report, is not shown on OS 25inch mapping, and is discussed further below.

#### P.A. Ref. FW22A/0258:

As viewed on the planning authority's website, the plans and particulars on P.A. Ref. FW22A/0258 (weighbridges, soil waste inspection and quarantine shed and offices at Huntstown South Quarry granted) show 'Finglas Stream'. I estimate based on [www.tailte.ie](http://www.tailte.ie) mapping that 'Finglas Stream' shown is approx. 300m west of the subject site. This stream approximates to that visible on aerial imagery viewed on [www.gsi.ie](http://www.gsi.ie).

The AA Screening Report lodged with that application states Finglas Stream ultimately flows c.4km into River Tolka at Glasnevin that outflows to South Dublin and River Tolka Estuary SPA another 4.5km downstream.

#### OS 25inch mapping

As outlined above, 'Finglas Stream' is not shown on the OS 25inch mapping.

A separate watercourse is shown on the 25inch maps (viewed on [www.tailte.ie](http://www.tailte.ie)), from a point directly west of the subject site's western boundary. This stream is shown to extend westward and then turns southwards. This watercourse, albeit on historic mapping, is not referred to in the FI EIAR nor the AA Screening report.

Given that the 'Finglas Stream' is not shown on 25inch mapping, and given the stated absence of any stream adjoining the site, it appears that there have been changes to the hydrological environment in the vicinity of the site. In this regard I note also the substantial scale of quarry processes nearby.

On the basis of all information on file, I am not satisfied that it has been adequately demonstrated that the stream located to west of the site on 25inch mapping currently exists or not. In addition, given the location of the 'Finglas Stream' shown on P.A. Ref FW22A/0258, I am not satisfied that streams in the vicinity other than the 3no. shown on EPA mapping (as viewed on [www.catchments.ie](http://www.catchments.ie)), namely Huntstown, Bachelors and Abbotstown, have been adequately identified and described in the plans and particulars submitted.

In this regard I have taken account of the possible location of a watercourse to west of the site,

and to the location of the 'Finglas Stream' as shown on P.A. Ref. 22A/0258 in the examination of AA screening for the proposed development as outlined in the following sections.

## Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development (approx.)	Ecological connections	Consider further in screening Y/N
South Dublin Bay and River Tolka SPA (004024)	<a href="#">ConservationObjectives.rdl</a> (NPWS, 09 March 2015)	8km south east.	Potential pathway: loss of foraging habitat, disturbance and surface water run off during construction and or operational phases, wastewater discharges and spread of invasive species.	Y
Malahide Estuary SPA (004025) Note:NPWS Site Synopsis states Malahide Estuary is also known as Broadmeadow Estuary.	<a href="#">ConservationObjectives.rdl</a> (NPWS, 16 August 2013)	9.8km north east.	Potential pathway: loss of foraging habitat, disturbance during construction and or operational phases, invasive species.	Y
North Bull Island SPA (004006)	<a href="#">ConservationObjectives.rdl</a> (09 March 2015)	10.5km east	As above	Y
Baldoyle Bay SPA (004016)	<a href="#">ConservationObjectives.rdl</a> (27 February 2013)	11.7km east	As above	Y
Rogerstown Estuary SPA (004015)	<a href="#">ConservationObjectives.rdl</a> (20 May 2013)	14.2km north east	As above	Y
North West Irish Sea SPA (004236)	<a href="#">CO004236.pdf</a> (19 September 2023)	13km to east	As above  For clarity, this SPA is not included in the FI AA Screening Report. Having	Y

			regard to its location contiguous to Rogerstown Estuary SPA, Malahide Estuary SPA and Baldoyle Bay SPA, I have decided, taking a precautionary approach, to include it.	
*North Dublin Bay SAC (000206)	<a href="#">ConservationObjectives.rdl</a> (06 Nov. 2013)	10.4km south east	Weak connection. In event of uncontrolled surface water run off from subject site via FinglasStream or Bachelors Stream to River Tolka which flows into South Dublin Bay and Tolka River Estuary SPA approx. 7.8km downstream, North Dublin Bay SAC would be at a greater remove and subject to further dilution and dispersal effects within Dublin Bay such that significant effects from the proposed development are not considered likely.	N

**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

**AA Screening matrix**

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site	
	Impacts	Effects
<p><b>Site 1:</b> South Dublin Bay and River Tolka SPA (004024)</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p>	<p>Direct: None</p> <p>Indirect</p> <p>Habitat loss:</p> <p>Submitted FI AA Screening Report (at Section 8.2):</p> <p>Regarding noise and disturbance, it states a number of SCI species could potentially forage on lands in the vicinity of the subject appeal site and could be disturbed by construction and operational activity. Subject site is located within heavily urbanised/industrial area and is subject to noise disturbance and light pollution, aircraft from Dublin Airport and large road network.</p>	<p>Submitted FI AA Screening Report states (at Section 8.1) that while the majority of SCI species do not rely on the food resources available within the subject site, a number of them forage inland on terrestrial sites. Arable land within the subject appeal site that has been left fallow and ungrazed, has resulted in extensive areas of tall, rank grass and rushes likely to be avoided by foraging waders. Snipe is the only species likely to use dense rushes. Given the distance from European sites and absence of suitable foraging/roosting habitat for SCI birds within the site, the proposed development will not result in habitat quality or loss of foraging habitat.</p> <p>Submitted FI AA Screening Report:</p> <p><u>Construction Phase:</u> There may be short-term increase in noise and disturbance. This will not be significant in context of existing noise and disturbance levels. Noise levels will be lower than identified criteria and will be temporary.</p> <p><u>Operation Phase:</u> There will be increased traffic to/from the site. Noise levels will comply with EPA criteria at all offsite receptors. Impacts will be imperceptible. Given distance from European site, the existing noise environment and the largely industrial lands in vicinity, the project will not result in noise and disturbance impacts to SCI species.</p>

<p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>	<p>Submitted FI AA Screening Report (at Section 8.3): Impacts on water quality run off resulting in potential pollution at <u>construction phase</u>:</p> <ul style="list-style-type: none"> <li>• Silt-laden stormwater run-off during site preparation/clearance and storage of excavated material</li> <li>• Fuel/oil/hydrocarbon spillages and concrete/cement run-off from use of vehicles and plant</li> <li>• Temporary storage of hazardous substances associated with operation of plant</li> </ul> <p>*Impacts on water quality run off resulting in potential pollution at <u>operational</u></p>	<p>Submitted FI AA Screening Report:</p> <p><u>Construction phase</u> Environmental control measures will be implemented in line with standard guidelines. Implementation of these measures has not been taken into consideration in this screening report regarding likely impact on European sites</p> <p>In unlikely event of minor hydrocarbon spill, minor runoff would be largely absorbed to <u>groundwater</u> onsite or within surrounding grasslands. In event of this runoff leaving the site, there is no direct pathway for this runoff to Dublin Bay and associated Natura 2000 sites. In highly unlikely event that hydrocarbons reach watercourses 1.5km from the subject site, this would dissipate within 7.8km local surface water network before reaching Dublin Bay. There is no significant pathway for impact on water quality within Dublin Bay from construction runoff.</p> <p><u>Operational phase</u> SuDS measures are incorporated into project design. There will be no surface water discharges during operation. Site is within Flood Zone C and proposal is defined as Less Vulnerable Development. Proposal is not a risk of flooding, will not obstruct or impede flow paths, exacerbate flooding in the vicinity and not result in residual risk.</p> <p>There are no surface watercourses within the site and Abbottstown Stream and Bachelor's Stream are 1.5km and 1.6km respectively from the site. No direct pathway for surface water runoff to Tolka. There are no viable pathways to European sites from groundwater beneath the site.</p> <p>Given SuDS measures proposed, distance from surface water receptors and absence of groundwater pathways, proposal will not have significant impact</p>
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	<p><u>phase:</u></p> <p>*See also Impacts from Municipal Solid Waste (operational phase)</p>	<p>on conservation objectives of European site as a result of surface water runoff during operation.</p>
	<p>Submitted FI AA Screening Report (at Section 8.5):</p> <p>Regarding impacts from wastewater at operational phase - Project will be connected to foul sewer and no onsite treatment or storage of foul waste is required. All wastewater will be conveyed for treatment to Ringsend WWTP. Predicted wastewater discharge will be 60PE plus occasional run-off from the contingency external storage area.</p> <p>UÉ's 2022 AER for Ringsend WWTP includes–</p> <ul style="list-style-type: none"> <li>- Primary discharge from WWTP does have an observable negative impact on water quality in the near field of discharge and in Liffey and Tolka Estuaries</li> <li>- Primary discharge from WWTP does not have an observable negative impact on WFD status in Liffey Estuary</li> </ul>	<p><u>Operational phase</u></p> <p>I have viewed the most recent (2023) AER for Ringsend (D0034-01) on <a href="http://www.water.ie">www.water.ie</a> (accessed on 13 November 2025) and note there is no change to these details relating to primary discharge.</p> <p>I note <a href="http://www.gis.epa.ie">www.gis.epa.ie</a> outlines -</p> <ul style="list-style-type: none"> <li>• WFD Status 2016-2021 for Liffey Estuary Lower is Moderate. There is no change to status of this transitional waterbody in WFD 2019-2024.</li> <li>• WFD Status 2016-2021 for Tolka Estuary is Poor. There is no change to status of this transitional waterbody in WFD 2019-2024.</li> </ul> <p>Separately, UÉ website <a href="http://www.water.ie">www.water.ie</a> (accessed on 13 November 2025) states that work is continuing on remaining project elements to Ringsend WWTP Upgrade Project to deliver the capacity for a 2.4m PE by end of 2025.</p> <p>Having regard to information outlined in FI AA Screening Report, and having regard to the small level of discharge proposed, in the context of the ongoing substantial upgrade of Ringsend WWTP, I am satisfied that no effect on water quality resulting in impacts on the QIs or conservation objectives of European sites will occur due to water discharges.</p>
	<p>Submitted FI AA Screening Report (at Section 8.6):</p> <p>Impacts from Municipal Solid Waste (MSW)</p> <p>Non-recyclable household</p>	<p><u>Operational phase</u></p> <p>FI AA Screening Report states that given the absence of direct hydrological connections to aquatic receptors, there is no potential for municipal solid waste or storage of waste materials onsite to</p>

	<p>and commercial waste will be offloaded into MRF, and materials processed and separated.</p> <p>Compacted and wrapped bales comprising waste (for use in production of solid recovered fuel (SRF) or as refuse derived fuel (RDF)) will be stored externally during a major breakdown or planned maintenance shutdown of cement kilns/waste to energy plants, until such facilities come back into service. In worst case, bales are stored externally for 2 weeks, the storage area is 1000sqm, the average weekly rainfall is 75mm, such that total volume of runoff diverted to foul sewer would be 150m<sup>3</sup>, equivalent to a daily average of 10.7m<sup>3</sup>.</p>	<p>adversely impact Natura 2000 sites.</p> <p>It is outlined FI EIAR (at Section 3.8.2.1) that these bales would be wrapped in polythene. However, in terms of potential impacts on European sites, I consider that the wrapped nature of the bales would result in contaminated surface water runoff being of limited volume. I am satisfied that no effect on water quality resulting in impacts on the QIs or conservation objectives of European sites will occur due to the acceptance and processing of MSW at operational phase.</p> <p>For completeness, I have recommended in the main IR (in the assessment of Chapter 8 – Air) that in the event the Commission was minded to grant, that the compacted wrapped bales are not stored externally. However, the inclusion or not of this recommended condition has no bearing on the assessment of this matter as it relates to AA screening.</p>
	<p>FI AA Screening Report (at Section 8.7):</p> <p>Regarding spread of invasive species, no high risk invasive species were recorded within proposed works area. No impact on QIs and conservation objectives for European sites from spread of invasive species will occur.</p>	<p>I note that no species listed in the Third Schedule of the Birds and Natural Habitats Regulations 2011 (S.I. No. 477 of 2011) was recorded on site. Separately, I note that construction phase mitigation measures set out FI EIAR Outline CEMP (at Appendix 3.3) includes that an invasive species survey will be undertaken to determine if species in the afore-mentioned regulations have become established, and if so, to implement a site specific invasive species management plan.</p> <p>I consider that matters outlined in the CEMP are standard construction practices, that matters relating to invasive species are subject to a separate legal code namely European Communities (Birds and Natural Habitats) Regulations 2011, and are clearly not intended as a</p>

		<p>measure to mitigate potential impacts on European sites.</p> <p>In reaching this conclusion, I have taken no account of mitigation measures intended to avoid or reduce the potentially harming effects of the project on any European sites.</p>
	<p><b>Likelihood of significant effects from proposed development (alone): No</b></p>	
	<p><b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</b></p> <p>The FI AA Screening Report outlines at Table 12. Potential in-combination impacts to include -</p> <ul style="list-style-type: none"> <li>• 5no. plans, such as River Basin Management Plan 2022-2027, Irish Water Capital Investment Plan 2020-2024, Water Services Strategic Plan (IW, 2015)</li> <li>• Municipal WWTPs (Ringsend, Swords and Malahide)</li> <li>• 6no. IPC/IEL Facilities in the vicinity are listed</li> <li>• Fingal Development Plan 2023-2029 and Heavy Industry zoning</li> <li>• 4no. other developments in the vicinity – <ul style="list-style-type: none"> <li>P.A. Ref. FW22A/0358: Permission granted in 2023 for 3no. weighbridges, soil waste inspection quarantine shed, at Huntstown South Quarry, located 150m and 200m west of the proposed development site.</li> <li>P.A. Ref FW22A/0213: Permission granted in 2023 for Distribution System Operator (DSO) electrical substation, 40no. battery storage unit, underground cabling to route c. 1.45km to existing 220kV Finglas Electricity Substation, approx. 100m to east.</li> <li>P.A Ref. FW21A/0151: Application for data centre under appeal on site approx. 120m to north.</li> <li>P.A.Ref. FW21A/0144: Concurrent application for undergrounding electricity overhead lines traversing the site.</li> </ul> </li> </ul> <p>In terms of detail, I have outlined at Section 4.0 of the main IR an overview of these 4no. permitted developments/applications, the updated status of these cases (P.A Ref. FW21A/0151 and P.A. Ref. FW21A/0144 both granted) and the various distances of these permitted developments from the subject site.</p> <p>The FI AA Screening Report outlines that discharges from IEL and IPC licenced facilities are governed by strict water quality standards. The long term likely zone of impact is predicted to be negligible and there is no potential for in combination effects on Natura 2000 sites.</p> <p>I concur with this view.</p>	

Site Name Qualifying Interests	Possibility of significant effects (alone) in view of the conservation objectives of the site	
	Impacts	Effects
<b>Site 2:</b> <b>Malahide Estuary SPA</b> <b>(004025)</b> Great Crested Grebe (Podiceps cristatus) [A005] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Pintail (Anas acuta) [A054] Goldeneye (Bucephala clangula) [A067] Red-breasted Merganser (Mergus serrator) [A069] Oystercatcher (Haematopus ostralegus) [A130] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162] Wetland and Waterbirds [A999]	<b>Conservation Objective:</b> <b>Maintain (all)</b>  As above, with regard to impacts of habitat loss, noise and disturbance and invasive species.	As above, with regard to effects of habitat loss, noise and disturbance and invasive species.
	<b>Likelihood of significant effects from proposed development (alone): No</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</b>	

Site Name Qualifying Interests	Possibility of significant effects (alone) in view of the conservation objectives of the site	
	Impacts	Effects
<b>Site 3:</b> <b>North Bull Island SPA (004006)</b> Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046] Shelduck ( <i>Tadorna tadorna</i> ) [A048] Teal ( <i>Anas crecca</i> ) [A052] Pintail ( <i>Anas acuta</i> ) [A054] Oystercatcher ( <i>Haematopus ostralegus</i> ) [A130] Golden Plover ( <i>Pluvialis apricaria</i> ) [A140] Grey Plover ( <i>Pluvialis squatarola</i> ) [A141] Knot ( <i>Calidris canutus</i> ) [A143] Sanderling ( <i>Calidris alba</i> ) [A144] Dunlin ( <i>Calidris alpina</i> ) [A149] Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156] Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157] Curlew ( <i>Numenius arquata</i> ) [A160] Redshank ( <i>Tringa totanus</i> ) [A162] Turnstone ( <i>Arenaria interpres</i> ) [A169] Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179] Shoveler ( <i>Spatula clypeata</i> ) [A857] Wetland and Waterbirds [A999]	<b>Conservation Objective: Maintain (all)</b>  As above.	As above.
	<b>Likelihood of significant effects from proposed development (alone): No</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</b>	

Site Name Qualifying Interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<b>Site 4:</b> <b>Baldoyle Bay SPA (004016)</b> Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046] Shelduck ( <i>Tadorna tadorna</i> ) [A048] Ringed Plover ( <i>Charadrius hiaticula</i> ) [A137] Golden Plover ( <i>Pluvialis apricaria</i> ) [A140] Grey Plover ( <i>Pluvialis squatarola</i> ) [A141] Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157] Wetland and Waterbirds [A999]	<b>Conservation Objective:</b> <b>Maintain (all)</b>  As above.	As above.
Site Name Qualifying Interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<b>Site 5:</b> <b>Rogerstown Estuary SPA (004015)</b> Greylag Goose ( <i>Anser anser</i> ) [A043] Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046] Shelduck ( <i>Tadorna tadorna</i> ) [A048] Oystercatcher ( <i>Haematopus ostralegus</i> ) [A130] Ringed Plover ( <i>Charadrius hiaticula</i> ) [A137] Grey Plover ( <i>Pluvialis squatarola</i> ) [A141] Knot ( <i>Calidris canutus</i> ) [A143]	<b>Conservation Objective:</b> <b>Maintain (all)</b>  As above.	As above.

Dunlin ( <i>Calidris alpina</i> ) [A149] Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156] Redshank ( <i>Tringa totanus</i> ) [A162] Shoveler ( <i>Spatula clypeata</i> ) [A857] Wetland and Waterbirds [A999]		
	<b>Likelihood of significant effects from proposed development (alone): No</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</b>	
<b>Site Name Qualifying Interests</b>	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b>	
	<b>Impacts</b>	<b>Effects</b>
<b>Site 6: North West Irish Sea SPA (004236)</b>	<b>Conservation Objective: As outlined below:</b>	
<b>A001 Red-throated Diver (<i>Gavia stellata</i>)</b>	Maintain	
<b>A003 Great Northern Diver (<i>Gavia immer</i>)</b>	Maintain	
<b>A009 Fulmar (<i>Fulmarus glacialis</i>)</b>	Restore	
<b>A013 Manx Shearwater (<i>Puffinus puffinus</i>)</b>	Maintain	
<b>A017 Cormorant (<i>Phalacrocorax carbo</i>)</b>	Restore	
<b>A018 Shag (<i>Phalacrocorax aristotelis</i>)</b>	Restore	
<b>A065 Common Scoter (<i>Melanitta nigra</i>)</b>	Maintain	
<b>A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>)</b>	Maintain	
<b>A182 Common Gull (<i>Larus canus</i>)</b>	Maintain	
<b>A183 Lesser Black- backed Gull (<i>Larus fuscus</i>)</b>	Maintain	
<b>A184 Herring Gull (<i>Larus argentatus</i>)</b>	Restore	
<b>A187 Great Black- backed Gull (<i>Larus marinus</i>)</b>	Maintain	

<b>A188 Kittiwake</b> ( <i>Rissa tridactyla</i> )	Restore	
<b>A192 Roseate Tern</b> ( <i>Sterna dougallii</i> )	Maintain	
<b>A193 Common Tern</b> ( <i>Sterna Hirundo</i> )	Maintain	
<b>A194 Arctic Tern</b> ( <i>Sterna paradisaea</i> )	Maintain	
<b>A195 Little Tern</b> ( <i>Sterna albifrons</i> )	Maintain	
<b>A199 Guillemot</b> ( <i>Uria aalge</i> )	Maintain	
<b>A200 Razorbill</b> ( <i>Alca torda</i> )	Maintain	
<b>A204 Puffin</b> ( <i>Fratercula arctica</i> )	Restore	
<b>A862 Little Gull</b> ( <i>Hydrocoloeus minutus</i> )	Maintain	
	<b>Impacts:</b> As above	As above  In addition, I have noted in this assessment that while the North West Irish Sea SPA includes the conservation objective to <u>restore</u> the favourable conservation condition of 6no. QIs, I note also this SPA's considerable approx. 13km distance from the subject site.
	<b>Likelihood of significant effects from proposed development (alone): No</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</b>	
<p>I consider that the proposed development would not result in likely significant adverse effects on the 6no. European sites outlined at Step 3.</p> <p>For completeness, I have noted in this assessment that historic mapping (OS 25inch mapping) indicates a stream directly west of the subject site, and that a separate permitted development references 'Finglas Stream', which I estimate to be approx. 300m to west of the site.</p> <p>While neither of these matters are outlined in the FI AA Screening Report, I consider that in the unlikely event that surface or groundwater becomes polluted as a result of the proposed development, either at construction or operation phase, and in the event that polluted waters reach 'Finglas Stream' and thereafter the River Tolka, which flows into South Dublin Bay and Tolka River Estuary SPA (004024) approx. 7.8km downstream, this would be a very weak hydrological connection.</p> <p>Having regard to the distance and the dilution and dispersal effects within Dublin Bay, significant effects from the proposed development on this European site are not considered likely.</p>		

#### **Step 4 Conclude if the proposed development could result in likely significant effects on a European site**

I conclude that the proposed development alone would not result in likely significant effects on South Dublin Bay and River Tolka SPA (004024), Malahide Estuary SPA (004025), North Bull Island SPA (004006), Baldoyle Bay SPA (004016), Rogerstown Estuary SPA (004015) and North West Irish Sea SPA (004236). The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

#### **Screening Determination**

##### **Finding of no likely significant effects**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on South Dublin Bay and River Tolka SPA (004024), Malahide Estuary SPA (004025), North Bull Island SPA (004006), Baldoyle Bay SPA (004016), Rogerstown Estuary SPA (004015) and North West Irish Sea SPA (004236) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Scientific information provided in the Screening report
- The nature and scale of the development on serviced lands
- Distance from and weak indirect connections to the European sites
- No ex-situ impacts on wintering birds
- Information provided in the FI Report in Support of Appropriate Assessment Screening (Update)

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

Appendix 2: Water Framework Directive

<b>WFD IMPACT ASSESSMENT STAGE 1: SCREENING</b>			
<b>Step 1: Nature of the Project, the Site and Locality</b>			
<b>An Bord Pleanála ref. no.</b>	<b>ABP-319282-24</b>	<b>Townland, address</b>	Lands at Huntstown Townland and Coldwinters Townland, Co. Dublin
<b>Description of project</b>		Construction of a materials recovery facility (MRF) and a food container cleaning plant (FCCP) and all associated site works. The MRF will require an EPA Industrial Emissions Licence. Proposals include upgrades to existing cul-de-sac road (Fingal County Council owned road) accessed from North Road. An EIAR has been submitted with the application.	
<b>Brief site description, relevant to WFD Screening,</b>		<p>The site location and description are set out at Section 1.0 of the main IR. It comprises 2 fields, with a central hedgerow separating the fields, and part of an existing access road to Finglas 220kV power station. This access road is owned by Fingal County Council (FCC). The western field is generally level and was previously used for tillage. On site visit rushes and bramble were evident in this field.</p> <p>The eastern field is stated to have previously been used for agriculture. On site visit it was noted that the site was in use for horse grazing. The site rises towards its centre. Works were recently carried out on site to remove overhead powerlines and lay them underground inside the eastern and northern development boundaries.</p> <p>The site is accessed from the Huntstown entrance on North Road. The northern site boundary is bounded by an internal access road which also serves Bio, an anaerobic digester facility. There is a hedgerow on the western and southern boundaries. The eastern field boundary facing the FCC-owned road comprises a palisade fence.</p> <p>The FI EIAR states that there are no watercourses inside the site boundary and the closest water feature is Huntstown Stream.</p>	
<b>Proposed surface water details</b>		<p><b>Operation Phase:</b> <u>Surface water drainage</u></p> <p>Design consists of –</p> <ul style="list-style-type: none"> <li>• SuDS infiltration soakaway with storage capacity</li> </ul>	

	<ul style="list-style-type: none"> <li>• Permeable paving to car park areas</li> <li>• Rainwater harvesting to building roofs</li> </ul> <p>All rainwater from the site will be stored and infiltrated at site, there is no outfall from the site and the controlled rate is therefore 0l/s/ha. (It is outlined that open swales or retention ponds are not a viable means of SuDS for this site as they attract bird life, and site's proximity to Dublin Airport would increase risk to aircraft).</p>
<b>Proposed water supply source &amp; available capacity</b>	Uisce Éireann mains water connection
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	<p>Uisce Éireann wastewater connection.</p> <p>There are 2no. UÉ reports on file, both of which state no objection subject to conditions. The second UÉ letter (dated 10 January 2024) is largely the same as the previous letter, but also states that prior to commencement, the applicant is asked to provide clarity to the planning authority that the proposed development is outside the Greater Dublin Drainage wayleave area.</p>
<b>Others</b>	<p>14.1.1. A Flood Risk Assessment (FRA) was submitted as Further Information. The site is located within Flood Zone C. It concludes that there is no indication of flooding from coastal, pluvial, fluvial and groundwater sources at the site.</p> <p>14.1.2. The second Water Services Dept. report states no objection subject to conditions. Notes the proposal is considered to be a less vulnerable development, located in Flood Zone C, that mitigation measures have been incorporated into the design of pluvial/overland flows and groundwater flows are deemed negligible.</p> <p><b>Protected Areas for WFD</b> Distances from the subject site to the following Protected Areas for WFD are as follows: Natura Sites: Nearest are (approx.): South Dublin Bay and River Tolka SPA (004024): 8km to south east Malahide Estuary SPA (004025): 9.8km to north east North Bull Island SPA (004006): 10.5km to east Baldoyle Bay SPA (004016): 11.7km to east Rogerstown Estuary SPA (004015): 14.2km to north east</p>

North West Irish Sea SPA (004236): 13km

North Dublin Bay SAC (000206): 10.4km

- Drinking Water (Protected Areas): Site is within Drinking Water – EU\_CD: Groundwater IE\_EA\_G\_008; Dublin (as viewed on [www.catchments.ie](http://www.catchments.ie)).
- No GSI Public Supply nor NFGWS Group Scheme Source Protection areas in the vicinity of the site or hydraulically downstream of the site.
  - The nearest GSI Public Supply Source Protection Area is at Dunboyne, Co. Meath, approx. 10km to north west, namely DUNBOYNE PWS; SI – Inner Protection Area. The adjoining SO – Outer Protection Area is to its northwest.
- Shellfish Areas: Closest is Malahide approx. 14km to east; WB\_CD: IE\_EA\_020\_0000.
- Nutrient Sensitive Areas:
  - Nearest Nutrient Sensitive Area: Rivers (Dec 2018) is Liffey, approx. 6m to south west; EU\_PA\_Code: IERI\_EA\_2010\_0007 refers.
  - Nearest Nutrient Sensitive Area: Lakes and Estuaries (Dec. 2018) is Liffey Estuary, approx. 7km to south; WFD\_CODE: EA\_090\_0300 refers.
- Bathing Waters: Closest are
  - Sandymount Strand, approx. 11km to south east; **IEEABWC090\_0000\_0300** refers.
  - Dollymount Strand, approx. 12 to south east; **IEEABWC090\_0000\_0400** refers.

Streams/mapping in vicinity of site

I note the content of EPA mapping (viewed at [www.catchments.ie](http://www.catchments.ie))

- The site is within WFD SubCatchment Tolka\_SC\_020
- The site is within WFD River Sub Basin TOLKA\_050. The nearest waterbody to the subject site within TOLKA\_050 is:
  - Bachelors Stream; IE\_EA\_09T011100 approx. to 1.6km south east
- WFD River Sub Basins which adjoin WFD River Sub Basin Tolka\_050 are:

- WARD\_030, in which Huntstown Stream (IE\_EA\_08W010300) approx. 970m to north of site is located.
- TOLKA\_040, in which Abbotstown Stream (IE\_EA\_09T011000) approx. 1.5km to west of site is located.

Given that Huntstown and Abbotstown Streams are in two separate WFD River Sub Basins to the subject site, I consider that potential hydrological pathways from the proposed development to these waterbodies is highly unlikely. These 2no. waterbodies are excluded from further assessment.

With regard to Bachelors Stream, this is Waterbody: TOLKA\_050.

The EPA's update (October 2025) for this waterbody over the 2019-2024 period is At Risk. The assigned Value is Poor.

The applicant states that there are no watercourses within the site, the nearest being Huntstown Stream.

**P.A. Ref. FW22A/0258:** I note as viewed on the planning authority's website that P.A. Ref. FW22A/0258 (development proposal at Huntstown South Quarry) shows 'Finglas Stream'. AA Screening report lodged with that application states Finglas Stream ultimately flows ca. 4km into River Tolka at Glasnevin that outflows to South Dublin Plan and River Tolka Estuary SPA another 4.5km downstream.

I estimate based on [www.tailte.ie](http://www.tailte.ie) mapping that this stated stream is approx. 300m to west of the subject site.

This stream is not shown on the plans and particulars lodged with the application, nor on historic mapping (OS 25inch map).

Aerial images viewed on [www.gsi.ie](http://www.gsi.ie) (Groundwater Data Viewer) indicates a stream that approximates to that shown as 'Finglas Stream' on P.A. Ref. FW22A/0258.

**OS 25inch map**

A watercourse is shown on the 25inch maps (viewed on [www.tailte.ie](http://www.tailte.ie)), from a point directly west of the western site boundary. This watercourse is shown to extend westward and then turns southwards. The existing of this watercourse, albeit on historic mapping, is not referred to in the FI EIAR nor the AA Screening report.

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	1.6km to south east	TOLKA_050 IE_EA_09T0111 00 Bachelors Stream	Poor (2019-2024)	At Risk (2019-2024)	Significant Pressures: UR, UWW  Significant Issues: Nutrients, Organic (As per Update on pressures impacting on water quality, EPA, 2024)	No direct hydrological connection to watercourse. Weak hydrological connection via surface run-off or groundwater.
Groundwater Waterbody	Underlying site		Good (Ground Waterbody WFD Status 2019-2024)	Review	None listed	Yes – poor infiltration rate on site (as per BRE 365 test submitted as FI)

**Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.**

**CONSTRUCTION PHASE**

No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	<b>Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.</b>
1.	Surface	TOLKA_050 IE_EA_09T01 1100 Bachelors Stream	No existing watercourses within the site. Nearest water feature is Huntstown Stream (as per FI EIAR; Section 7.5.1) See also details outlined relating to Residual Risk.	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice CEMP	No. 'Finglas Stream' indicated on P.A. Ref. FW22A/0258 is approx. 300m to west. Aerial imagery viewed on <a href="http://www.gsi.ie">www.gsi.ie</a> indicates a watercourse at this approx. location. This is not referenced in subject application. However, as per FI AA Screening Report, potential for significant	Screened out

						hydrocarbon spills is very low. In event of minor hydrocarbon spill, minor runoff would be largely absorbed to groundwater onsite or within surrounding grasslands.	
2.	Ground	<b>Dublin</b> <b>IE_EA_G_008</b>	Pathway exists but poor infiltration rate.	Chemical or fuel spillages	As above	No.  As above. While reference is made to minor runoff being absorbed to groundwater, I note that site has poor infiltration rate.  Appropriate design avoidance and mitigation measures. Standard construction measures, CEMP.	Screened out.
<b>OPERATIONAL PHASE</b>							
3.	Surface	TOLKA_050 IE_EA_09T01 1100	No watercourses within the site.	Hydrocarbon spillage	Appropriate design avoidance &	No. As per details above, 'Finglas Stream'	Screened out

		Bachelors Stream			mitigation measures, SUDs features, attenuation tanks	location has not been referenced in the subject application. However, having regard to operational surface water management measures proposed, and 300m distance, impacts on this stream are unlikely.	
4.	Ground	<b>Dublin</b> <b>IE_EA_G_008</b>	Pathway exists but poor infiltration rate	Hydrocarbon spillages	SUDs features, Attenuation tanks	No. As per details outlined above, while FI AA Screening report refers to minor runoff being absorbed to groundwater, I note that the site has poor infiltration rate.	Screened out
<b>DECOMMISSIONING PHASE</b>							
5.	N/A						