



An
Bord
Pleanála

Inspector's Report 06F.PA0048.

Development	A Materials Processing and Transfer Facility of up to 170,000 tonnes per annum capacity.
Location	Millennium Business Park, Cappagh Road, Dublin 11.
Planning Authority	Fingal County Council.
Applicant	Padraig Thornton Waste Disposal Ltd. t/a Thornton Recycling.
Type of Application	Strategic Infrastructure, Section 37E, Planning and Development Act 2000 (as amended).
Submissions/Observations	Fingal County Council Inland Fisheries Ireland Dublin Airport Authority Environmental Protection Agency.
Date of Site Inspection	23rd March 2017
Inspector	Ciara Kellett.

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1.0 Site Location and Description

- 1.1. The 2.4Ha site is located within the Millennium Business Park on the Cappagh Road, Dublin 11. The Business Park is one of a number of business and industrial parks located to the west of the M50 between the N2 and the N3 national roads. Other business parks in the general area include the Ballycoolin Business Park, Rosemount Business Park, Stadium Business Park and the Northwest Business Park.
- 1.2. To the east and south-east of the Millennium Business Park is a large quarry (Huntstown Quarry) which is still active. The main residential areas are in Finglas West which is located c.1.5km south-east of the site across the M50, and Corduff which is located c.2km to the south-west. There is one residential dwelling to the south-east of the site on the Cappagh Road c.270m from the site. Cappoge cottages are located c.750m to the south-east of the site. The Cappagh National Orthopaedic Hospital is located c.1.3km to the south-east across the M50 motorway.
- 1.3. In the immediate vicinity of the site, there are a number of large warehouse/light industrial type structures. The Panda waste facility is on the opposite side of the Cappagh road as well as the Harvey Norman Warehouse to the south-east. An office building will directly face the proposed development on the opposite side of the road. The offices directly overlook the road and the site.
- 1.4. Within the Millennium Business Park there are two concrete processing facilities and a waste management facility (Greenstar) to the immediate north of the proposed site. There is a light industrial unit and the Rose Café to the west.
- 1.5. The site itself is currently undeveloped and open to the Business Park. It comprises an area of rough pasture and a gravel hardstanding area. It is a relatively flat site. There are currently two disused buildings in the south-east corner of the site. The buildings included a vacant dwelling and an outhouse/storage area. During the course of the applicant's preparation of the EIS, a fire occurred in the uninhabited dwelling which caused serious damage in August 2016.
- 1.6. The site itself is bounded to the Cappagh Road by a stone wall with railings and there are two entrances with right turn lanes already in existence on the road. The two entrances from Cappagh road are currently blocked off. Access is also provided

through the Millennium Business Park via an internal road network from the Cappagh Road at a roundabout junction approximately 250 metres north-west of the site. The eastern boundary of the site comprises a 2.4m high paladin type fence and the northern boundary comprises a block wall.

- 1.7. The Finglas - Ballycoolin 38kV power line traverses the site both overground and underground. A pylon is located in the centre of the site. The power line was diverted underground to facilitate development of a previous planning permission. The site includes a wayleave which runs through the site up to the pylon.
- 1.8. There are no designated European Sites in the vicinity of the Business Park. The closest European Site is the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) located c.9km south-east of the proposed development.
- 1.9. Appendix A includes maps and photographs.

2.0 Proposed Development

2.1. Description of Development

- 2.1.1. The proposed development is for the construction of a materials processing and transfer facility for the acceptance, processing and transfer of up to 170,000 tonnes per annum (TPA) of residual municipal solid waste (MSW), source separated organic material (i.e. brown bin waste), and waste wood and green waste from both domestic and commercial sources.

The material will be received within a newly constructed, fully enclosed waste processing building operating under negative air extraction, comprising reception areas, plant processing area and material storage and loading areas.

- 2.1.2. Residual MSW from commercial sources will be processed through specific plant for the production of solid recovered fuel (SRF) for use as an alternative fuel source in thermal treatment processes, primarily cement kilns.

Residual MSW from domestic and other sources, and source segregated brown bin material will be accepted within a secondary enclosed area within the waste

processing building where this material will be 'bulked up'¹ prior to consignment off site. Waste wood and green waste material will be accepted within the building for bulking up and transfer offsite.

2.1.3. The waste processing building will be c.7,323sq.m while a second bale storage building of c.1,559sq.m will be constructed in the north-east corner of the site. This building shall temporarily house SRF bales for storage in the event of SRF outlets being unavailable.

2.1.4. In summary, the proposed development will comprise:

The development of a materials processing and transfer facility for the acceptance of up to 170,000 TPA of residual MSW, source segregated 'brown bin' waste, waste wood and green waste with the following infrastructure:

- A waste processing building of c. 90 m in length, c. 78 m in width, c. 10 - 12 m in height (eave & ridge respectively, parapet height of 12 m) with a loading bay annex of c. 51 m in length, c. 6m in width and c. 8.5 m in height, with a total gross floor area of c. 7,323 sq. m., and with elevational signage;
- A bale storage building, irregular in shape, of c. 76 m in (longest) length, c. 31 m in (widest) width & c. 9.5 m in height, with a total gross floor area of c. 1,559 sq. m.;
- An administration building of c. 25 m in length, c. 12 m in width & c.7.4 m in height, with a gross floor area of 432 sq.m.;
- Redesigned operational traffic site entrance to facilitate access from the Cappagh Road;
- A secondary entrance from the Millennium Business Park;
- Boundary treatment on the western boundary comprising paladin fencing of c.2.4 m in height;
- Weighbridge and weighbridge hut with a gross floor area of 50 sq.m.;
- ESB substation at entrance from Cappagh Road;

¹ 'Bulking up' refers to the process of accepting smaller volumes of waste from refuse collection vehicles (RCV's), skips etc. and transferring this material to larger volume trailers for more efficient and economic transportation of the waste material to alternate locations.

- Odour abatement plant for the waste processing building comprising 2 no. vessels and ancillary plant, with a stack of 20 m;
- Rainwater harvesting tanks;
- Fuel storage tank;
- 16 no. car parking spaces;
- 6 no. truck parking spaces;
- Landscaping treatment along the southern site boundary;
- Foul drainage provision, tying into wider Millennium Business Park network;
- Surface water provision, with attenuation, tying into the wider Millennium Business Park network;
- Other ancillary structures;
- Relocation of 1 no. line termination mast for the Finglas-Ballycoolin 38kV line within the site boundary;
- Demolition of existing 2 no. structures onsite i.e. 1 no. disused former residential property (with outbuilding) and 1 no. storage building; and
- Felling of a number of trees running through approximate centre of site in a north-south direction.

2.1.5. The breakdown of the types of waste to be accepted at the facility are listed as being up to 120,000TPA of residual MSW, up to 30,000TPA of source separated biowaste (brown bin waste), and up to 20,000TPA of waste wood and green waste.

The facility is proposed to operate 24 hours a day, 7 days a week.

2.1.6. In addition to the planning permission application, a separate application is being made to the EPA for the required Industrial Emissions Discharge (IED) licence. As the principal activity on site (in terms of input tonnages) will be the acceptance of residual MSW for SRF production, the facility will therefore be classified as an Industrial Emission facility by the EPA and as such, an IED licence as opposed to a waste licence will be applicable to the site.

- 2.1.7. The application is accompanied by an Environmental Impact Statement and an Appropriate Assessment Screening Report, as well as the standard application documentation.

2.2. Environmental Impact Statement

- 2.2.1. An Environmental Impact Statement (EIS) accompanies the planning application. The EIS comprises a separate bound Non-Technical Summary – Volume 1, Volume 2 is the main EIS and Volume 3 is Appendices.
- 2.2.2. The EIS describes the site; states that the proposal would comply with national and local planning policy; outlines the need for the development and considers alternatives; provides information on EIA scoping, consultation and key issues; and, provides a detailed project description.
- 2.2.3. The main body of the EIS outlines the study methodologies; describes the receiving environment; assesses the potential impacts on the receiving environment under the usual range of headings; proposes mitigation measures for the construction and operational phases; identifies cumulative and residual impacts; monitoring, and assesses interactions.
- 2.2.4. The EIS is informed by a number of technical appendices contained in Volume 3.
- 2.2.5. The EIS concludes that with the successful application of the mitigation measures presented and best practice techniques implemented during construction and operation, the proposed development at the Millennium Business Park site is not anticipated to have any significant, long term, negative impacts on the local environment. (See Section 12 below for further detail).

2.3. Appropriate Assessment Screening Report

The Stage 1 Screening Report for Appropriate Assessment is located in Volume 3, Appendix 17 of the EIS document.

The Screening Report states that the site is not located within a European Site. Eleven designated sites are located within 15km of the site.

The Screening Report concludes that no direct, indirect or cumulative significant impacts are envisaged due to the scale of the project, it's location within an existing

brownfield site and the lack of a direct link to any waterways. (See Section 13 below for further detail).

3.0 Pre-Application Consultation

The Board's Notice to the applicants under Section 37B(4)(a), Planning and Development Act 2000 (as amended), confirmed that the proposed development would constitute strategic infrastructure on 14th September 2016.

The records of the pre-application meetings copied to the applicants, referred to the following issues as likely to be relevant to the consideration of the application: Odour, Noise, Impacts on haul route as well as indirect impacts.

4.0 Planning History

4.1. Relevant permissions

- **Reg. Ref. F07A/1472, ABP Ref. PL06F.230770**

A planning application has previously been granted permission by the Board in January 2009 on this site for a Materials Recovery Facility, following a first party appeal against a decision to refuse permission by Fingal County Council.

The development was on a slightly smaller area and was for a Material Recovery Facility with a capacity for 100,000TPA of dry mixed recyclable material and construction and demolition waste.

The Board noted in the 'Reasons and Considerations' for granting permission the following:

Having regard to the General Industrial zoning of the area and to the provisions of the Waste Management Plan for the Dublin Region 2005-2010, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, would be acceptable in terms of public health and traffic safety and would not constitute a threat of water pollution. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

That permission has subsequently expired and it is stated in the documentation that the facility was not developed due to the economic situation pertaining to the waste management industry and wider economy at the time.

A waste licence for that proposed development was granted by the EPA for the facility under licence W0241-01, which has since been surrendered to the EPA.

- **Reg. Ref. F07A/1472/E1**

An Extension of Duration of Permission request was submitted in November 2013. This was subject to a request for Further Information for the submission of an Appropriate Assessment Screening Report. There is no reference to the Council receiving a response.

4.2. **Other permissions of note**

On the site:

- **Reg. Ref. F01A/0458:** Permission was granted by Fingal County Council in October 2001 for the demolition of the existing dwelling and associated structures and the provision of 38 no. single storey light industrial units.
- **Reg. Ref. F01A/0458/E1:** The Council refused permission in October 2006 for an extension of duration of permission.
- **Reg. Ref. F06A/1840:** Permission was granted by the Council in March 2007 for the development of 35 no. single storey light industrial units.

In the vicinity:

- **Reg. Ref. F07A/1435:** Permission was granted in April 2008 for amendments to the development previously permitted as Phase 1 comprising re-configuration and amalgamation of 3 no. part two and three storey logistics, warehouse, industrial and office buildings to form 1 no. new two part storey warehouse, logistics and office building.

There have been numerous planning applications in the surrounding area for quarry related activities, waste processing facilities and other light industrial units.

5.0 Policy Context

5.1. National Waste Policy

5.1.1. Waste Management: Changing Our Ways – 1998

This document published by the Department of the Environment and Local Government in 1998 addressed stated EU policy and was one of integrated waste management based on an emphasis on waste prevention, minimisation, re-use, recycling, energy recovery and disposal. It highlighted the need for a new approach to the delivery of waste infrastructure and services and emphasised the need for co-operation with neighbouring local authorities and the potential of the private sector to contribute towards the delivery of services.

It identified scope for the use of waste as a fuel in combustion processes including power generation and cement manufacture.

5.1.2. Preventing and Recycling Waste – Delivering Change – a Policy Statement – 2002

This second policy statement was published by the Department of the Environment and Local Government in 2002. This document addressed the factors and practical considerations that are relevant to the prevention and recovery of waste and established a series of objectives in terms of the implementation of the waste hierarchy.

5.1.3. Waste Management: Taking Stock and Moving Forward - 2004

This document was an evaluation of progress on targets set out in 'Changing our Ways' and looked at future strategies to meet those targets by 2013.

5.1.4. National Strategy on Biodegradable Waste – 2006

This Strategy sets out Government policy for the diversion of biodegradable municipal waste (BMW) from landfill and addressed the limits set for the quantity of biodegradable municipal waste permitted to be sent to landfill under the EU Landfill Directive, and the targets set out in the Directive with reference to the increase in recycling capacity and biological treatment capacity required.

5.1.5. A Resource Opportunity – Waste Management Policy in Ireland 2012

This document was published in July 2012 by the Department of the Environment, Community and Local Government.

With respect to biodegradable waste, Section 8.3 notes that the National Waste Report for 2010 identified that 47% of biodegradable municipal waste was disposed of to landfill in 2010. It notes that progress towards the separate collection of organics through the roll out of “brown bin” has been disappointing and identifies policy measures and actions to require separate collection of such material, supporting its diversion from landfill to more productive uses.

In relation to recovery of waste, Section 9.1 states, *‘Recovery is defined in the Waste Framework Directive as any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy’.*

It states, *‘Given our dependency on imported fossil fuels.....it is important to harness the potential of waste to contribute in a significant manner to displacing the use of finite fossil fuel resources. Waste can be used in a number of ways and through a number of technologies to produce energy, including through anaerobic digestion, thermal treatment and through the use of solid recovered fuel in facilities such as cement kilns’.*

It is further noted that *‘In considering measures for the encouragement of recovery, a balance must be struck between the development of essential infrastructure and the importance of ensuring that material which could be reused or recycled is not drawn down the hierarchy and that waste generation is not encouraged in order to provide feedstock for recovery processes’.*

Policy measures and actions include: *‘The careful design and use of incentives and economic instruments will be a key focus for ensuring that waste is not drawn down the waste hierarchy’* and *‘The development of appropriate treatment requirements and quality standards for the production of fuels from waste will be examined in order to assist in the acceptance and marketability of such fuels’.*

5.1.6. **National Municipal Waste Recovery Capacity 2014**

The EPA prepared this document for the Department of the Environment, Community and Local Government. It provided a register and snapshot in time of live waste facility authorisations in the state.

5.2. **Regional Waste Policy**

- 5.2.1. The Eastern and Midlands Regional Waste Management Plan 2015 – 2021 was published in April 2015. The Plan is presented in three parts – Part 1 is the Background, Part 2 is the Present Position, and Part 3 is the Implementation.
- 5.2.2. Section 4.3 of the Plan refers to Residual and Biowaste Export. It notes the increasing export of residual waste and the varied quality of the waste. Some of the waste has undergone treatment to be exported as Solid Recovered Fuel (SRF) which typically has a higher calorific value and is the preferred alternative feedstock for cement kilns. The Plan notes that there have been immediate short term gains as the export of waste is helping Ireland achieve its diversion from landfill goals. It is also stated in the Plan that notwithstanding the continued efforts to increase the rates of recycling, the quantity of residual waste requiring treatment is anticipated to continue to grow across Member States as economies emerge from recession.
- 5.2.3. With respect to policy, the Plan states that ‘The Local Authorities support self-sufficiency and the development of indigenous infrastructure for the thermal recovery of residual municipal wastes in response to legislative and policy requirements. The preference is to support the development of competitive, environmentally and energy efficient thermal recovery facilities in Ireland including the replacement of fossil fuels by co-combustion in industrial furnaces or cement kilns, and ultimately to minimise the exporting of residual municipal waste resources over the plan period’.

Policy A4 states:

*Aim to improve regional and national self-sufficiency of waste management infrastructure for the reprocessing and recovery of particular waste streams, such as mixed municipal waste, in accordance with the proximity principle.
The future application of any national economic or policy instrument to achieve this policy shall be supported.*

- 5.2.4. The Plan target with respect to landfilling is to reduce to 0% the direct disposal to landfill of unprocessed waste. Unprocessed residual waste is residual waste that has not undergone some form of pre-treatment through physical, biological, chemical or thermal processes including sorting.
- 5.2.5. Section 12.4.5 of the Plan refers to Energy Recovery. It is stated that there was a notable national increase in the use of RDF/SRF fuels. Energy recovery in the region included the use of SRF in two cement kilns.

In section 16.4.1 Pre-Treatment is defined as '*The processing of waste which still results in a waste which subsequently undergoes other waste recovery or disposal treatment*'.

Policy E1 states:

Future authorisations by the Local Authorities, the EPA and An Bord Pleanála of pre-treatment capacity in the region must take account of the authorised and available capacity in the market while being satisfied the type of processing activity being proposed meets the requirements of policy E2.

Policy E2 states:

The future authorisation of pre-treatment activities by local authorities over the plan period will be contingent on the operator demonstrating that the treatment is necessary and the proposed activities will improve the quality and add value to the output materials generated at the site.

- 5.2.6. The Plan further states that there is a need to take stock of existing authorised and available capacities. 'Decisions on future facilities need to be made in full knowledge of the existing market and will focus on the quality of pre-treatment activities being proposed'.
- 5.2.7. Section 16.4.5 refers to 'Recovery – Thermal Recovery'. **Policy E15a** supports the development of up to an additional 300,000 tonnes of thermal recovery capacity. Section 16.4.6 refers to 'Recycling – Biological Treatment'. **Policy E17** supports the development of at least 75,000 tonnes of additional biological treatment capacity in the region for the treatment of bio-waste.

Policy E22a supports the primacy of kerbside source segregated collection of waste as the best method to ensure the quality of waste presented.

The Plan does not identify specific technologies or locations for future waste related activities. Rather it provides guidance on proper siting of future facilities.

5.3. **Annual Report 2015/2016**

The first annual report has recently been published. Under Policy Action E – Infrastructure Planning, it is noted that a number of facilities are in the planning process, including a Thermal Treatment plant, three cement manufacturing facilities replacing fossil fuels with waste fuels, and a number of biological treatment facilities are in various stages of development.

It further notes that a set of Draft Siting Guidelines have been published. The siting guidelines will ensure a consistent approach to the environment and communities through the authorisation of the locations for the treatment of waste.

5.4. **Regional Planning Guidelines for the Greater Dublin Area 2010 – 2022.**

Section 6.7 of the Regional Planning Guidelines refers to Waste Management. Strategic Recommendations include:

PIR36:

The new waste management strategy across the regions of the GDA should seek to facilitate a balanced use of resources and greater adaptability and robustness of services. Integrated waste management should be considered from the perspective of the GDA as one singular functioning economic and spatial unit and to increase economies of scale.

5.5. **County Development Plan**

Fingal County Council Development Plan 2017 – 2023 came into effect on 16th March 2017.

5.5.1. Chapter 7 of the Plan refers to Movement and Infrastructure.

Objective WM02 states:

Facilitate the implementation of national legislation and national and regional waste management policy having regard to the waste hierarchy.

Objective WM03 states:

Implement the provisions of the Eastern and Midlands Region Waste Management Plan 2015 – 2021 or any subsequent Waste Management Plan applicable within the lifetime of the Development Plan. All prospective developments in the county will be expected to take account of the provisions of the Regional Waste Management Plan and adhere to the requirements of that Plan.

Objective WM04 states:

Facilitate the transition from a waste management economy to a green circular economy to enhance employment and increase the value recovery and recirculation of resources.

With respect to **Recovery** the Plan states:

Objective WM14 states:

Promote the recovery (including the recovery of energy) from waste in accordance with the Eastern Midlands Region Waste Management Plan 2015 – 2021 (or any subsequent plan).

- 5.5.2. The site is included in Map 12 of the Fingal zoning maps and is zoned for GE – General Employment. The area identified for the relocated pylon is located in the area zoned for HI – Heavy Industry.

Chapter 11 outlines the Land Use Zoning objectives. It states that the vision for GE is to ‘*Facilitate opportunities for compatible industry and general employment uses, logistics and warehousing activity in a good quality physical environment. General employment areas should be highly accessible, well designed, permeable and legible*’.

Waste disposal and recovery facility (excluding high impact) are permitted in principle in GE zoning.

The vision for HI 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*'.

Utility Installations are permitted in principle in HI zoning.

- 5.5.3. **Chapter 12** refers to Development Management Standards. Table 12.7 provides information for prospective applicants for Business Parks and Industrial Areas. It is stated that the principle aims are to achieve high quality design, visual continuity and pedestrian/cycle friendly environments. It is also considered that good design will assist with the long term viability of these areas.

With respect to *Massing and Form*, it states that '*Buildings in industrial and general business areas should be designed in a manner consistent with adjoining buildings in terms of height and scale*'. Under *Building Appearance and Materials and Colour Palette* it notes that:

- *Building materials should be aesthetically pleasing and durable.*
- *All buildings should relate visually to one another and uses should be compatible with adjacent uses.*

5.6. **Natural Heritage Designations**

The following Natura sites are located within 15km of the subject site:

- North Dublin Bay cSAC (Site Code 000206)
- Rogerstown Estuary cSAC (Site Code 000208)
- Rogerstown Estuary SPA (Site Code 004015)
- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024)
- South Dublin Bay cSAC (Site Code 000210)
- North Bull Island SPA (Site Code 004006)
- Rye Water Valley/Carton cSAC (Site Code 001398)

- Malahide Estuary cSAC (Site Code 000205)
- Baldoyle Bay cSAC (Site Code 00199)
- Baldoyle Bay SPA (Site Code 004016)
- Broadmeadow/Swords Estuary SPA (Site Code 004025)

6.0 **Submission from Fingal County Council**

In accordance with Part 2, Section 3 of the Planning and Development (Strategic Infrastructure) Act 2006, Fingal County Council submitted a copy of the Chief Executive's Report which was presented to the Members on 13th March 2017.

A summary of the Chief Executive's Report follows.

6.1. **Section 1: Introduction**

The development is described and its location identified. It is noted that the Board determined that the project falls within the scope of Section 37A(2)(a) and (b) and accordingly the Report has been prepared. It notes that before submitting the Report to the Board, the Report should be submitted to the Members to seek their views on the proposed development.

6.2. **Section 2: Description of the proposed development, EIS and AA.**

The location of the site is described and the current use of the site is detailed. It is noted that the site includes a wayleave for electricity infrastructure.

The duration of the planning permission grant is noted as being five years.

- 6.2.1. The EIS is summarised and the Planning Authority provide an assessment of the EIS. It is stated that the Planning Authority consider that the EIS presents a comprehensive and reasonable perspective on, and addresses in a satisfactory manner, the environmental issues which might be presented by the proposed development, the environmental impacts of issues associated with the proposed development and the proposed mitigation measures to reduce the impacts of the proposed development. It is stated that the Heritage Officer is generally satisfied that the mitigation measures proposed in the EIS are sufficient to protect the environment subject to a condition being imposed relating to the treatment of invasive species.

- 6.2.2. With respect to the Appropriate Assessment Screening, it is noted that an Appendix of the EIS provides information to assist the Planning Authority in screening for the appropriate assessment.

The Planning Authority state that the Report received by the Heritage Officer indicates that, given the location and nature of the proposed development, it will not have any significant adverse impacts on Natura 2000 sites, either alone or in combination, with other plans and projects and therefore a full appropriate assessment is not required. The presence of the invasive species Japanese Knotweed is noted on site, as is the commitment to prepare a detailed management plan for its eradication. A detailed management plan should be in place prior to any grant of permission which should set out measures to ensure there is no further spread of this species. The Heritage Officer is of the view that the full implementation of all the mitigation measures will address any potential impacts on flora, fauna and biodiversity. The management of invasive species should be subject to a separate condition if a grant of permission is being considered.

6.3. **Section 3: Planning History**

The planning history of the site is described.

6.4. **Section 4: Government Policy**

EU Directives on waste are referred to. References to waste in the National Spatial Policy and the National Development Plan 2007 – 2013 (revised in 2010 to 2016) are highlighted.

The National Waste Management policy documents, including *Waste Management – Changing Our Ways, Preventing and Recycling Waste – Delivering Change – a Policy Statement – 2002*, *The National Strategy on Biodegradable Waste – 2006*, *A Resource Opportunity – Waste Management Policy in Ireland - 2012*, and *EPA – National Municipal Waste Recovery Capacity 2014* are all referenced.

At a regional level, the reference to waste in the *Regional Planning Guidelines 2010 – 2022* is highlighted. Policy A4 in the *Eastern and Midlands Regional Waste Management Plan 2015 – 2021* is referenced.

The objectives contained in the Fingal Development Plan 2011 – 2017 are repeated and the references in the Draft Fingal Development Plan 2017 – 2023 are highlighted.

6.5. **Section 5: Fingal Development Plan 2011 – 2017.** (*New Plan in place from 16th March 2017*)

It is noted in this Plan that the area is largely located in an area with a zoning objective GE and that Waste Disposal/Recovery Facilities are a Use Class which is permitted in principle. The area measured 0.09Ha located to the east of the site, in which the pylon is to be relocated to, is within an area zoned RU and Utility Installations are permitted in principle.

Reference is made to the new Plan and it is noted that the main area is still located in zone GE and that the aforementioned 0.09Ha site is now located in HI zoning.

The proposed development conforms to use classes which are permitted in principle.

6.6. **Section 6: Departmental and Agency Reports.**

This section of the Report provides a summary of the reports received from internal Fingal County Council Departments and relevant external agencies. The full reports are included in an Appendix to the Report.

- **Irish Water**

Irish Water state that the development is acceptable subject to condition.

- **Water Services**

The Water Services section of the Council states that the applicant has failed to provide sufficient information related to flood risk management and drainage.

- **Transportation Planning**

It is noted that the applicant has provided two entrances, one at the south eastern corner for lorries, and one at the north western corner for site staff. The applicant has also provided 16 car parking spaces. It notes that a report has been received from the Transportation Department which states that the proposed development is acceptable to the Transportation Department subject to conditions.

- **Environment Department**

The development is acceptable subject to condition relating to the need for the applicant to apply for an Industrial Emissions Licence.

- **Environmental Health Officer (EHO)**

Proposed development is acceptable subject to conditions.

- **Heritage Officer's Report**

Development acceptable subject to detailed invasive species management plan.

- **Transport Infrastructure Ireland (TII)**

Proposed development is acceptable.

- **Parks Report**

Applicant should be asked by way of Further Information to submit a Landscape Plan. This can be addressed by way of condition.

- **EPA**

Development will require a licence under the EPA Act. It is noted that the EIS appears to address the key points in relation to the environmental aspects of the proposed activity which relate to matters that come within the functions of the Agency.

6.7. **Section 7: Planning Assessment**

It is noted that the development is located mainly in an area with zoning objective GE. The Draft Fingal Plan 2017 – 2023 also applies the GE zoning objective. As such the proposed development is acceptable in principle.

The vision for the area is referred to and the fact that Waste Disposal/Recovery Facilities are a use class which are permitted in principle. It is noted that landfills and waste facilities with high potential for odour, noise, dust, fire and other nuisances are excluded. Examples of low impact facilities are identified as transfer stations processing dry recyclable material which are contained within buildings and short term storage of small quantities of garden waste.

The proposed development is acceptable in principle given the zoning objective which applies to the site, the consequent industrial context, and the nature and scale of the development.

It is noted that due to the fact that the handling processes of the development will be engaged in indoors and that these processes will be subject to an Odour Abatement System, and the design of the Waste Processing Facility, which includes internal walls to 'limit odour impacts', the proposed development is in accordance with the zoning objective.

The location of the pylon in RU zoning (2011 – 2017 Plan) and in HI zoning in the new Plan is acceptable in principle.

It is noted that the development will give rise to an increase in daily traffic stated as 3.7% on the Cappagh Road, with HGV movements increasing by 16.9% which the Transportation Department comment as 'moderate' in their Report.

In conclusion it is stated that the nature and format of the development is considered to be in accordance with the zoning objective applying to the area, and thereby with the proper planning and sustainable development of the area, subject to conditions.

6.8. Section 8: Transportation Planning

A Report from the Transportation Planning section of the Council has been received. In summary, it states:

- The development is located in a 50km/hr speed limit. The roads in the general area have been designed to cater for traffic generated by such developments.
- With respect to access, the applicant has not submitted sufficient engineering drawings of the proposed access points and in particular there is little information regarding set-backs, footpaths, visibility and access construction details. The proposed boundary details need to be agreed with the Transportation Planning section.
- Five specific details are listed which would need to be agreed with the section and include: the entrance should be located as far east as possible in order to provide as much separation between the proposed entrance and the existing entrance on the opposite side of the road; width of entrance seems excessive; entrance gates should be setback; location of weighbridge; and, entrance

should include the reuse of the stone from the existing stone walls that are to be removed.

- With respect to the internal layout, the applicant has not provided sufficient engineering drawings of the operational movements of the internal layout, in particular access and egress for the bale storage unit. Separate pedestrian access should be provided between the main staff entrance to the administration building.
- With respect to parking, 16 spaces seem reasonable. However, the area would accommodate many more and the parking layout needs to be revised. The applicant should provide a minimum of 10 covered cycle parking spaces.
- The Transport Assessment considers that the proposed development would have a permanent impact on the Cappagh Road in terms of a moderate increase in overall traffic. The assumptions regarding the generation of trips are reasonable.
- The details of a Construction Management Plan should be agreed prior to commencement of development.
- In conclusion, there are a number of engineering items to be resolved. It is possible to resolve these by way of condition. The Transportation Planning Section has no objection to the proposed development subject to conditions provided.

6.9. Section 9: Water Services/Irish Water

Water Services note that the applicant has not provided sufficient information in relation to flood risk, design and operation of the rainwater harvesting system, and runoff and attenuation rate.

An Irish Water report has been received which states that the proposed development is acceptable subject to conditions.

6.10. Section 10: Levies

Levies are calculated on a proposed floor area of 8,755sq.m and a rate of contribution of €63.13 per sq.m. Levy is calculated as €552,703.

6.11. **Section 11: Conclusion**

The Report concludes that the proposed development is acceptable in principle and is considered to accord with the provisions of the Fingal Development Plan 2011 – 2017, and as such, is considered to accord with the proper planning and sustainable development of the area, and to have minimal negative effects on the environment subject to conditions.

It recommends that An Bord Pleanála grant permission and have due regard to the recommendations highlighted, and the schedule of recommended conditions attached thereto.

The schedule of recommended conditions (15 no.) is attached as Appendix 1 of the Report.

The detailed reports from each department are attached as Appendix 2 of the Report.

6.12. **Fingal County Council, Council Meeting held on 13th March 2017.**

The proposal was discussed as Agenda Item 21. Following an introduction by the executive, the Members made contributions. Each Councillor's contribution is noted in the Report. In summary, the Members commented as follows:

- Shortness of time available to Members to respond.
- Reference to 170,000 tonnes of material to be transported.
- Questioned why the development was considered to be strategic infrastructure – referred to it being commercial development and not strategic.
- Concern about the 24/7 operation, this type of business operating in this location.
- Reference to concerns of residents of Cappagh Road.
- Questioned effectiveness of abatement systems.
- Queried type of traffic survey carried out.
- Queried if Fingal County Council has an interest in the MRF in Coldwinters and if this is a possible alternative site.

Following a roll call vote on a motion recommending a refusal of permission, the voting resulted in 24 for, 6 against, and 9 abstentions.

7.0 Submissions from Prescribed Bodies

Of the prescribed bodies notified, submissions have been received from:

7.1. Inland Fisheries Ireland

- Notes site is within catchment of the Tolka River – a significant salmonid system.
- Clarification required on the current status of the existing attenuation facility which attenuates storm water from the Millennium Business Park before final discharge to the River Tolka.
- The quality of the water was unsatisfactory in 2014 and since that time it is understood that the storm water discharges to the Irish Water foul sewer, which needs to be addressed.
- The foul water loading appears conservative – it is essential that receiving foul water infrastructure has adequate capacity.
- The Spillage Containment Plan must be such that leachate cannot reach the surface water system.

7.2. Dublin Airport Authority

- Raised concerns at Pre-Application stage in respect of bird hazard and obstacles.
- Development does not give rise to concerns in respect of obstacles.
- Can find no express reference to mitigation measures to avoid bird hazard.
- Request provisions to avoid bird hazard be made explicit in conditions – 5 conditions provided.

7.3. Environmental Protection Agency (EPA)

- Notes the development will require a licence under the EPA Act and the applicant has had pre-application discussions with the EPA.

- Considers that the EIS addresses the key points in relation to the environmental aspects of the proposed activity which relate to matters that come within the functions of the Agency.
- Notes that the licence application will be made subject to an EIA.
- Notes the Agency will be paying particular attention to the issues discussed at pre-application which include: the prevention of storm water contamination, odour abatement, dust management, waste storage and fire risks.

7.4. Transport Infrastructure Ireland (TII)

- No specific comments.

8.0 Submissions from observers

No submissions have been received from third parties including Public Representatives, Organisations and Community Groups or individuals.

9.0 Oral Hearing

The Board decided, by Board Direction dated the 29th March 2017, that an oral hearing was not warranted in relation to the subject case, having regard to the detail accompanying the application including the EIS and associated appendices including the Appropriate Assessment Screening Report, the submissions received from prescribed bodies, and the Planning Authority's report.

10.0 Further Responses

Following the Board's decision that an Oral Hearing was not warranted in this instance, the applicant was provided an opportunity to comment on the submissions made by the prescribed bodies and to provide clarification on a number of issues raised by the Board.

10.1. Clarification requested by the Board

The Board sought clarity on a number of items of a minor nature, mainly related to discrepancies within the submitted documentation. The Board also requested the applicant to provide information relating to the future destination of material not

destined for SRF production and any rejected material resulting from the SRF production. In addition, further details relating to internal movements of HGV's were requested.

The applicant responded addressing the discrepancies and erratum. The applicant also provided a list of the potential destinations for the remaining material. An appendix containing a list of all the facilities utilised by the applicant for the management of material collected was submitted as well as licence numbers. A drawing providing an Autotrack analysis of internal movements was provided.

10.2. Response to prescribed body submissions

- **Environmental Protection Agency:**

The applicant had no comments on the EPA submission. It was stated that the applicant has submitted an application for an Industrial Emissions Licence from the EPA under licence reference W0242-02.

It should be noted that the Board has already responded to the EPA by letter dated 6th April 2017, following a consultation request from the EPA on this licence application.

- **Transport Infrastructure Ireland:**

The applicant had no comment on the TII submission.

- **Inland Fisheries Ireland:**

The applicant referred to the IFI submission which made reference to the maximum flow of 8.72cu.m to foul sewer, which the IFI considered failed to address the hydraulic loading for leachate generated other than during the wash down process.

The applicant referred to Section 12.6.2 of the EIS. It is stated that consideration has been given to the hydraulic loading for leachate generated other than during the wash down process. It was stated that there will be typically a flow of 2-3cu.m per day which is considered to comprise: Leachate generated from intermittent wash down events; low quantities which could result from temporary storage of biowaste material with a high moisture content; and the estimated sanitary foul water quantity of 0.72cu.m per day.

- **Dublin Airport Authority**

The applicant considers that measures to avoid bird hazard are inherent in the proposed design and operation of the facility.

The applicant is willing to accept the five conditions proposed by the authority and provides examples of where similar conditions have been previously applied through licences at other Thornton facilities.

- **Fingal County Council**

The applicant had no comment on the FCC submission.

11.0 Assessment

I have assessed the proposed development including the various submissions from the applicant, the planning authority, and the prescribed bodies. I consider that the key issues that arise for consideration in this case are as follows:

- Principle and Need for Development
- Human Environment
- Flood Risk
- Foul Sewer
- Roads and Traffic
- Odour
- Landscape and Visual Impact
- Environmental Impact Assessment
- Appropriate Assessment

Each section of the assessment is structured to guide the Board to the relevant section of the EIS relating to the particular topic (where applicable), the policies and objectives of the Development Plan (where applicable), and the issues raised in the submissions and the applicant's response (where applicable).

11.1. Principle and Need for Development

The proposal to 'bulk up' the brown bin and green and wood waste will not result in any changes to the nature of the waste at this location. The building will simply act as a storage facility for future treatment of the waste elsewhere, and I will consider that aspect of the development in more detail under environmental headings.

Thus, I consider that the principal activity of the proposal is the pre-treatment and recovery activity, which in this case is the production of Solid Recovered Fuel (SRF).

11.1.1. National and Regional Policy

This proposal will potentially divert waste away from landfill and may provide an alternative use for the waste by increasing its value, and as required by the Resource Opportunity Policy document "*harness the potential of waste to contribute in a significant manner to displacing the use of finite fossil fuel resources*".

The proposed use of the SRF in cement kilns offers an alternative to the use of fossil fuels in accordance with policy. Within chapter 4 of the EIS, the applicant provides information on the cement kilns that are licenced to accept recovered fuels. It states that three cement kiln facilities are licenced to accept 342,875 TPA of alternative fuels as of 2015. In addition, it is stated that a number of facilities have applied for permission for further increases in acceptance of alternative fuels, including SRF, leading to a potential demand of c.1,085,000 TPA. The waste facilities which currently produce SRF are listed in Table 4-4 of the EIS. It is stated that these facilities only provide two-thirds of licenced capacity (c.227,000 TPA). The EIS states that this represents an under-supply of SRF nationally and that this proposed development will respond to the increasing demand of the cement industry.

However, as also noted in the Resource Opportunity Policy document a balance must be struck between the development of essential infrastructure and the importance of ensuring that material which could be reused or recycled is not drawn down the waste hierarchy, and that waste generation is not encouraged in order to provide feedstock for recovery processes.

Therefore, the need for future treatment capacity requires careful analysis to assess predicted waste growth and growing recycling rates. The provision of infrastructure to provide for recovery cannot be to the detriment of the reuse or recycling of waste.

The applicant states that the source of the waste for SRF production will come mainly from commercial with some residential 'black bin' waste. Table 15-5 in the Eastern and Midlands Waste Management Plan 2015- 2021 (EMWMP) presents a high range and low range of municipal waste projections for the region until 2021. The Municipal Waste Arisings for 2012 are stated as being 1,284,156 tonnes. The high range expected of waste arising in 2021 is 1,657,632 tonnes and the low range is 1,594,038 tonnes. This equates to an increase of 2-3% annually.

The projections clearly indicate that there will be an increase in the quantity of municipal solid waste generated over the period of the plan and beyond. However, what is not clear is the role exporting of waste will play in the future. The EMWMP notes that the state is exporting a significant quantity of residual waste which is a poor use of a valuable resource from a self-sufficiency perspective. It is also contrary to policy A4 of the EMWMP which aims to improve self-sufficiency in terms of waste management infrastructure.

The Department of the Environment, Community and Local Government published a Consultation Paper in November 2015 which the applicant refers to. That document states that at least 34% of domestic waste is now exported which it considers a loss of waste resources. It states that the main drivers behind exporting are the increased costs of landfill disposal, lack of sufficient domestic waste treatment infrastructure and exporting providing a cheaper route to waste recovery. However, the export of waste is not without disadvantages, and leaves Ireland open to external policy changes and does not support Ireland's policy to become self-sufficient in relation to the recovery of municipal waste.

Thus, having regard to the projected increase in residual municipal solid waste as referred to in the EMWMP, and the need to ensure that Ireland is self-sufficient in terms of its recovery and pre-treatment infrastructure, as well as the displacement of fossil fuels, I consider that the proposed development will address a need for such facilities and is in accordance with national and regional policies.

11.1.2. County Development Plan policy

The applicant submitted the proposal to the Board, while the Fingal County Development Plan 2011 – 2017 was still in effect. The Fingal County Development

Plan 2017 – 2023 came into effect on the 16th March 2017 and I will assess the proposal having regard to that Development Plan.

The site is included in Map 12 of the Fingal zoning maps and is zoned for GE – General Employment. The area identified for the relocated pylon is located in the area zoned for HI – Heavy Industry.

A waste disposal and recovery facility (excluding high impact) is permitted in principle in GE zoning and Utility Installations are permitted in principle in HI zoning. Therefore, the subject proposal is acceptable in principle. I would also have regard to the nature of uses in the vicinity of the site. There is an active quarry immediately to the east and south-east of the site, another waste facility on the opposite side of the road and two concrete manufacturing facilities immediately to the north.

The development opposite the site includes offices which will directly overlook the site. However, I am satisfied that with appropriate landscaping the potential visual impacts can be mitigated (this is further addressed below in Landscape and Visual Impact).

Policies with respect to waste are contained in Chapter 7 of the Fingal Development Plan. The objectives contained therein state that the Council will implement and take account of the provisions of the Regional Waste Management Plan. The Council will promote the recovery (including the recovery of energy) from waste in accordance with the Regional Waste Management Plan. Therefore, I am satisfied that the proposed development is fully in accordance with the policies and objectives of the County Development Plan.

Furthermore, there were no third party submissions, and the prescribed bodies that did make a submission did not object to the principle of development in this location.

11.1.3. **Conclusion**

In conclusion, the proposed development is in accordance with the policies and objectives of the Eastern and Midlands Regional Waste Plan 2015 – 2021, and the Fingal County Development Plan 2017 - 2023. It is acceptable in principle given the zoning objective for the area, the industrial context within which it is proposed to be located, and the nature and scale of the proposed development. I am satisfied that the need for the development has been established and that it will assist Ireland become more self-sufficient in relation to the recovery of waste.

11.2. Human Environment

11.2.1. EIS/Policy:

The human environment is considered in Chapter 6 of the EIS. The nearest residences are a small number of bungalow type dwellings c. 750m south-east of the site. This small cluster of dwellings is known as Cappoge Cottages. A single standalone dwelling is somewhat closer, c.270m away and is enclosed by high walls and gates. These dwellings are all surrounded by industrial warehouse type developments. The nearest larger settlements are in Finglas West located c.1.5km south-east of the site and Corduff located c.2km south-west of the site. The Cappagh Hospital is c.1.3km to the south-east.

11.2.2. Submissions:

At the Council meeting to discuss the development, the concerns of the residents on Cappagh Road were raised by a Councillor. I note that no third party submissions were made. No further details are provided about any specific concerns.

11.2.3. Assessment

The Cappoge Cottages and the standalone dwelling are the nearest sensitive residential receptors. The overall industrial area has developed over the last number of years around these dwellings. The addition of the proposed facility will not result in an unacceptable change to the surrounding land uses, nor will it introduce a new type of activity that would cumulatively have a significant impact on the amenities of these residences. I am also satisfied that the mitigation measures proposed will ensure that an adverse impact in terms of noise and dust will not occur on the residential amenities in the area.

In addition, I am satisfied that the location of the hospital, across the M50 motorway, is at a sufficient distance and will not be negatively impacted by the subject proposal.

11.3. Flood Risk

11.3.1. EIS/Policy:

The EIS deals with this topic in Chapter 12 and states that there are no recorded flood events within 2.5km, with hydrological links to the site. Provisional Flood Risk

Assessment (PFRA) mapping prepared by the OPW shows that there are no areas of the site which are subject to fluvial flooding, as there are no watercourses in close proximity to the site location. The site drains into the Bachelors Stream which is a tributary of the Tolka River. Areas that are subject to pluvial flooding are also indicated on the PFRA maps. There are no indications of pluvial flooding within the site boundary on this mapping.

However, the EIS notes that a more detailed study was published in September 2015, the Dublin Pluvial Study (FloodResilientCity) and this study predicted that 1 in 100 year return period (Flood Zone A) pluvial flooding would occur on site at depths of up to 0.5m in places, with a possible flow path from the east of the bale storage building carrying minor run off from overland flow from the hillocks adjacent.

The EIS notes that the development can be classed as a 'Less Vulnerable Development' (Warehouse) as outlined in Table 3.1 of the 'The Planning System and Flood Risk Management Guidelines for Planning Authorities'. A Justification Test is required for this type of development in a 'Flood Zone A' area. The Justification Test carried out concludes that the development is appropriate in this area so long as the finished floor level of any building is 0.5m above existing ground levels within the site, where buildings are coincident with pluvial flood depths identified in the Study. The proposed finished floor level of the waste processing building is greater than 0.5m above existing levels to the north of the building. The substation is located outside the identified pluvial flood area.

11.3.2. **Submissions:**

The Water Services section of the Council states that the applicant has failed to provide sufficient information related to flood risk management. It is also stated that the applicant is proposing to raise the finished floor level causing a decrease in the available floodplain storage volume, and an increase in residual flood risk elsewhere.

The Water Services Section also expressed concern with the site area used in the calculation of run-off rate of 16.1874Ha. They consider this incorrect and scale it at 2.5Ha and request revised calculations and query how the attenuation volume has been determined. In addition, clarification of the design of the rainwater harvesting system is requested.

The Water Services Section included a number of proposed conditions to address their concerns.

The applicant has not provided any response to the submission by Fingal County Council.

11.3.3. **Assessment**

The Water Services Section of Fingal County Council have noted concerns with respect to flood risk. As the site is not located near any watercourse, there is little potential of fluvial flooding affecting the site directly.

Appendix 22 of the EIS includes a Justification Test for the development. The information provided indicates that all surface water from hard surfaces will drain via an attenuation tank before entering the existing drainage that serves the Millennium Business Park. The flows discharging from the attenuation tank will be limited to greenfield rates. The approach to the design of the drainage incorporates SuDS. Permeable paving and a rainwater harvesting system will be installed. A stormwater runoff system will be constructed to manage runoff which will be passed through a hydrobrake and stored in the proposed sub-surface attenuation facility. Calculations assume that the rainwater harvesting tank is full and overflows into the surface water drainage system. The attenuation system has been sized to accommodate the 1 in 100-year rainfall event.

Appendix 23 of the EIS includes a Drainage Layout and Storage Tank Sizing Calculations.

The sizing and design of the rainwater harvesting system has been provided by the applicant in Appendix 23 and it is stated that the system has been designed in accordance with BS8515 Rainwater Harvesting Systems – Code of Practice.

I am satisfied that the design of the development has incorporated sufficient mitigation measures to minimise any potential impact in extreme pluvial events, including raising the finished floor level above the predicted pluvial flood level and the storm water sewer system will be in place. I am also satisfied that the

Justification Test which accompanied the application demonstrates that there will be no unacceptable impact as a result of this proposal.

11.4. Foul sewer

11.4.1. EIS/Policy

The EIS states that the site foul water system will collect runoff from the areas where waste is to be processed as well as from sanitary and kitchen facilities. Water from wash down activities, as well as any leachate effluent will be captured within the foul sewer collection system which will be connected to the Millennium Business Park foul drainage system.

The EIS assumes a maximum of 12 persons a day working at the facility and predicts 0.72cu.m per day of sanitary foul water. An expected maximum daily flowrate of 8.72cu.m includes for two people carrying out wash-downs of the building at 1000l/hr over 4 hours. The EIS states that this is likely to be a maximum and it is anticipated that there will be typically a flow of between 2 – 3 cu.m per day as intermittent wash-down occurs. Emission limits are likely to be imposed by the EPA.

11.4.2. Submissions

The IFI expressed two main concerns in their submission, summarised as, 1) the foul water loadings appear conservative, and 2) the storm water system of the Business Park has been connected to the foul sewer system of the Park since 2014.

The Council Water Services Department did not refer to any connections of the storm water to the foul sewer, nor did Irish Water in their submission to the Council regarding the project.

The applicant did not address this concern of the IFI when provided an opportunity to comment on the submissions. However, the applicant did respond to the foul water loadings issue raised by the IFI. It was stated that there will be typically a flow of 2-3cu.m per day which is considered to comprise: Leachate generated from intermittent wash down events; low quantities which could result from temporary storage of biowaste material with a high moisture content; and the estimated sanitary foul water quantity of 0.72cu.m per day.

11.4.3. Assessment

I note that neither the Water Services Section of the Council or Irish Water mentioned any issue in relation to the connection of the overall Millennium Business Park storm water to the foul sewer network. However, I consider that to be a separate issue for the management of the overall Park. The proposed development provides separate collection systems and incorporates SuDS design as best practice.

With respect to the loadings of foul sewer, I consider that the applicant has addressed the issue of leachate generated other than during the wash-down process. The applicant has provided details with respect to the volumes included for the wash-down process and I consider these figures to be reasonable. The proposal will be subject to a licence issued by the EPA and foul sewer emission limit values will be applied in that licence.

11.5. Traffic and Transport

11.5.1. EIS/Policy

Roads, Traffic and Transportation are addressed in Chapter 8 of the EIS. The traffic assessment for the development has assumed a 6-day operation instead of the proposed 7-day operation. It also states the intention of the applicant to reduce the existing two entrances off Cappagh Road to one entrance, and to direct administrative staff to use the Millennium Business Park entrance.

The main entrance off Cappagh Road will be widened to the required road width with 10m radius bends at a bellmouth junction. It states that footpath and cycle lanes will be terminated at either side of the upgraded and widened entrance. It is stated that the fence line along the southern boundary will be retained and the stone wall that currently exists between the two existing entrances will be removed.

11.5.2. Submissions

The Transport Planning Section of the Council submitted a report which noted that the Cappagh Road and surrounding roads have been upgraded to a high standard to accommodate the zoned lands and have been designed to cater for traffic generated by such developments. It is considered that the applicant has not submitted sufficient engineering drawings of the proposed access point but accepts the proposed new

access in principle. A list of details is provided, which the Section consider need to be agreed but state that this can be done by way of condition.

It notes that the parking is acceptable but that there is opportunity for far more than 16 car park spaces and considers that the proposal should be amended and should provide a minimum of 10 covered cycle spaces.

It is considered that the assumptions regarding the generation of trip rates are reasonable. The proposed construction haul routes are acceptable as is the proposed increase in construction and operational traffic.

With respect to the assessment of the traffic operating on a 6-day week basis, the applicant responded stating that the assessment was based on a 6-day week to reflect the majority of the vehicle movements associated with the proposal.

The applicant provided an Autotrack analysis of HGV movement within the facility boundary which indicates sufficient turning circles and access for the maximum size vehicles.

11.5.3. **Assessment**

The traffic analysis which has been carried out over 6 days represents a 'worst case' scenario. The Traffic Assessment for the construction phase indicates that construction traffic is below the threshold of 5% (TII standards) and 2.5% (FCC standards) additional traffic volume and is considered acceptable. The operational stage would see an increase in 3.7% of passing traffic. The Traffic Assessment prepared as part of the EIS indicates that one right turn lane will have sufficient capacity to avoid queueing which is acceptable. The proposed development will have a permanent 'moderate' increase in traffic on Cappagh Road which I consider acceptable.

I agree with the Transport Section that the stone wall should be replaced in the redesign of the entrance, considering it is proximate to the offices on the far side of the road and will assist with the visual amenities of the area. I consider the conditions recommended by the Council with respect to the design of the entrance to be appropriate.

The Autotrack drawing provided by the applicant demonstrates that there is sufficient space internally for the movement of trucks which is acceptable.

With respect to parking, I note that the employment expected is a maximum of 10-12 people, therefore cycling facilities for 10 enclosed spaces is sufficient.

In conclusion, I consider the increase in traffic along Cappagh Road and surrounding areas, on roads designed for this type of traffic to be acceptable. A number of design details with respect to the entrance can be subject to conditions.

11.6. Odour and storage of materials

11.6.1. EIS/Policy

Odour is addressed in Chapter 7, Air Quality and Climate. An odour modelling assessment has been included in the EIS. Odours arise mainly from the surface of exposed odorous materials as well as uncontrolled anaerobic decay of organic materials. Therefore, emissions from the waste processing building are the primary potential sources. All materials will be fully enclosed in the building which is under negative aeration. An abatement system is proposed which will be an activated carbon based system. With the implementation of the above, and good housekeeping and management procedures, it is predicted that the development will not have a significant impact on odour concentrations.

11.6.2. Submissions

Dublin Airport Authority (DAA) referred to the quantities of municipal waste and brown bin materials, both of which are known to be highly attractive to scavenging birds. The scavenging bird species can be major hazards to aviation. DAA requested that conditions to avoid bird hazard are made explicit in any grant of permission. Those provisions include that no organic material should be present in the open site and all handling of organic material should take place in a fully enclosed environment. The applicant responded stating that those conditions are an inherent part of the design and that similar conditions are have been applied to their EPA licences for other facilities.

11.6.3. Assessment

The design of the facility ensures that the handling and processing of waste all takes place indoors. There are fast acting roller shutter doors proposed for when waste is being delivered/removed from the building. The brown bin waste and residual waste

not being used for the production of SRF are stored within further enclosed areas of the building.

The design provides that there are no significant impacts both in terms of odour and location of waste, such that it could become an attractant for scavenging birds.

I am satisfied that the odour abatement treatment system proposed is designed to limit odours to below acceptable levels. The mitigation measures as stated in the EIS will ensure that there should be no materials outdoors that could be an attractant for scavenging birds. Odour limits will also form part of the EPA licence.

11.7. Landscape and Visual Impact

11.7.1. EIS/Policy

Chapter 13 of the EIS considers the Landscape and Visual Impact. Five photomontages have been prepared to accompany the chapter. The area is not located near an amenity view and is located in an area of modest value and low sensitivity.

11.7.2. Submission

The Council Parks Department requested that the applicant submit a Landscape Plan.

11.7.3. Assessment

As noted throughout this document the proposed location is in an area already comprising numerous warehouses and industrial type facilities. I consider the proposed design of the development to be acceptable in this context. However, it is across the road from an office development and I consider that a landscape plan should be submitted to address this road frontage and to include reinstating the stone wall as part of the boundary treatment. I recommend that a condition to this effect is included.

12.0 Environmental Impact Assessment

12.1. The following assessment draws on the Environmental Impact Statement (EIS), the submissions made by prescribed bodies and the local authority, the applicant's

response to same, and my site visit and analysis. It has regard to comments and conclusions set out in the preceding section of this assessment. It also has regard to the receiving environment, the characteristics of the proposed development, likely significant impact of the proposal on the environment both direct and indirect, and mitigation measures proposed in order to eliminate, reduce or control effects on the environment. Cumulative impacts with existing, permitted and planned development are referenced and assessed throughout.

12.2. The EIS accompanying the application has been prepared by Fehilly Timoney and Company, and is presented in the grouped format in three documents, with the main document supported by a separately bound document comprising the appendices. The Non-Technical Summary (NTS) is set out in a separate document which is required to provide a summary of the EIS in non-technical language.

12.3. Under Section 37E of the Planning and Development act 2000, as amended, a planning application for a development which comes within the scope of Section 37A of the Act must be accompanied by an Environmental Impact Statement.

I consider that information provided in the EIS is sufficient to enable an assessment of the likely significant effects on the environment arising from the proposed development and that the requirements of the EIA Directive and Planning and Development Regulations 2001, as amended, are met. No significant difficulties were encountered in compiling information.

The EIS contains the information specified in paragraph 1 of Schedule 6 of the Regulations. The EIS:

- Describes the proposal, including the site and the development's design and size;
- Describes the measures envisaged to avoid, reduce and, if possible, to remedy significant adverse effects;
- Provides the data necessary to identify and assess the main effects the project is likely to have on the environment;
- Gives an outline of the main alternatives studied and main reasons for the choice of this layout and design, taking into account the effects on the environment.

The EIS contains the relevant information specified in paragraph 2 of Schedule 6 of the Regulations. This includes:

- A description of the physical characteristics of the proposed development and the land use requirements during construction and operational phases.
- A description of the aspects of the environment likely to be significantly affected by the proposed development.
- A description of the likely significant effects on the environment resulting from the existence of the proposed development, the use of natural resources, the emission of pollutants, the creation of nuisances and the elimination of waste and a description of the forecasting methods used to assess the effects on the environment.
- An indication of the difficulties encountered in compiling the information.

There is an adequate summary of the EIS in non-technical language.

The specialist chapters are set out from Chapter 6 -15 and Inter-relationships and Interactions are addressed in Chapter 16.

12.4. **Chapter 1** provides an outline of the proposed development, planning and EPA licence history, the Application and EIS process, and EIS methodology and Structure.

12.5. **Chapter 2** provides details on the Description of the Project, Environmental Controls to be applied, Construction Phase Methodology, Environmental Monitoring and Reporting (with reference to the EPA Industrial Emissions licence being applied for), Description of Natural Resources used, Decommissioning, Health and Safety. There are no Seveso sites within the vicinity. Appendix 1 includes an Outline Construction Environmental Management Plan which includes an Outline Waste Management Plan and an Outline Traffic Management Plan.

12.6. **Chapter 3** refers to policy and the support for the proposal at national, regional, and county level. **Chapter 4** addresses the need for the development and the alternatives considered.

Under the Need for the Development, the EIS states that there are currently three cement kilns licenced to accept SRF, totalling 342,875TPA. Currently there are 4

facilities producing 226,993TPA of fuel – approximately two-thirds of the licenced acceptance capacity.

There are a number of cement kilns seeking permission to increase the acceptance of alternate fuels, indicating the increasing demand for such fuels. Therefore, a significant demand for SRF is likely in the coming years, notwithstanding the policy support for such developments.

Alternatives examined include alternative locations, layouts and treatment technologies. In terms of alternative locations, it is noted that sites under the ownership of Thornton Recycling were assessed. A Site Selection Matrix was prepared to score each of the 6 Thornton Recycling sites. The Millennium Business Park scored the highest due to lack of capacity at other sites.

Alternative site layouts were considered as part of the preliminary design process. The iterative process considered other layouts and designs and it is considered that the proposal has undergone a robust consideration of relevant alternatives.

Alternative Treatment Technologies were considered, including the Dry Mixed Recyclables processing which was previously permitted. Thornton Recycling already carry out this activity at their facility in Parkwest. The site may also be suitable for a medium to large scale biological waste treatment facility. However, Thornton Recycling operate a 40,000TPA composting plant at their Kilmainhamwood facility.

The 'do nothing' scenario was also considered. If this proposal is not developed there will be no infrastructural development at the site which will remain an undeveloped site within an appropriately zoned urban industrial development belt.

I consider that the EIS provides a reasonable and rational response to the matter of alternatives.

- 12.7. **Chapter 5** outlines the EIA Scoping, Consultation and Key Issues. Appendix 2 contains a copy of the Consultation Letter sent to 21 recipients. Appendix 3 contains copies of the correspondence received from 5 no. consultees. The responses received were considered and where appropriate, the topics raised were included within the EIS.

A meeting was held with the EPA in light of the requirement for an Industrial Emissions licence. Notes in relation to the meeting are included in Appendix 4.

Appendix 5 contains notes of the meeting with ESB. Appendix 6 contains copies of the Pre-Application Consultation documents with An Bord Pleanála. Appendix 7 contains copies of notes of meetings with Fingal County Council. The advertisement of the public information event is contained in Appendix 8. No members of the public turned up. A follow up advertisement in two local papers requested written comment. No written submissions were received. Discussions with the NPWS in relation to the potential requirement for a derogation licence in relation to potential bat roosting habitats resulted in the NPWS confirming that no licence is required.

12.8. **Chapter 6 – 16:** Chapter 6 addresses Human Environment. Chapter 7 considers Air Quality and Climate, Chapter 8 considers Roads, Traffic and Transportation, Chapter 9 Noise and Vibration, Chapter 10 Flora and Fauna, Chapter 11 Soils, Geology and Hydrogeology, Chapter 12 Surface Water Quality and Drainage, Chapter 13 Landscape and Visual Impact, Chapter 14 Archaeology, Architecture and Cultural Heritage and Chapter 15 Material Assets. Chapter 16 considers Interactions of the Foregoing.

Each of the above chapters are considered in detail below.

12.9. **Chapter 6: Human Environment**

The likely significant effects of the proposed development on the human environment are addressed in this chapter. The main areas examined are Settlements and Population, Land Use, Local Employment and Economic activity, Transportation Network, Utilities, Amenity and Tourism.

Existing land uses within a 3km buffer were considered. It is noted that there is 1 dwelling located c.300m south-east of the site boundary. There are a large number of commercial and industrial units within 1km of the site. The nearest residential areas are Finglas West approximately 1.5km south-east of the site and Corduff located approximately 2km south-west of the site. Tourism and amenities are not considered significant in the immediate area.

No additional mitigation measures have been outlined over and above what is outlined in other sections, e.g. noise, traffic, air etc. Following the implementation of those mitigation measures, the proposed development will not have a significant impact on the Human Environment.

I consider that the residual impacts of the proposal would not have a significant impact on the area.

12.10. Chapter 7: Air Quality and Climate

The main areas examined are climate, dust/particulate emissions, vehicle emissions and odour.

During both construction and operational activities, dust particles may be emitted from the site.

Baseline dust monitoring was undertaken at 3 no. locations for 30-day period between May and June 2016. Elevated dust levels were recorded north of the site in close proximity to the Kilsaran Concrete batching facility.

Dust emissions during the construction phase were assessed using a 4-step process for demolition, earthworks, construction and trackout. The Rose Café within 70m of the site is considered to be a high sensitivity receptor. However, following the assessment, it is concluded that there is no considerable risk of dust impacts from the construction phase of the proposed development. Notwithstanding this, a number of mitigation measures will be implemented including the preparation of a Dust Management Plan.

During operational phase potential dust emissions may arise from waste delivery and processing, movement and storage of waste material and vehicle movements. As the Rose Café is located greater than 50m away the impacts of dust during operation are considered negligible given the separation distance, and the nature of the proposed activity i.e. all storage and processing operations occur in a fully enclosed building. It is expected that no notable adverse impacts on receptors will arise from dust generation and the residual effects are considered to be negligible.

A desktop study was undertaken to determine the existing air quality. Proposed traffic movements during construction and operation in addition to existing traffic levels are within the relevant air quality guidelines. The proposed development will contribute to a negligible direct impact on ambient air quality.

An Odour Assessment was carried out in 4 locations. No background odour levels were detected. A standalone odour monitoring assessment was undertaken. The modelling is included as Appendix 9 of the EIS. It is not considered that odour will be

generated during construction. During operation, following mitigation, post abatement, the off-site odour levels are within guidance values. The use of negative aeration followed by activated carbon abatement and other measures result in concentrations within applicable guidelines as detailed in Appendix 11. Upon receipt of an Industrial Emissions licence from the EPA, monitoring will be carried out as specified in the licence.

Following the implementation of the mitigation measures, the overall impact is negligible which I consider acceptable.

12.10.1. **Chapter 8: Roads, Traffic and Transportation**

The construction duration is expected to last 9 months. It is expected that an additional 53 HGV and LGV trips per day will arise during construction. This would see the traffic increase by 0.99% resulting in a negligible temporary direct impact.

The upgrade to the entrance on Cappagh Road has the potential to result in a temporary direct impact in the form of lane restriction and/or traffic light installation for the duration of the site entrance upgrade which is expected to last two weeks.

Mitigation by design includes the selection of the haul routes which are Type 2 Single Carriageway which will avoid residential areas. A detailed Traffic Management Plan is included in Appendix 1 of the EIS and will be finalised with the Local Authority and An Garda Síochána. Reasonable access to local businesses will be maintained at all times during any road or lane closures.

By adopting the mitigation measures and by adhering to the site Traffic Management Plan, the additional traffic during construction is anticipated to have a direct, short term negative residual impact. The construction traffic and the road works for the upgraded road entrance have the potential to have indirect impacts on local businesses resulting in slight, indirect and temporary negative residual impact.

The operational phase will result in traffic being generated 24 hours a day over 6 days a week. This differs to the information provided in the Project Description in Chapter 2 (section 2.3.9) which describes the operation being 24 hours a day, 7 days a week. It is anticipated that 80% of the HGV movements will occur in the hours of 6am – 9pm and 20% between the hours of 9pm - 6am. It is assumed that vehicles will deliver materials to the facility full and leave empty and vehicles removing materials will arrive empty and leave full – i.e. there will be two HGV movements for

each delivery or removal event. Due to the nature of the process there will be fewer vehicle movements associated with waste consignment from the site than with waste being delivered. It is expected that there will be 146 movements between the hours of 6am – 9pm and 28 movements between the hours of 9pm – 6am. This results in 10 movements per hour during daytime and 4 during night-time.

Mitigation by design includes the selection of the haul routes which are Type 2 Single Carriageway which will avoid residential areas, and the construction of the new entrance on Cappagh Road. Other mitigation measures include Site Inductions, a Logistics Co-ordinator and orderly traffic management. With the implementation of the mitigation measures it is anticipated that the development will have a slight permanent impact on traffic on the Cappagh Road.

The applicant clarified that while traffic was assessed at 6 days per week, this reflects the majority of vehicle movements associated with the proposed development. I consider that this approach takes a conservative view, by condensing vehicle movements into a 6-day week rather than a 7-day week, such that an increased potential impact is assessed versus that which is likely to be realised.

Following the implementation of the mitigation measures, the overall impact is slight permanent which I consider acceptable.

12.10.2. **Chapter 9: Noise and Vibration**

It is expected that vibration from operational and construction activities would not be perceptible at nearby sensitive locations. Also, given the existence of nearby quarries it is noted that during blasting, levels far in excess of anything the proposed development would produce occur. As such, vibration is not considered further.

Potential noise during construction arises from site traffic and on-site construction works. It is expected the addition of construction traffic will result in a negligible increase in noise.

The nearest noise sensitive location is Rose Café c. 70m to the west and the residential dwelling to the south-east. During the activities modelled, as well as the cumulative noise level from each construction phase, with a 2.4m hoarding around the site perimeter, noise level is below 65dB_{L_{Aeq}, 1hr} noise limit. General mitigation measures will be implemented and construction activities are expected to be below the construction noise limit of 65dB_{L_{Aeq}, 1hr}.

During operation, the noise sources are the waste delivery/export traffic, waste handling inside the building and waste processing including tipping, loading and operation of processing plant. The results from the prediction modelling indicate that the main source of noise on-site is from openings in the waste processing building and from HGV movements. All noise sensitive locations are compliant with the EPA's daytime, evening and night-time noise limits.

The noise generated by traffic during operation shows a negligible increase. To ensure that the noise levels from the site are minimised a number of management techniques will be incorporated during facility operations. No significant noise impacts are expected during operations.

Monitoring of noise emissions will be undertaken during the construction phase in keeping with the procedures outlined in the CEMP while the facility EPA licence will require monitoring of noise emissions during operations.

With the implementation of noise mitigation measures there will be no significant noise impacts which is acceptable.

12.10.3. **Chapter 10: Flora and Fauna (Ecology/Biodiversity)**

There are no European designated sites within the boundary of the proposal. There are no SACs within a 10km radius. There is one SPA within 10km – South Dublin Bay and River Tolka (Site Code 004024) located 8.9km south-east of the site. Six pNHAs are located within 10km of the site. The chapter should be read in conjunction with the AA Screening Report.

The chapter outlines the desktop review and field surveys undertaken. The site is characterised by Dry Meadows and Grassy Verges (GS2) and evidence of low level grazing (horse) was found within the habitat. The south-eastern portion of the site comprises a mosaic of 'ornamental/non-native scrub (WS3)' in the northern and southern areas of the derelict house. An old treeline (WL2) is located within the centre of the site which contains unhealthy looking ash trees with occasional standing dead trees. The derelict house when surveyed in July 2016 offered potential roosting sites for bats. It was not possible to survey the house due to the unsafe condition but evidence of bat droppings was found. However, following a fire which severely damaged the house, a further survey was carried out in the area and no bats were detected.

Birds present during the July 2016 survey were noted. One red-listed bird was noted flying over the site during the survey. The habitats within the site are considered to be of very low value for the species. Three amber listed birds were recorded and a pair of buzzards were observed just outside of the site near the quarry. The species are not considered to be roosting in the site.

During the construction phase, hydrological impacts are more likely to occur. All NHAs or pNHAs are outside the boundary of the site, therefore no direct impacts are predicted. The site drains to the Bachelors Stream which is a tributary of the Tolka River. North Dublin Bay pNHA is the only pNHA downstream of this river and is located within the boundary of North Dublin Bay SAC. This site is considered in the AA Screening Report (see below). The site is not hydrologically connected to the remaining 5 pNHAs.

The site is considered to be of relatively low value for mammals overall due to its isolation. A dead tree along the treeline was identified as offering potential bat roosting habitat during the initial survey. The loss of this habitat, if inhabited, could result in a significant impact. Foraging or commuting bats may suffer disturbance through increased lighting and noise. It is considered that the main impact on birds may be the loss of habitats or disturbance.

Mitigation measures during construction include the employment of a Project Ecologist for the duration of the vegetation and tree felling and the demolition of buildings. Japanese Knotweed has been recorded on the site. An outline Invasive Species Management Plan has been put in place and included in Appendix 25. Artificial Bat Roosts will be installed in two locations.

During the operational phase, there will be less potential impact. There shall be no further habitat loss and therefore no further impact on habitats, hence they are not discussed further. Mitigation measures during the operational phase will minimise potential impacts on hydrology and water quality.

Following the implementation of the mitigation measures, the overall impact on flora and fauna is deemed imperceptible to slight negative.

With the implementation of the mitigation measures there will be no significant impacts which is acceptable.

12.10.4. **Chapter 11: Soils, Geology and Hydrogeology**

Historically the site has remained an agricultural site, likely to have been utilised for tillage or pasture uses. It is likely that the buildings and hardstanding in the east of the site were associated with the quarry activities to the east and northeast.

No formal response with regards to any potential impact of the development was received from the GSI. The Council did not raise any issues with potential impacts to the underlying soils, geology and hydrogeology.

The GSI Spatial resources website indicates that the soils underlying the site mainly comprise deposits of grey brown podzolic and brown earths, with surface water gleys and ground water gleys identified in the north-eastern portion of the site. The GSI Quaternary Geology website shows the area of the site to be covered with deposits of glacial till derived from limestone bedrock. Approximately 100m to 200m east and west of the site bedrock is shown to be present at, or close to the ground surface.

The majority of the site is underlain by Waulsortian Limestone Formation. A small portion of the southern section of the site is underlain by the Boston Hill Formation.

The GSI Online Irish Geological Heritage Database indicates that the development site is not located in an area of specific geological heritage interest. The nearest site of significant geological heritage is Huntstown Quarry, located to the east of the site. The proposed development will have no perceivable impact on this or any other areas of geological heritage. The site is located within an area of very high potential for crushed rock aggregate.

As part of an earlier planning application, excavation of three trial pits was undertaken to a maximum of 3.7m below ground level. The information obtained from this trial is considered an accurate representation of the underlying ground conditions.

The GSI does not list any wells within 1km of the site boundary. The closest wells are located 1.05km to the south of the site with a potential yield of 40 to 100m³ per day. No groundwater was encountered.

The assessed Groundwater vulnerability for the site is determined as 'high'.

Groundwater monitoring was undertaken, as well as considering information available from the Huntstown Quarry.

Generally, the site geology and hydrogeology ranks as Medium importance as the site is underlain by Waulsortian Limestones and Boston Hill Formation, both characterised as Locally Important Aquifers. Additionally, the site is located within an area of Very High potential for crushed rock aggregate with a Limestone quarry adjacent.

Generally, the potential impact on the geological environment is considered Small Adverse effect due to the potential loss of a small proportion of crushed aggregate potential underlying the site and perceived low risk of pollution to the aquifer.

During construction, there is a potential that the removal of topsoil and subsoil may expose the subsoil to erosion and may result in the exposure of the limestone bedrock to sources of contamination. A proportion of the glacial till may also be removed from site, therefore increasing the vulnerability of the aquifer to contamination and soil compaction may occur.

Chemical pollution may occur as a result of spillage or leakage, runoff from vehicles, unset concrete etc. The construction of additional drainage channels and other infrastructure may result in localised drawdown of the water-table.

Mitigation measures include mitigation by design and best practice. A method statement for each element of the works will be prepared prior to any element of the work being carried out.

All excavations will be constructed and backfilled as quickly as possible. Refuelling of plant and machinery will only occur off site.

During operation the nature of the proposed materials poses a low risk to groundwater. All materials brought to site will be stored in designated impermeable concrete hardstanding areas breaking any potential pathway. Diesel for any site based equipment will be stored in a bunded area to prevent run-off, with a designated hardstanding fill area for re-fuelling operation.

Following the mitigation measures residual impacts are predicted to be imperceptible.

With the implementation of the mitigation measures there will be no significant impacts which is acceptable.

12.10.5. **Chapter 12: Surface Water Quality and Drainage.**

The proposed development lies within Hydrometric Area HA09 known as the Liffey and Dublin Bay. The site drains into the Tolka River Catchment. The land drains into the Bachelor Stream tributary of the Tolka River. There are no watercourses on the site. There are no recorded flood events within 2.5km of the site with hydrological links to the site. The Lower Tolka River is considered to be mostly of 'Poor' ecological quality. The surface water quality at the three monitoring stations closest to the site is good.

The Dublin Pluvial Study predicts that 1 in 100 year return pluvial flooding would occur on site. A Flood Risk Assessment is included.

During the construction phase, the development has the potential to lead to impacts on hydrology and water quality unless mitigation is applied.

Mitigation measures comprise standard construction practices including dry wheel wash, excavations will be dewatered where necessary, connections to existing drainage systems will be installed at the commencement of construction along with the attenuation system. The mitigation measures will ensure that surface water leaving the site will not be contaminated or silt laden either draining to ground or into the existing drainage system.

During operation, the primary potential impact is the increase in run off from the site which may have adverse impacts on flooding downstream of the site. The increase in run-off from the site will be attenuated in the proposed attenuation facility to be installed as part of the surface water drainage system.

Mitigation measures include the design of a SuDS drainage system, all outfalls will be via appropriate filters and a pluvial flood warning system is proposed as part of the Dublin Pluvial Study.

The cumulative impact on water quality and hydrology considered with the surrounding waste and quarrying facilities is considered to be negligible having regard to the licenced status of these facilities with monitoring practices in place.

The potential for pollution from the facility during construction and operation phases is reduced significantly through the mitigation measures. The potential for downstream flooding due to the increase in hard surface is reduced by the implementation of rainwater harvesting, permeable paving and the attenuation tank structure.

Flood Risk

The pluvial study published in September 2015, Dublin Pluvial Study (Flood Resilient City), predicts that 1 in 100 year return period (Flood Zone A) pluvial flooding could occur onsite at depths of up to 0.5m in places.

The proposed development can be classified as a 'Less Vulnerable Development'. According to the Planning System and Flood Risk Management Guidelines for Planning Authorities, a Justification Test is required where this type of development is in a 'Flood Zone A' area.

The conclusion of the Justification Test (Appendix 22 of the EIS) is that the development is appropriate in this area as long as the Finished Floor Level of any building is greater than 0.5m above existing ground levels within the site. The design has taken this into account.

It is unlikely that there will be a risk of flooding from groundwater sources. It is not expected that pluvial incidents will occur to any extent following the construction of the development given that the FFL will be raised above the pluvial flood level and the storm water system will be in place on the site. The siting of strategic infrastructure has avoided these areas on the site.

Proposed Drainage of the development

An appropriate drainage design will incorporate a reduction in the rate of surface water run-off from the proposed development.

Foul and surface water discharge from the site will be via a site drainage system connected to existing sewers in the Millennium Business Park.

With the implementation of the mitigation measures there will be no significant impacts which is acceptable.

12.10.6. Chapter 13: Landscape and Visual Impact

The proposed development is located in a 'Low Lying' Character Type, as per sheet no.14 of the Fingal County Development Plan, which is being of modest value and low sensitivity. While within this Character Type, the proposed development is wholly within an industrial developed area.

A number of viewpoints were selected for detailed assessment in keeping with the surrounding visual envelope. Photomontages have been created for these viewpoints. I consider the 5 viewpoints to be acceptable and a representation of how the development will be seen in these locations.

Impacts of low significance are seen. It is considered that mitigation has been considered in the facility as 'mitigation by design'. In addition, landscaping measures, in the form of a number of native trees will be applied along the southern boundary of the development site. I consider with the inclusion of a condition requiring sufficient landscaping along the southern boundary, having regard to the office development across the road, the proposed development will not have a serious visual impact in the area.

12.10.7. **Chapter 14: Archaeology, Architectural and Cultural Heritage.**

A study area of 1km was chosen to assess the presence of archaeological remains and the presence of Protected Structures or other statutorily protected features.

There are no Recorded Monuments within the site. There are seven Recorded Monuments within 1km of the site. The closest is a fulacht fia approximately 400m north-west of the site. Two roofed structures are recorded in the south-east corner of the proposed development area on the Historic 6 inch (1829 – 1841) OS Map. The historic 25 inch (1897 – 1913) OS map records three roofed structures and present day mapping and site walkover confirms two disused buildings in this area.

There are no national monuments within 1km of the site.

There are two Protected Structures within 1km of the site. There are no NIAH buildings or gardens within 1km of the site.

During Construction, mitigation measures include the monitoring of excavations by site supervision staff. If any archaeological remains are uncovered an archaeologist will be retained to survey the findings. There are no mitigation measures to offset the

imperceptible operational visual and noise impacts on the archaeological, architectural and cultural heritage resources.

With the implementation of the mitigation measures there will be no significant impacts which is acceptable.

12.10.8. **Chapter 15: Material Assets**

This section focuses on utilities, ownership and access, non-renewable resources and renewable resources.

The Finglas - Ballycoolin 38kV power line traverses the site, both overground and underground. It is noted that as a result of the previous planning permission (2007) the powerline was diverted underground to facilitate that development. A 12m tower is in the centre of this enlarged site.

The site is entirely owned by Thornton's Recycling and two entrances with right-turn lanes exist. The entrances are currently blocked off to prevent unauthorised access.

Potential impacts are that there is a perception that the proximity of a waste facility will depress property values. There are no residential properties in the immediate vicinity of the proposal and given the existence of existing waste management facilities and a quarry, direct or indirect impacts on property values are not predicted.

There will be a temporary and slight impact associated with works that will be undertaken by ESB Networks in relation to the relocation of the existing 38kV powerline. Mitigation in terms of prior notice to electricity users will be undertaken.

As there will be no winning of rock and stone onsite no impact will result on mineral deposits on the site.

There is no requirement for mitigation measures in relation to material assets.

12.11. **Chapter 16: Inter- relations and Interactions**

The previous sections of the EIS deal with any potential impacts from the proposed development – where potential negative impacts are expected mitigation measures have been proposed to minimise or eliminate these impacts.

When considered in parallel with other existing developments in the wider locality, it is concluded that the proposed development will not result in greater cumulative

impacts. I consider that the development, cumulatively with other developments, is not likely to have significant effects.

12.12. Conclusions

Conclusions regarding the acceptability or otherwise of the likely residual effects identified:

The main environmental assessment of the proposed development is set out above and it outlines the potential adverse impacts of the proposed works and it describes the mitigation measures. It concludes that there would not be any significant adverse impacts on the receiving environment or surrounding area after the mitigation measures are implemented and any residual impacts are not predicted to be significant.

13.0 Appropriate Assessment

An appropriate assessment screening report prepared by Fehily Timoney and Company was submitted with the application. This report described the site, and the proposed works, and identified the European sites within a 15km radius of the proposed works that had the potential to be affected by the proposed developments. The report listed the qualifying interests and conservation objectives for each site, and identified the potential sources of direct or indirect impacts on these sites. The report concludes that no direct, or indirect or cumulative significant impacts are envisaged on the eleven European Sites. It states that no significant impact is envisaged due to the scale of the project, its location within an existing brownfield site and the lack of a direct link to any waterways, and that progression to a Stage 2 NIS is not necessary.

I follow the staged approach to screening for appropriate assessment as recommended in both EU Guidance and by the Department of Environment, Heritage and Local Government:-

1. Description of the plan or project and local site or plan area characteristics.

2. Identification of relevant Natura 2000 sites and compilation of information on their qualifying interests and conservation objectives.
3. Assessment of likely significant effects - direct, indirect and cumulative, undertaken on the basis of available information.
4. Screening statement with conclusions.

Project Description and Site Characteristics

The proposed development is as described in the report above and in the application documentation. The site is in a suburban location and constitutes land which is currently grassland and part hard surfaced paving.

Relevant Natura 2000 Sites, Qualifying Interests and Conservation Objectives

Eleven Natura Sites are identified as being within a 15km radius of the site. The sites are listed in the following table.

Site Code, Site Name and Designation	Approx. distance from the site	Qualifying Habitats and Species	Conservation Objectives
004024 South Dublin Bay and River Tolka Estuary SPA	8.9km	Light bellied Brent Goose, Oyster Catcher, Ringed Plover, Knot, Sanderling, Dunlin, Bar-tailed Godwit, Redshank, Black headed gull, Roseate Tern, Common Tern, Artic Tern, Wetland and Waterbirds	To maintain or restore the favourable conservation condition of the Annex 1 species for which the SPA has been selected.
000210 South Dublin Bay cSAC	11.4km	Mudflats and sandflats not covered by seawater at low tide	To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) for which the cSAC has been selected.
000206 North Dublin Bay cSAC	11.5km	Mudflats and sandflats not covered by seawater at low tide, Annual vegetation of drift lines, Salicornia and other annuals colonising mud and sand, Atlantic salt meadows, Embryonic shifting dunes, Shifting dunes along the shoreline with white dunes, Fixed coastal dunes with herbaceous vegetation, Humid dune slacks, Petalwort.	To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and/or the Annex 11 species for which the cSAC has been selected.
000208 Rogerstown Estuary cSAC	14km	Estuaries, Mudflats and sandflats not covered by seawater at low tide, Salicornia and other annuals colonising mud and sand, Atlantic salt meadows, Mediterranean salt meadows, Shifting dunes along the shoreline with white dunes, Fixed coastal dunes with herbaceous vegetation	To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and/or the Annex 11 species for which the cSAC has been selected.
004015 Rogerstown Estuary SPA	14.7km	Greylag Goose, Light bellied Brent Goose, Shelduck, Shoveler, Oystercatcher, Ringed Plover, Grey Plover, Knot, Dunlin, Black-tailed Godwit, Redshank, Wetland and Waterbirds	To maintain or restore the favourable conservation condition of the Annex 1 species for which the SPA has been selected.
004006 North Bull Island SPA	11.5km	Light bellied Brent Goose, Shelduck, Teal, Pintail, Shoveler, Oystercatcher, Golden Plover, Grey Plover, Knot, Sanderling, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew,	To maintain or restore the favourable conservation condition of the Annex 1 species for which the SPA has been selected.

Site Code, Site Name and Designation	Approx. distance from the site	Qualifying Habitats and Species	Conservation Objectives
		Redshank, Turnstone, Black-headed Gull, Wetlands and Waterbirds.	
001398 Rye Water Valley/ Carton cSAC	10.7km	Petrifying Springs with tufa formation, Narrow Mouthed Whorl snail, Desmoulins Whorl snail	To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and/or the Annex 11 species for which the cSAC has been selected.
000205 Malahide Estuary cSAC	11km	Mudflats and sandflats not covered by seawater at low tide, Salicornia and other annuals colonising mud and sand, Atlantic salt meadows, Mediterranean salt meadows, Shifting dunes along the shoreline with white dunes, Fixed coastal dunes with herbaceous vegetation	To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and/or the Annex 11 species for which the cSAC has been selected.
00199 Baldoyle Bay cSAC	13km	Mudflats and sandflats not covered by seawater at low tide, Salicornia and other annuals colonising mud and sand, Atlantic salt meadows, Mediterranean salt meadows	To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and/or the Annex 11 species for which the cSAC has been selected.
004016 Baldoyle Bay SPA	13.1km	Light bellied Brent Goose, Shelduck, Ringed Plover, Golden Plover, Grey Plover, Wetlands and Waterbirds.	To maintain or restore the favourable conservation condition of the Annex 1 species for which the SPA has been selected.
004025 Broadmeadow/ Swords Estuary SPA	11km	Great crested Grebe, Light bellied Brent Goose, Shelduck, Pintail, Goldeneye, Red breasted Merganser, Oystercatcher, Golden Plover, Grey Plover, Knot, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Redshank, Wetlands and Waterbirds.	To maintain or restore the favourable conservation condition of the Annex 1 species for which the SPA has been selected.

Assessment of likely effects

The site is not within a designated site, thus there would be no direct effects from the proposed development.

South Dublin Bay and River Tolka Estuary SPA is located at the mouth of the River Tolka as it drains into Dublin Bay, 8.9km south-east of the development. During my site visit there was no evidence on the site of use by any of the qualifying species for which the SPA has been designated, and no evidence of the qualifying species were found during the dedicated bird surveys. Furthermore, the area is characterised by ongoing industrial operations and human activity 24 hours a day. The increase in hardstanding areas and buildings, which will result in an increase in surface water run-off, will be attenuated by use of an attenuation facility which will discharge into the Millennium Business Park system removing the potential for emissions to surface water and the downstream potential for water pollution. Therefore, a significant effect on the European Site is not envisaged. Given that best practice construction practices are to be implemented as well as the distance of the site from the SPA, no significant effect is envisaged.

North Bull Island SPA and North Dublin Bay cSAC are located c.11.5km from the site. South Dublin Bay cSAC is located 11.4km away. All three sites have very remote links to the site and no significant effect is envisaged. The remaining sites listed in the table above are located greater than 10km away. Given the scope and scale of the proposed development and the distance and a lack of a pathway a resultant significant effect on these European sites is not envisaged.

During the operational phase, no significant effect is envisaged as there shall be no untreated emissions of chemical, fuels or other potential pollutants.

Screening Statement and Conclusions

In conclusion having regard to the foregoing, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European Site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

14.0 Recommendation

I recommend that planning permission should be granted, for the reasons and considerations as set out below.

15.0 Reasons and Considerations

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

- (a) national policy with regard to the development of waste infrastructure,
- (b) the policies and objectives of the Eastern and Midlands Regional Waste Management Plan 2015 - 2021,
- (c) the policies set out in the Greater Dublin Area Regional Planning Guidelines, 2010 - 2022
- (d) the policies of the planning authority as set out in the Fingal County Development Plan 2017-2023,
- (e) the location of the proposed development, in an area which is zoned in the development plan for 'GE' and 'HI' uses, and is a land use 'Open for Consideration' in these zoning categories, and where it is the policy of the planning authority to facilitate the development of appropriate proposals,
- (f) the character of the landscape in the area and the absence of any ecological designation on or in the immediate environs of the site,
- (g) the characteristics of the site and of the general vicinity,
- (h) the pattern of existing and permitted development in the area,
- (i) the distance to dwellings and other sensitive receptors from the proposed development,
- (j) the environmental impact statement submitted,
- (k) the Appropriate Assessment Screening Report submitted,
- (l) the submissions made in connection with the planning application, and
- (m) the report of the Inspector.

Environmental Impact Assessment

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

- (a) the nature, scale and location of the proposed development,
- (b) the environmental impact statement and associated documentation submitted in support of the application,
- (c) the submissions from the applicant, the planning authority, and the prescribed bodies in the course of the application, and
- (d) the Inspector's report.

It is considered that the environmental impact statement, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board completed an environmental impact assessment in relation to the proposed development and concluded that by itself and in combination with other development in the vicinity, including other existing warehouse and industrial type developments, and subject to the implementation of the mitigation measures proposed, the effects of the proposed development on the environment are acceptable. In doing so the Board adopted the report and conclusions of the Inspector.

Appropriate Assessment:

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the site's conservation objectives.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have a significant adverse impact on the amenities of the area, and would be acceptable in terms of flood risk, odour, visual impact and traffic safety and convenience of road users. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

16.0 Conditions

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 11th day of January 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

- 2 The mitigation measures and commitments identified in the environmental impact statement, and other plans and particulars submitted with the planning application shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.

Prior to the commencement of development, the developer shall submit a schedule of mitigation measures identified in the Environmental Impact Statement, to the planning authority for its written agreement.

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

- 3 Details of the materials, colours and textures of all the external finishes, signage, and external hard surfaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity

- 4 No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building/within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

- 5 (a) A scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall provide a screen along the southern boundary, consisting predominantly of trees, shrubs and hedging of indigenous species. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works.

(b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development, in the interest of visual amenity.

- 6 The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

(a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

(b) Location of areas for construction site offices and staff facilities;

- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of 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;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

- 7 Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received

from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

- 8 The following details shall be agreed in writing with the Planning Authority prior to commencement of development:
- (a) The proposed access on to Millennium Business park to include a 3m setback to provide a footpath/verge and suitable boundary treatment.
 - (b) The proposed entrance on to Cappagh Road, in particular, the location and the boundary details, including reuse of the existing stone from the existing walls to be demolished, and reinstatement of the footpath and cycle lanes.
 - (c) The entrance gates shall be set-back sufficiently to allow an articulated truck to wait off the public road.
 - (d) The provision of a separate pedestrian access and footpath from the main staff entrance to the administration building.
 - (e) Revised parking layout minimising the parking area to 16 car park spaces.
 - (f) The provision of 10 covered cycle parking spaces in close proximity to the main entrance.

Reason: In the interest of the proper planning and sustainable development of the area, and to prevent a traffic hazard.

- 9 No storage, either permanent or temporary, of any materials shall occur within the site which is outside of any structure shown on the Site Layout Plan submitted with the application.

Reason: In the interest of amenities, public health and safety.

- 10 Prior to the commencement of development on site, the applicant shall submit for the written agreement of the planning authority, a detailed invasive species management plan.

Reason: In the interest of the proper planning and sustainable development

of the area.

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

Reason: To ensure adequate servicing of the development, and to prevent pollution.

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

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Ciara Kellett

Senior Planning Inspector

4th May 2017