

**STATEMENT OF STEPHEN WARD AN BORD PLEANÁLA**

TO

ORAL HEARING

FOR

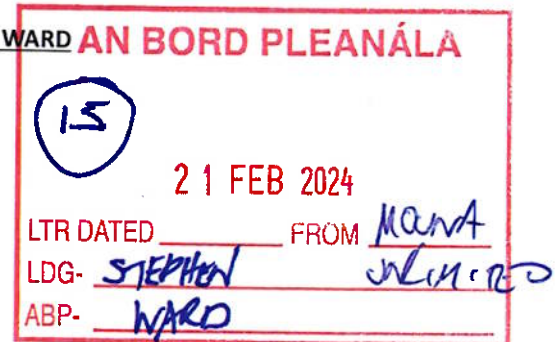
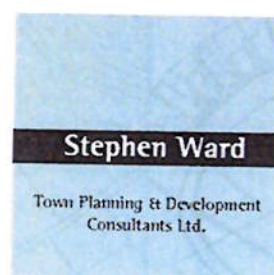
RAILWAY (METROLINK - ESTUARY TO CHARLEMONT VIA DUBLIN AIRPORT) ORDER 2022 ESTUARY THROUGH  
SWORDS, DUBLIN AIRPORT, BALLYMUN, GLASNEVIN AND CITY CENTRE TO CHARLEMONT COUNTY DUBLIN

AN BORD PLEANÁLA REFERENCE ABP-314724-22 / SUBMISSION REFERENCE 196

ON BEHALF OF MOUNA UNLIMITED COMPANY

MODULE 1 AZ3 - DARDISTOWN SECTION (DUBLIN AIRPORT SOUTH PORTAL, DEPOT, ALIGNMENT AS FAR AS  
NORTHWOOD

LANDS AT SILLOGUE GREEN LANE AND BALLYSTRUAN LANE, SWORDS, CO. DUBLIN



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**1.0 QUALIFICATIONS AND EXPERIENCE OF STEPHEN WARD**

1.1 My name is Stephen Ward and I am Director of Stephen Ward Town Planning and Development Consultants Limited. I have 39 years' experience as a qualified town planner. I have a degree in Economics and Geography from Trinity College Dublin and a Master's Degree in Regional and Urban Planning from University College Dublin. I am a corporate member of the Irish Planning Institute. I established my consultancy practice in 1997 and have worked for public and private sector clients since that time.

**2.0 BACKGROUND**

2.1 Mouna Unlimited Company ("Mouna") made a detailed written submission to the public consultation stage of the Railway Order application (Submission Ref. 196). The submission incorporated statements by Stephen Ward Town Planning and Development Consultants Limited, Waterman Moylan Consulting Engineers and Colliers Property Consultants as well as a Masterplan prepared by Henry J. Lyons Architects. The contents of the Mouna submission at public consultation stage remain valid and remain part of the Mouna submissions to the Railway Order application. This submission is directed to the responses from TII to Mouna's submission.

2.2 At the outset, our Client wishes to make it clear it supports the principle of MetroLink and the benefits it will bring to the public transport network. At the same time our Client seeks to protect the existing permitted and established use of the site on Sillogue Green Lane (and the associated private Wastewater Treatment Plant ("WWTP")) as an abattoir and future development potential as a high technology campus.

2.3 Our Client has engaged with the process at all times including meetings with the National Transportation Authority (NTA) on 6<sup>th</sup> December 2018, 19<sup>th</sup> November 2019, 4<sup>th</sup> March 2021 and 31<sup>st</sup> May 2022. We also met with TII on the 14<sup>th</sup> of December 2023 to discuss the written response to our submission and at that meeting we sought additional information from TII relating to technical engineering matters. Responses were received in early February 2023 and these will be discussed in our engineering submission by Mr. J. Gibbons of Waterman Moylan Consulting Engineers. Our Client and its Design Team have at all times been available for discussions with the TII, including a 'Remote' meeting on Friday 16<sup>th</sup> February 2024.

2.4 At this time, the response from TII to the matters raised in our submission to An Bord Pleanála does not address these concerns adequately and does not provide the level of detail required to assess the potential impact of the project on our Client's Site.

2.5 I reference a number of planning permissions in my Statement and these are attached at Appendix A to my Statement.

### 3.0 SITE LOCATION AND DESCRIPTION

3.1 The subject Site is located to the south of Dublin Airport and to the north of the M50 and comprise of two parcels of land containing an industrial building with a permitted and established use as an abattoir and an associated private WWTP. The abattoir is accessed from Sillogue Green Road, which connects to the Naul Road (R108) to the west. The WWTP is currently accessed from the north via a laneway off the Old Airport Road (L2015). Taken together, the Site extends to 6.5 hectares. They comprise the main meat processing plant (c6ha) and a private wastewater treatment plant (c0.5ha).

Figure 1 – Site Location Map

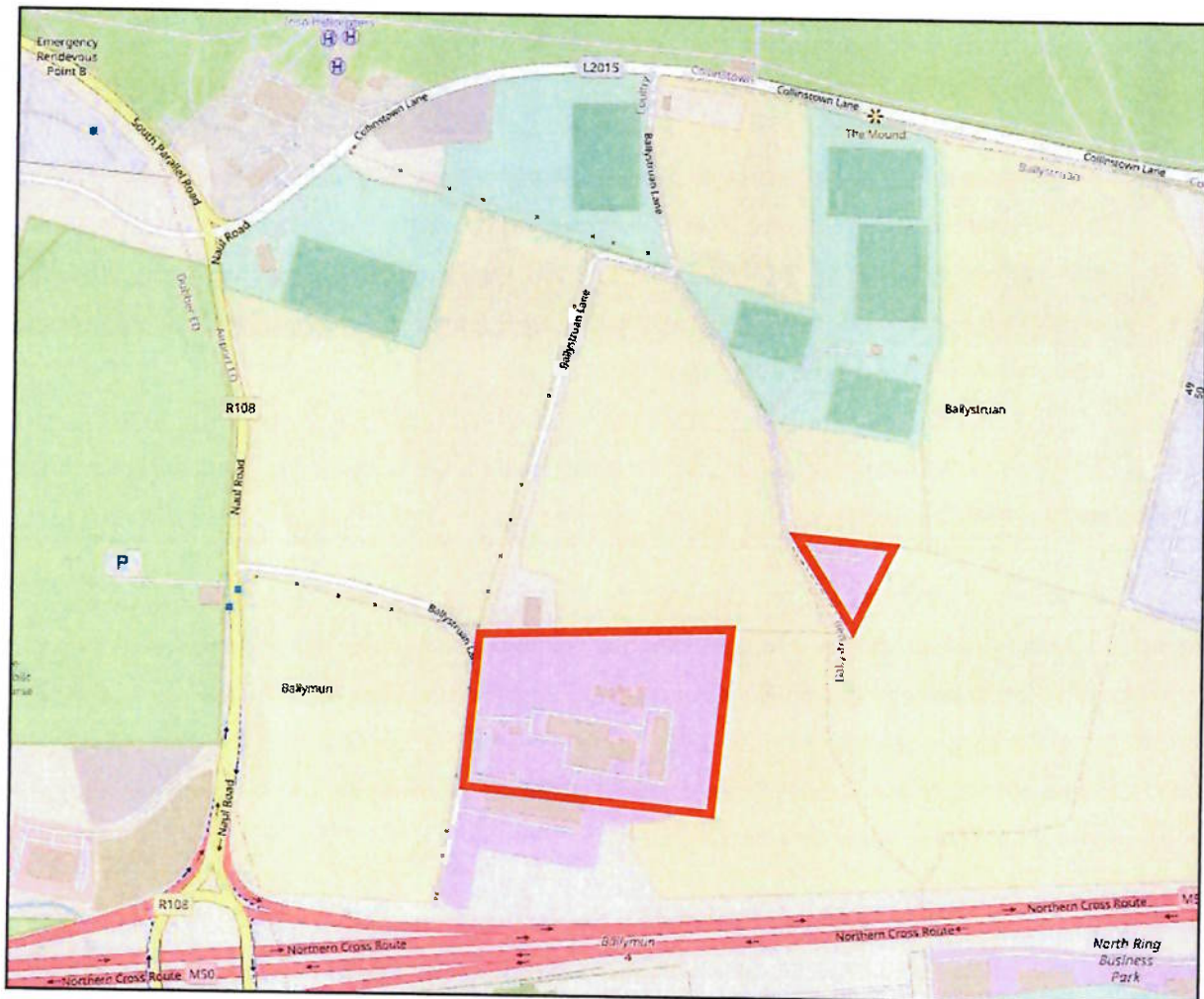


Figure 1: Site location map (Source: [www.epa.ie](http://www.epa.ie))

Approximate boundary of Site in the ownership of Mouna Unlimited Company outlined in red.

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**4.0 THE PERMITTED AND ESTABLISHED USE OF THE SITE**

4.1 There is an extensive planning history confirming the permitted use of the Site as an abattoir including, for example the following permissions (Attached at Appendix A to this Statement) –

- a) Planning application H682 dated the 2<sup>nd</sup> April 1975 which sought permission for “extension to factory”. Condition 9 of that permission states – *“That the proposed extension shall be used solely for the purposes of slaughtering and processing sheep and cattle as indicated on the lodged plans received 2<sup>nd</sup> April 1975, 9<sup>th</sup> July 1975 and 8<sup>th</sup> September 1975, respectively and any change of use shall be subject to the granting of permission by the County Council”.*
- b) Planning application 88A/333 of 22<sup>nd</sup> March 1988 which sought permission for *“Proposed demolition of existing offices, chills, workshops, stores, freezers and other sundry buildings and the erection on increased site area of new offices, new car parking facilities, new entrances, new front boundary wall, new weighbridge, new coldstores, new workshops and plant room, new vac-pak chill, alterations to existing freezers and boning hall, new loading area, additional chills, new lairage and ancillary concrete and drainage works and repositioning of new hide store for which planning permission has already been granted (Ref86A/143) at Ballymun, Dublin 11”.*

4.2 The Site acts as a business continuity plant and this means it can be called into operation in the event another plant is unable to operate.

4.3 In November 2009 An Bord Pleanála (ABP Ref. PL06F234611 - Attached at Appendix A) granted a temporary planning permission for a development at the site that included *“retention of change of use of part of existing AIBP meat processing plant from meat processing to a waste transfer facility (for non-hazardous wastes) for the collection, storage and distribution of used cooking oils”.* In April 2016 a further temporary permission was granted by Fingal County Council (PA Ref. F16A/0002 – Appendix A) again for *“temporary change of use of part of the existing ABP meat processing plant”.*

4.4 In or around 2016 a company called Frylite took over the permitted used cooking oil business at part of the Site. The primary business of Frylite is the supply of cooking oils. In addition, Frylite has a business involving the recycling of used cooking oils (UCO). Frylite received a temporary permission on the Site in 2019 (PA Ref. F19A/0095 – Appendix A) again for *“Temporary permission (5 years) for the temporary change of use of part of the ABP meat processing plant”.* The most recent (temporary) permission was granted by Fingal County Council in January 2024 under Planning Authority Ref. F23A/0721 (Appendix A). Condition No. 4 of the permission states –

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*"The change of use of part of the existing building and site from meat processing plant to a used cooking oil and food waste transfer facility shall cease on or before a period of five years from the date of this permission unless before the end of that period, permission for the continuance of the use beyond that date shall have been granted by the Planning Authority or by An Bord Pleanála on appeal".*

4.5 The stated reason for the imposition of Condition No. 4 is –

*"To enable the effect of the development on the amenities of the area to be reviewed having regard to the circumstances then prevailing".*

4.6 The Report of the Planning Officer ("PO") on planning application F23A/0721 confirms that the site contains the ABP Ireland Meat Processing Plant and that the application is for temporary change of use of part of the Site for the Frylite activities.

4.7 The PO Report (Appendix A) also sets out internal and external consultees noting that in terms of internal consultees there was no objection from the Transportation Planning Section, Water Services, Parks and Green Infrastructure Division, Community Archaeologist or Environment Department. It is noted that no report was received from the Environmental Health Officer at the time the PO was writing the report.

4.8 In terms of external consultees the PO Report notes that Uisce Éireann, Dublin Airport Authority and the National Transportation Authority (NTA) have no objection and that at the time of writing the report the PO had not received comments from Irish Aviation Authority, Environmental Protection Agency, Transport Infrastructure Ireland, Local Principal EHO or the Chief Area Environmental Health Officer.

4.9 At page 10 of the Planning Report the PO states –

*"The Transportation Planning Section indicate that the proposed MetroLink route is passing very close to the subject site and through the existing access road. The National Transport Authority (NTA) have reviewed the application and are satisfied that the development as proposed will not impact on the delivery of the proposed MetroLink project. The NTA has stipulated that should further development proposals be planned for the site, they are open to engagement with the Applicant and the Planning Authority to ensure future development at this location and any future MetroLink works can be carried out congruently".*

4.10 The PO recommended a grant of permission subject to conditions. The permission as issued is consistent with the recommendations of the PO save that the recommended financial contribution conditions were removed.

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**5.0 COMMENTS ON TII RESPONSE STATEMENT (REF 196)****Failure of the EIAR to acknowledge the permitted and established use of the site as an abattoir which is a sensitive receptor and requires site specific assessment (Noise, vibration, dust and light)**

5.1 The TII Response to items numbered 2, 3 & 7 of Submission Reference 196 state that TII has considered the subject site as an industrial facility and these are *"not considered particularly sensitive"*. Nowhere in the TII response has the established use of the Site as an abattoir and meat processing plant been acknowledged. The TII response states at point 7 *"The facilities operated by Mouna Unlimited Company are assessed as industrial buildings"*. Potential impacts have only been considered in terms of access to the site (Item 3). In our opinion, the Site has not been correctly identified as a sensitive receptor for the purposes of assessing the construction impacts and impacts arising from excavation works. Given this, it is submitted the EIAR cannot be considered to have demonstrated that excavation works arising from the proposed development, including the proposed depot to the north of our client's Site and the construction compound to the west do not have the potential to generate negative impacts with regard to dust and particulate matter, light, odour, noise and vibration that could result in a decline in the quality/quantity of product from the plant and loss of business which in turn would have a negative impact on the wider business and related companies.

5.2 It is submitted that the EIAR and the written response of TII to the Mouna submission fail to recognise that the particular permitted and established use of the Site as an abattoir demands a very specific assessment of construction impacts. There has not been adequate consideration of the potential impacts from the excavation works and construction phases of the proposed development on the Site which is a very sensitive commercial receptor. Matters that require site specific assessment include, noise and vibration, dust and light.

5.3 An example of the failure of the applicant to recognise the nature of the permitted development on the Site is found at Chapter 7: Consideration of Alternatives is within Volume 2 – Book1 of the EIAR. Subsection 7.7.4.1 compares Estuary to Dardistown with regard to the location for the scheme depot. Under the title 'Noise and Vibration', it states *"At Estuary, the two main noise-sensitive receptors would be Emmaus Retreat and Conference Centre as well as Lissenhall Vet Hospital which are located approximately 250m from the proposed site."* In comparison, the same paragraph states Dardistown *"is not in close proximity to sensitive receptors."* In conclusion, para. 7.7.4.1.1 states with regard to Dardistown, *"It is also possible to mitigate the majority of the potential impacts identified utilising the proposed mitigation measures outlined in the relevant chapters of the EIAR."*

5.4 It is submitted the location of the Depot cannot be justified on the basis of the assessments undertaken as part of the planning application, including the EIAR as the abattoir has not been identified let alone assessed as a sensitive receptor and therefore no appropriate mitigation measures in the context of construction impacts are included.

5.5 In particular and as noted there are concerns regarding noise and vibration, dust and light. It is not so much that these matters are not capable of resolution but that they have not been assessed at all.

5.6 The TII response Item No. 7 to the Mouna submission (Submission 196) lists out what TII considered to be sensitive receptors noting that *"industrial facilities are generally not considered particularly sensitive"*. It is noted that the EIAR assesses sensitive receptors only in the context of human beings. It is submitted it is incumbent on an applicant when assessing a proposed development including construction impacts arising from excavation works to consider each use on its specific merits in terms of its particular sensitivities. Again, it is submitted the EIAR fails to acknowledge, recognise or understand that the permitted use of the Site is a particularly sensitive use.

5.7 As evidence of the lack of understanding of the sensitive nature of the permitted abattoir are the comments at TII Response Item No. 3 to Submission No. 196 wherein it states – *"As part of the environmental assessment of both Estuary and Dardistown locations, population and land-use was considered, with 'local sensitivities' identified. It is considered that the population at Dardistown would be less sensitive to disruption during the construction phased and/or the operational phase when compared to Estuary as there are fewer sensitive locations in close proximity to the proposed site and those that are present are already exposed to high levels of noise from Dublin Airport and the M50 motorway"*.

5.8 It is submitted that the difficulty with the above approach is that the assessment including the assessment of construction impacts arising from excavation works is based on population and human beings and the Site is therefore not assessed as a sensitive receptor so no further site specific analysis was undertaken as part of the EIAR or the planning application. I would also point out that Mouna in all submissions including the pre-application consultation stages, repeatedly made it clear that the Site has a permitted and established use as an abattoir and is a sensitive receptor.

#### **Unencumbered and unrestricted access and egress to the Site during construction and excavation works**

5.9 This matter gives rise to great concern as the Site can operate on a 24/7 basis. It is noted that the TII proposes the main construction compound to be located to the west of the Site. It is then proposed that during the construction phase a temporary road will run from the R108 to the Site. This means that deliveries and outward product, as well as employees will have to traverse this temporary road and interact with construction traffic. There are many items of concern here, not least public safety. Mr. J. Gibbons of Waterman Moylan Consulting Engineers will provide a more detailed statement on these matters.

#### **Impact on unmapped / unidentified Sub-surface Services**

5.10 Our client is gravely concerned that the proposal has the potential to impact on pipelines and other sub-surface services crucial to the operation of the Site due to the proposal to provide the MetroLink below ground level in the vicinity of the Site. Our Client requests cross sections, longitudinal sections and drainage proposals to fully assess the potential impact on essential services. Again, Mr. J. Gibbons of Waterman Moylan Consulting Engineers will provide a more detailed Statement on these matters.

**That concludes my Statement.**

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**APPENDIX A – PLANNING PERMISSIONS ON THE SITE**

**PLANNING APPLICATION REFERENCE NUMBERS:**

- H.682
- 88A/333
- PL06F.234611
- F16A/0002
- F19A/0095
- F23A/0721 (AND REPORT OF PLANNING OFFICER)

<b>AN BORD PLEANÁLA</b>	
15	
21 FEB 2024	
LTR DATED _____	FROM _____
LDG- _____	
ABP- _____	

MetroLink Oral Hearing ABP Ref. 314724-22

Statement of Stephen Ward to Module 1 on Behalf of  
Mouna Unlimited Company

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**PA. REF. NO. H.682**

# COMHAIRLE CHONTAE ATHA CLIATH

File Reference P.C. 5809	LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT 1963 PLANNING REGISTER		REGISTER REFERENCE F H.682								
1. LOCATION	Ballymun, Cloghran, Co. Dublin.										
2. PROPOSAL	Extension to factory										
3. TYPE & DATE OF APPLICATION	TYPE P.	Date Received 2/4/75.	<table border="1"> <thead> <tr> <th colspan="2">Date Further Particulars</th> </tr> <tr> <th>(a) Requested</th> <th>(b) Received</th> </tr> </thead> <tbody> <tr> <td>1. 30/5/75</td> <td>1. 9/7/75</td> </tr> <tr> <td>2. ....</td> <td>2. ....</td> </tr> </tbody> </table>	Date Further Particulars		(a) Requested	(b) Received	1. 30/5/75	1. 9/7/75	2. ....	2. ....
Date Further Particulars											
(a) Requested	(b) Received										
1. 30/5/75	1. 9/7/75										
2. ....	2. ....										
4. SUBMITTED BY	Name P. N. Shaffrey and Partners, Architects, Address 18, Dartmouth Square North, Leeson Pk., Dublin										
5. APPLICANT	Name Dublin Meat Packers Limited, Address Ballymun, Cloghran, Co. Dublin.										
6. DECISION	O.C.M. No. P/2671/75 Date 8/9/75	Notified 8/9/75 Effect To Grant Permission									
7. GRANT	O.C.M. No. P/3402/75 Date 24/10/75	Notified 24/10/75 Effect Permission Granted									
8. APPEAL	Notified Type	Decision Effect									
9. APPLICATION SECTION 26 (3)	Date of application	Decision Effect									
10. COMPENSATION	Ref. in Compensation Register										
11. ENFORCEMENT	Ref. in Enforcement Register										
12. PURCHASE NOTICE											
13. REVOCATION or AMENDMENT											
14.											
15.											
16.											

Covr issued by *J. de Baiter* Registrar.

# DUBLIN COUNTY COUNCIL

2951 (Ext. 131)

PLANNING DEPARTMENT,  
46-49 DAME STREET,  
DUBLIN 2

## Notification of Grant of Permission/~~Approval~~ Local Government (Planning and Development) Act, 1963

To:

Decision Order  
Number and Date P/2671/75 - 8th Sept. 1975.

Philip W. Shaffrey & Associates,

Register Reference No. H.682

18 Dartmouth Square,

Planning Control No. 5809

Leeson Park,

Application Received on 2/4/75 & 9/7/75

Dublin 6.

Applicant: Dublin Meat Packers Ltd.

A PERMISSION/~~APPROVAL~~ has been granted for the development described below subject to the undermentioned conditions.

**Proposed factory extension at Ballymun, Cloghran.**

Conditions	Reasons for Conditions
1. That the development be carried out and completed strictly in accordance with the plans and specification lodged with the application save as is in the conditions hereunder otherwise required.	1. To ensure that the development be in accordance with the permissive and effective control be maintained
2. That Building Bye-laws approval shall be obtained and any conditions of such approval shall be observed in the development.	2. In order to comply with the Sanitary Services Acts, 1878-1964.
3. That the water supply and drainage arrangements be in accordance with the requirements of the Dublin County Council.	3. In order to comply with the Sanitary Services Acts, 1878-1964.
4. That all necessary measures be taken by the contractor to prevent the spillage, or deposit of clay, rubble, or other debris on adjoining roads during the course of the development.	4. To protect the amenities of the area.
5. That the requirements of the Chief Fire Officer be ascertained prior to commencement of development and complied with in full before the structures proposed in the development are put into use.	5. In the interest of public safety and the avoidance of fire hazard.
6. That adequate off-street carparking facilities on the site to cater for the extension.	6. In the interest of the proper planning and development of the area.
7. That the vehicular site entrances shall be adequately set back and splayed to the requirements of the Council's Roads Dept., 6 Parnell Square.	7. In the interest of the proper planning and development of the area.
8. That in the event that any more water is required above the maximum presently being drawn off, i.e. 30,000 gallons per day from the (near) Ballymun supply, this additional supply shall be taken from the supply at (near) Huntstown House	8. In the interest of the proper planning and development of the area and to ensure that the water pressure to the other users in the area can

*Continued/Over.*

on behalf of the Dublin County Council:

*M. Keating*  
for Senior Administrative Officer

8. and the applicants shall as agreed have the work carried out entirely at their own expense and in addition, shall fit a flow regulating device to regulate the supply to an absolute maximum draw-off of 70 (seventy) gals per minute.

9. That the proposed extension shall be used solely for the purposes of slaughtering and processing sheep and cattle as indicated on the lodged plans, received 2nd April, 1975, 9th July, 1975, and 8th September, 1975, respectively and any change of use shall be subject to the granting of permission by the County Council.

8. maintained at a satisfactory level.

9. In the interest of the proper planning and development of the area.

M. Keat  
for Senior Administrative Officer.

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**PA. REF. NO. 88A/333**

# COMHAIRLE CHONTAE ÁTHA CLIATH

P. C. Reference	LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT 1963 & 1976 PLANNING REGISTER		REGISTER REFERENCE 88A/333
1. LOCATION	Ballymun, Dublin 11.		
2. PROPOSAL	Demolish existing structures and add new buildings.		
3. TYPE & DATE OF APPLICATION	TYPE	Date Received	Date Further Particulars (a) Requested (b) Received
	P.	22nd Mar. '88	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> 1. ....  2. .... </div> <div style="width: 45%;"> 1. ....  2. .... </div> </div>
4. SUBMITTED BY	Name A.I.B.P. Management, Address Milestown, Castlebellingham, Co. Louth.		
5. APPLICANT	Name Goodman International, Address Cloghan, Swords, Co. Dublin.		
6. DECISION	O.C.M. No. P/1533/88 Date 19/5/88		Notified 19/5/88 Effect To grant permission
7. GRANT	O.C.M. No. P/2148/88 Date 29/6/88		Notified 29/6/88 Effect Permission granted
8. APPEAL	Notified Type		Decision Effect
9. APPLICATION SECTION 26 (3)	Date of application		Decision Effect
10. COMPENSATION	Ref. in Compensation Register		
11. ENFORCEMENT	Ref. in Enforcement Register		
12. PURCHASE NOTICE			
13. REVOCATION or AMENDMENT			
14.			
15.			
Prepared by .....		Copy issued by <i>J. de Baitzel</i> Registrar	
Checked by .....		Date <i>2/10/96</i>	

P / 2148 / 88

# DUBLIN COUNTY COUNCIL

(tel. 72-755 (ext. 262/264))

PLANNING DEPARTMENT.  
BLOCK 2,  
IRISH LIFE CENTRE,  
1R. ABBEY STREET,  
DUBLIN 1.

GRANT OF  
PERMISSION

Notification of Grant of Permission/Approval  
Local Government (Planning and Development) Acts, 1963-1983

<p>To <u>A.I.B.P. Management,</u></p> <p><u>Milestown,</u></p> <p><u>Castlebellinham,</u></p> <p><u>Co. Louth</u></p> <p>Applicant <u>Goodman International,</u></p>	<p>Decision Order <u>P/1533/88 19.5.88</u></p> <p>Number and Date .....</p> <p>Register Reference No. <u>88A/333</u></p> <p>Planning Control No. ....</p> <p>Application Received on <u>22nd March 1988</u></p> <p>Area of Site: approx. 60,000.sq.m.</p>
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A PERMISSION/AP ROVAL has been granted for the development described below subject to the undermentioned conditions.

Proposed demolition of existing offices, chills, workshops, stores, freezers and other sundry buildings and the erect  
on increased site area of new offices, new car parking facilities, new entrances, new front boundary wall, new weigh-  
bridge, new coldstores, new workshops and plantrooms, new vac-pac chilli, alterations to existing freezers and boning  
hall, new loading area, additional chills, new lairage and ancillary concrete and drainage works and repositioning of  
new hide store for which planning permission has already been granted (Ref. 86A/143) at Ballymun, Dublin 11

CONDITIONS	REASONS FOR CONDITIONS
1. The development to be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application save as may be required by the other conditions attached hereto.	1. To ensure that the development shall be in accordance with the permission and that effective control be maintained.
2. That before development commences approval under the Building Bye-Laws be obtained and all conditions of that approval be observed in the development.	2. In order to comply with the Sanitary Services Acts, 1878-1964.
3. That the requirements of the Supervising Environmental Health Officer be ascertained and strictly adhered to in the development.	3. In the interest of Health.
4. That the requirements of the Chief Fire Officer be ascertained and strictly adhered to in the development.	4. In the interest of safety and the avoidance of fire hazard.
5. That a financial contribution in the sum of 28,442. be paid by the proposer to the Dublin County Council towards the cost of provision of public services in the area of the proposed development and which facilitate this development; this contribution to be paid before the commencement of development on the site.	5. The provision of such services in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing the services.

Contd. Overleaf/..

Signed on behalf of the Dublin County Council .....

*[Signature]*  
For Principal Officer

Date 29/6/88

6. That a financial contribution in the sum of £15,000. be paid by the proposer to the Dublin County Council towards the upkeep of Ballystruan Lane which will facilitate the development until the Northern Cross Route and new access road is open to traffic; this contribution to be paid before the commencement of development on the site.

7. That the requirements of the Sanitary Services Department relating to the disposal of foul and surface water be ascertained and fully adhered to in the proposed development.

8. Details relating to; the quality of effluent to be discharged over a 24 hour period, the proposed invert levels, pipe sizes and gradients of the internal foul sewerage system shall be submitted to and agreed with the Planning Authority prior to the commencement of development.

9. That the applicants shall strictly adhere to the terms of the licence issued under the provision of the Water Pollution Act by Dublin Corporation on 5.6.1987 and any amendments that may be required by the current proposal.

10. That full details of the proposed surface water drainage system including details of the proposed invert levels, pipe sizes, gradients of the internal system and the outfall sewer shall be submitted to and agreed with the Planning Authority prior to the commencement of development. Surface water run-off is subject to the provisions of the Water Pollution Acts and certain areas of the development will produce surface run-off which must be discharged to the foul sewer system.

N.B.: The applicants are required to consult with the Sanitary Services Department prior to the submission of the above required details for agreement.

11. That details of the external brick, rendering and cladding finishes to buildings and external walls be submitted and agreed with the Planning Authority prior to the commencement of development,

6. The provision of such services in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing the services.

7. In order to comply with the Sanitary Services Acts, 1878-1964.

8. In the interest of Health and in the interest of the proper planning and development of the area.

9. In order to comply with the requirements of the Water Pollution Act.

10. In the interest of the proper planning and development of the area.

11. In the interest of visual amenity.

MetroLink Oral Hearing ABP Ref. 314724-22

Statement of Stephen Ward to Module 1 on Behalf of  
Mouna Unlimited Company

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**PA. REF. NO. PL06F.234611**

Our Ref: PL 06F.234611  
P.A.Reg.Ref: F09A/0285  
Your Ref: AIBP

RECEIVED 10 NOV 2009

Stephen Ward,  
Distillery House,  
Distillery Lane,  
Dundalk, Co. Louth.

09 NOV 2009

*Appeal Re:* Retention of change of part of existing AIBP meat processing plant from meat processing to a waste transfer facility and related site development works, permission for 3 no. oil storage tanks.  
AIBP Meat Processing Plant, St Anne's, Cloughran, Ballymun, Co. Dublin

Dear Sir/Madam,

An order has been made by An Bord Pleanála determining the above-mentioned appeal under the Planning and Development Acts 2000 to 2009. A copy of the order is enclosed.

In accordance with section 146(3) of the Planning and Development Act 2000, the Board will make available for inspection and purchase at its offices the documents relating to the appeal within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and the Board's Direction on the appeal on its website ([www.pleanala.ie](http://www.pleanala.ie)). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

In cases where a grant of (full) planning permission is notified by the Board, it is policy to include a copy of the Department of the Environment and Local Government's Leaflet PL11 - *Guide to the Building Control System* and a copy of the Health and Safety Authority's leaflet *Safety and Health on Construction Projects - The Role of Clients* with the notification. These leaflets are issued at the request of the above bodies.

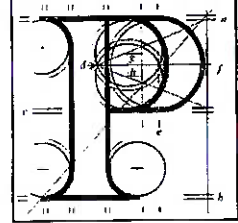
Yours faithfully,

B. Mc Manus  
Brid McManus  
Executive Officer

Encl:

BP 100LN.ltr

An Bord Pleanála

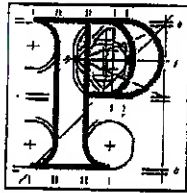


64 Sraid Maoilbhríde,  
Baile Átha Cliath 1.

Tel: (01) 858 8100  
LoCall: 1890 275 175  
Fax: (01) 872 2684  
Web: <http://www.pleanala.ie>  
email: [bord@pleanala.ie](mailto:bord@pleanala.ie)

64 Marlborough Street,  
Dublin 1.

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2009

**Fingal County**

**Planning Register Reference Number: F09A/0285**

**An Bord Pleanála Reference Number: PL 06F.234611**

**APPEAL** by AIBP care of Stephen Ward Town Planning Consultants Limited of Distillery House, Distillery Lane, Dundalk, County Louth against the decision made on the 27<sup>th</sup> day of July, 2009 by Fingal County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** A temporary planning permission (10 years) for the retention of change of use of part of the existing AIBP meat processing plant from meat processing to a waste transfer facility (for non-hazardous wastes) for the collection, storage and distribution of used cooking oils and the washing of used cooking oil containers, for four number used cooking oil storage tanks and use of an existing truck wash bay. Temporary planning permission (10 years) is also sought for the installation of an over ground interceptor/grease trap for removal of oil, fats and grease on the existing foul sewer line and for the erection of three additional used cooking oil storage tanks and related site development works, all at the AIBP meat processing plant, Saint Anne's, Cloghran, Ballymun, County Dublin.

## DECISION

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

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## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

Having regard to the provisions of the Fingal County Development Plan 2005-2011, to the established industrial use of the site, to the nature of the activities proposed and the temporary period for which permission is sought and to the possible time scale for completion of a Metro type development, it is considered that, subject to compliance with the conditions set out below, the proposed development, including retention of use for a temporary period, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to development of any future rapid transit rail system and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The planning authority refused planning permission partly on the basis that the development would materially contravene policies of the development plan. The Board examined the provisions of the said development plan and noted that the plan does not make a distinction between a "waste transfer station", which is not mentioned among any of the land use classifications either permitted or not permitted on lands with the ST1 zoning objective, and a "refuse transfer station", which is clearly not permitted. The Board also noted the various policies in the development plan regarding re-use and recycling of waste. The Board considered that, insofar as the proposed development is concerned, the objectives are not clearly stated and are conflicting. As the development would facilitate recycling of a waste product, in accordance with local, regional and national policy, the Board decided to grant permission. Having regard to the possible development of a Metro system and to the proposal to make a Local Area Plan, it was considered reasonable to limit the permission to a period of five years.

## CONDITIONS

1. The use of the facility shall be restricted to the collection, storage and onward transportation of used cooking oil and the washing of used cooking oil containers.

**Reason:** In the interest of clarity and to protect the amenities of the area.

2. The use of the premises as a facility for the collection, storage and onward transportation of used cooking oil shall cease on or before a period of five years from the date of this order unless, before the end of that period, permission for the continuance of the use beyond that date shall have been granted.

**Reason:** To enable the effect of the development on the area to be reviewed, having regard to the circumstances then prevailing, including in relation to planning policy and the provision of transport infrastructure.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. In particular, detailed provision for the removal of fats from wash water runoff shall be submitted to the planning authority for written agreement within one month of the date of this order. The agreed arrangements shall be implemented within three months of the date on which the planning authority confirms such agreement. In default of agreement, the details shall be referred to the Board for determination.


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

4. Within one month of the date of this order, the developer shall submit details of the proposed bunding arrangements to the existing and proposed bulk storage tanks and for the storage area for used oil product for the written agreement of the planning authority. The agreed arrangements shall be implemented within three months of the date on which the planning authority confirms such agreement. In default of agreement, the details shall be referred to the Board for determination.

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

5. 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.

  
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**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

Dated this 6<sup>th</sup> day of November 2009.

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**PA. REF. NO. F16A/0002**

**Comhairle Contae Fhine Gall**  
Fingal County Council

**An Roinn um Pleanáil agus  
Infrastruchtúr Straitéiseach**  
Planning and Strategic  
Infrastructure Department



Stephen Ward  
Stephen Ward Town Planning &  
Development Consultants Ltd.  
Jocelyn House  
Jocelyn Street  
Dundalk  
Co. Louth.



Notification of Grant of Permission  
PLANNING & DEVELOPMENT ACTS 2000 - 2015 AND REGULATIONS MADE THEREUNDER

Final Grant Order No.: PF/0741/16	Date of Final Grant : 30-May-2016
Decision Order No. : PF/0548/16	Date of Decision: 25-Apr-2016
Register Reference: F16A/0002	Registration Date : 30-Mar-2016

**Applicant:** ABP Ireland

**Development:** Temporary permission (5 years) for the change of use of part of the existing ABP meat processing plant from meat processing to a waste transfer facility (non-hazardous wastes), for: the collection, storage and bulking up of used cooking oil containers for processing off-site; the washing of used cooking oil containers; for use of 1 no. existing storage silo for storage of used cooking oil; and use of an existing truck wash bay. Temporary planning permission (5 years) is also sought for the installation of an overground interceptor/grease trap for removal of oil, fats and grease on the existing foul sewer line; and for the erection of 6 dedicated bunded silos for storage of used cooking oil, and related site development works.

**Location:** ABP Meat Processing Plant, St Anne's, Cloghran, Ballymun, Co. Dublin.

**Floor Area:** sq.m. **Permitted Floor Area:** sq.m

**Time extension(s) up to and including**

Bosca 174, Áras an Chontae, Sord, Fine Gall, Co. Bhaile Átha Cliath / P.O. Box 174, County Hali, Swords, Fingal, Co. Dublin  
Swords Office t: Registry (01) 890 5541 Decisions (01) 890 5670 Appeals (01) 890 5724 f: (01) 890 6779  
e: [planning@fingal.ie](mailto:planning@fingal.ie) [www.fingal.ie](http://www.fingal.ie)

Bóthar an Gharráin, Baile Bhlainséir, Átha Cliath 15 / Grove Road, Blanchardstown, Dublin 15  
Blanchardstown Office t: (01) 870 8436 f: (01) 890 5832 e: [blanch.plan@fingal.ie](mailto:blanch.plan@fingal.ie)

Additional Information Requested / Received 02-Mar-2016 / 30-Mar-2016

A Permission has been granted for the development described above, subject to the (10) condition(s) on the attached pages.

Signed on behalf of the Fingal County Council

  
for Senior Executive Officer

30-May-2016

### Conditions and Reasons

1. The development shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application and additional information received on 30th March 2016, save as may be required by the other conditions attached hereto.

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

2. This permission relates solely to that detailed in the statutory public notices and does not refer to any other aspects of the development that may be shown in the lodged plans.

Reason: In the interest of clarity.

3. The change of use of part of the existing building and site from meat processing plant to a used cooking oil waste transfer facility shall cease on or before a period of five years from the date of this permission unless before the end of that period, permission for the continuance of the use beyond that date shall have been granted by the Planning Authority or by An Bord Pleanála on appeal.

Reason: To enable the effect of the development on the amenities of the area to be reviewed having regard to the circumstances then prevailing.

4. The Developer shall ascertain in writing and strictly comply with all requirements of the Water Services and Environment Department of Fingal County Council in relation to this development, including all requirements in relation to waste facility permits and monitoring of processes. Development shall not commence on site in advance of all necessary permits/licences being received by the Developer/Operator.

Reason: To ensure a satisfactory standard of development.

5. The developer shall comply in full with the following:

a) All storage tanks for fuel, chemicals and solvents shall be surrounded by a bund capable of retaining 110% of the volume of the largest single tank within the enclosed area. The bund shall be impermeable and shall retain any spillages from the intake or outlet pipe. Steps shall be taken to ensure that accidental spillages can be contained on site and not allowed to escape to nearby water courses or surface water sewers. Rainwater shall be removed by pumping to ensure that the full containing volume is always available.

b) All filled barrels and containers shall be stored in a bunded area. The bund shall be impermeable and shall contain any spillage from barrels or containers. All spillages

shall drain to a sump within this bunded area and shall be treated appropriately.

c) No surface water/rainwater shall discharge into the foul sewer system under any circumstances.

d) The surface water drainage shall be in compliance with the 'Greater Dublin Regional Code of Practice for Drainage Works Version 6.0' FCC April 2006.

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

6. The following shall be complied with in full by the developer:

Where the developer proposes to connect directly or indirectly to a public water/wastewater network operated by Irish Water, the developer shall sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement. In the interest of Public Health and Environmental Sustainability, Irish Water Infrastructure capacity requirements and proposed connections to the Water and Waste Water Infrastructure shall be subject to the constraints of the Irish Water Capital Investment Programme.

Reason: In the interest of public health and in order to ensure adequate drainage provision.

7. That all necessary measures be taken by the contractor including wheel wash facilities, to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

REASON: To protect the amenities of the area.

8. Prior to the commencement of development, the developer shall ascertain in writing and strictly comply with all requirements of the Irish Aviation Authority (IAA) with regard to this development.

Reason: In the interest of aircraft safety.

9. Any material which contains traces of organic waste, including used or shredded containers shall be stored, handled and processed at all times in a fully enclosed building and transported in covered sealed containers. Such containers which may also contain traces of organic waste shall also be stored in a fully enclosed building and shall not be stored in the open.

Reason: In the interests of orderly development and to ensure the safety of aircraft movements at Dublin Airport.

10. The annual intake of used cooking oil (UCO) shall not exceed 12,000 tonnes. Variable records of all UCO intake to the facility shall be maintained by the Developer and shall be made available for inspection by the Local Authority.

Reason: In the interest of clarity and to ensure a satisfactory standard of development.

Note 1: The applicant is advised that under the provisions of Section 34(13) of the Planning and Development Act 2000 a person shall not be entitled solely by reason of a permission to carry out any development.

**NOTE:**

All buildings must now be designed and constructed in accordance with the Building Regulations. The Building Control (Amendment) Regulations, 2009 came into effect on 1st October 2009.

With the exception of houses and certain agricultural buildings, a Fire Safety Certificate/Revised FSC (please refer to Regs) is required for all buildings (including apartments and flats), extensions and alterations and changes of use which are covered by the Building Regulations.

A Commencement Notice (Building Control Regulations 1997 to 2009) must be submitted to the Building Control Authority (not less than 14 days and not more than 28 days before development commences) in respect of all buildings other than

- Buildings which require a Fire Safety Certificate under the Regulations and where a person intends to commence work on the construction of a building before grant of the relevant Fire Safety Certificate. (See 7 Day Notice below)
- Exempted development for the purposes of the Planning and Development Act 2000 and the Regulations made thereunder.

Disability Access Certificates/Revised Disability Access Certificates:-from the 1st of January 2010, a certificate of compliance with respect to Part M of the Second Schedule of the Building Regulations (Disability Access Certificate) shall be required in respect of all works or a building to which Part III (Fire Safety Certificates) refers.

A 7 Day Notice is required where a person intends to commence work on the construction of a building before grant of the relevant Fire Safety Certificate. The Notice must be submitted not less than 7 days in advance of commencement of work and must be in accordance with the requirements of Article 20A(2) of the Regulations.

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**PA. REF. NO. F19A/0095**



Stephen Ward, Town Planning & Dev. Consultants  
Jocelyn House  
Jocelyn Street  
Dundalk  
Co. Louth.



Notification of Grant of Permission  
PLANNING & DEVELOPMENT ACTS 2000, AS AMENDED

Final Grant Order No.: PF/1261/19	Date of Final Grant : 27-Aug-2019
Decision Order No. : PF/1062/19	Date of Decision: 19-Jul-2019
Register Reference: F19A/0095	Registration Date : 24-Jun-2019

**Applicant:** Frylite Dublin Ltd.

**Development:** Temporary permission (5 years) for the temporary change of use of part of the APB meat processing plant from meat processing to a waste transfer and processing facility (non-hazardous wastes) providing for: (a) the collection, processing, storage and bulking up of used and fresh cooking oil; (b) a waste transfer facility for food waste; and (c) the washing of used cooking oil containers. Temporary planning permission (5 years) is also sought for: temporary installation of a dissolved air floatation tank; continued use of portacabin office accommodation (permitted under application Ref. No. F16A/0387; continued use of part of the building for collection, storage and bulking up of used cooking oil (temporary permission granted under F16A/0002) use of 6 No. existing silos for storage of fresh cooking oil and use of 1 No. existing silo for storage of used cooking oil (silos granted temporary permission under F16A/0002); 6 No. proposed silos for storage of used cooking oil; and all related site development works. A Waste Facility Permit from Fingal County Council will be required for this proposed development.

Add Info received 24th June 2019.

Reg Ref: F19A/0095

Area: Swords

Location: ABP Meat Processing Plant, St Anne's, Cloghran, Ballymun, Co. Dublin.

Submitted Floor Area: 3353.6 sq.m.

Time extension(s) up to and including

Additional Information Requested / Received 17-Apr-2019 / 24-Jun-2019

Permission has been granted for the development described above, subject to the (12) condition(s) on the attached pages.

Signed on behalf of the Fingal County Council

  
for Senior Executive Officer

27-Aug-2019

*Conditions and Reasons*

1. The development shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application on the 28th February 2019 and the additional information received on the 24th June 2019, save as may be required by the other conditions attached hereto.

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

2. Notwithstanding the amendments hereby permitted, the proposed development shall otherwise strictly comply with the conditions of Planning Decision Reg. Ref. No. F16A/0002 and F16A/0387 insofar as they pertain to this site.

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

3. The change of use of part of the existing building and site from meat processing plant to a used cooking oil and food waste transfer facility shall cease on or before a period of five years from the date of this permission unless before the end of that period, permission for the continuance of the use beyond that date shall have been granted by the Planning Authority or by An Bord Pleanála on appeal.

Reason: To enable the effect of the development on the amenities of the area to be reviewed having regard to the circumstances then prevailing.

4. The developer shall comply in full with the following:

a) No surface water/ rainwater shall discharge into the foul sewer system under any circumstances.

b) The surface water drainage shall be in compliance with the 'Greater Dublin Regional Code of Practice for Drainage Works Version 6.0' FCC April 2006.

Reason: In the interests of public health and in order to ensure adequate drainage provision.

5. Prior to commencement of construction the developer shall apply for and sign a connection agreement with Irish Water, where it is proposed to connect to a public water/ wastewater network operated by Irish Water. The developer shall adhere to the standards and conditions set out in said agreement.

Reason: In the interests of public health and in order to ensure adequate drainage provision.

6. The developer shall comply in full with the following:

- a) During the construction phase of development, no heavy construction equipment/machinery (to include pneumatic drills, construction vehicles, generators etc.) shall be operated on or adjacent to the construction site before 8.00 a.m. (08.00 hours) to 7.00 p.m. (19.00 hours), Monday to Friday, and 8.00 a.m. (08.00 hours) to 1.00p.m. (13.00 hours) on Saturdays. No activities shall take place in site on Sundays or Bank Holidays. No activity, which would reasonably be expected to cause annoyance to residents or businesses in the vicinity, shall take place on site between the hours of 7.00p.m. (19.00 hours) and 8.00a.m. (08.00 hours). No deliveries of materials, plant or machinery shall take place before 8.00 hours (8am) in the morning or after 19.00 (7 pm).
- b) If there is any occasion when work must be carried on outside daytime hours, Fingal County Council, local residents and businesses in areas which are likely to be affected by noise from the proposed works should be notified in advance e.g. in letter or leaflet or advertisement form, of:
  - i. Name, address and telephone number of company carrying out works
  - ii. Nature of and reason for works
  - iii. Likely duration and times of work
- c) To minimize noise from the demolition and construction operations, developers shall have regard to B.S. 5228: Part 1:1997 'Noise and Vibration Control on Construction and Open sites - Code of practice for basic information and procedures for noise & vibration control'.
- d) During the construction phase of development, all necessary steps shall be taken to contain dust and airborne pollutants arising from the site and to prevent nuisance to persons in the locality. This shall include i) Covering skips, ii) covering slack heaps, iii) netting of scaffolding, iv) regular road and pavement damping and sweeping v) use of water spray to suppress dust, vi) proper paved or hard standing access for trucks and vehicles to and from the site to prevent dirt and dust from the site being carried from the site on public roads etc.
- e) Special consideration shall be given to the location and construction of all mechanical services outlined to prevent nuisance from noise or odours to the residents in close proximity to the premises. Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level. Attenuation measures may be required once the site is operational to ensure that the permitted noise levels are adhered to.
- f) Noise due to the normal operation of the proposed development shall not cause a noise nuisance to nearby noise sensitive locations and shall not exceed the background level by 10dB(A) or more or exceed NG4 limits which is lesser:  
Daytime: (7.00 hours to 19.00 hours) - 55dB  
Evening: (19.00 hours to 23.00 hours) - 50dB  
Night-time (23.00 hours to 7.00 hours) - 45dB

(as measured from nearest noise sensitive location/s). Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.

g) The development shall be so operated so that there will be emissions of malodours, gas, dust, fumes or other deleterious materials, no noise vibration on site as would give reasonable cause for annoyance to any person in any residence, adjoining unit or public place in the vicinity

Reason: In order to comply with the Environmental Health Acts.

7. The Developer shall ensure that all hauliers of construction waste hold a valid Waste Collection Permit for the waste material collected from the site and that the waste material is delivered to authorised waste recovery/disposal facilities.

Reason: In the interests of environmental protection.

8. That all necessary measures be taken by the contractor including wheel wash facilities, to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

9. That all public services to the proposed development, including electrical, telephone cables and associated equipment be located underground throughout the entire site.

Reason: In the interest of amenity.

10. The Developer shall ascertain in writing and strictly comply with all requirements of the Environment and Water Services Department of Fingal County Council in relation to this development, including all requirements in relation to waste facility permits and monitoring of processes.

Reason: To ensure a satisfactory standard of development.

11. Any organic or putrescible waste that may come to be present on the site, whether intentionally or otherwise, even for a short period of time, should be stored under cover in an area inaccessible to birds, pending removal from the site.

Reason: In the interests of aircraft safety.

12. Prior to the commencement of development, the developer shall ascertain in writing and strictly comply with all requirements of the Irish Aviation Authority (IAA) with regard to this development.

Reason: In the interest of aircraft safety.

Note 1: The applicant is advised that under the provisions of Section 34(13) of the

Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

Note 2: In the interest of Public Health and Environmental Sustainability, Irish Water Infrastructure capacity requirements and proposed connections to the Water and Waste Water Infrastructure shall be subject to the constraints of the Irish Water Capital Investment Programme.

**NOTE:**

All buildings must now be designed and constructed in accordance with the Building Regulations. The Building Control (Amendment) Regulations, 2009 came into effect on 1st October 2009.

With the exception of houses and certain agricultural buildings, a Fire Safety Certificate/Revised FSC (please refer to Regs) is required for all buildings (including apartments and flats), extensions and alterations and changes of use which are covered by the Building Regulations.

A Commencement Notice (Building Control Regulations 1997 to 2009) must be submitted to the Building Control Authority (not less than 14 days and not more than 28 days before development commences) in respect of all buildings other than

- Buildings which require a Fire Safety Certificate under the Regulations and where a person intends to commence work on the construction of a building before grant of the relevant Fire Safety Certificate. (See 7 Day Notice below)
- Exempted development for the purposes of the Planning and Development Act 2000 and the Regulations made thereunder.

**Disability Access Certificates/Revised Disability Access Certificates:**-from the 1st of January 2010, a certificate of compliance with respect to Part M of the Second Schedule of the Building Regulations (Disability Access Certificate) shall be required in respect of all works or a building to which Part III (Fire Safety Certificates) refers.

A 7 Day Notice is required where a person intends to commence work on the construction of a building before grant of the relevant Fire Safety Certificate. The Notice must be submitted not less than 7 days in advance of commencement of work and must be in accordance with the requirements of Article 20A(2) of the Regulations.

A number of the conditions attached to the planning permission may need compliance submissions to be lodged and agreed prior to commencement of development. Please

submit 5 copies of all documentation in relation to compliance submissions. Failure to comply with a condition of the planning permission is an offence under Section 151 of the PLANNING & DEVELOPMENT ACTS 2000, AS AMENDED.

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**PA. REF. NO. F23A/0721 (AND REPORT OF PLANNING OFFICER)**

**Comhairle Contae Fhine Gall**  
Fingal County Council

**An Roinn um Pleanáil agus  
Infrastruchtúr Straitéiseach**  
Planning and Strategic  
Infrastructure Department



Stephan Ward Town Planning and Consultants Ltd  
Jocelyn House  
Jocelyn Street  
Dundalk  
Co. Louth

**NOTIFICATION OF DECISION TO GRANT PERMISSION**

**PLANNING & DEVELOPMENT ACT 2000, AS AMENDED**

Decision Order No. PF/0260/24	Decision Date 30 January, 2024
Register Ref. F23A/0721 LGMA Ref.	Registered 27 November, 2023

Area: Swords

Applicant: Frylite (Dublin) Ltd

**Development:**

We, Frylite (Dublin) Ltd, intend to apply for permission for development/continuation of use at 'Frylite', Ballystruan Lane, Swords, Co. Dublin K67 K5X0. (The site was known and referred to in previous planning applications as the ABP Meat Processing Plant, St. Anne's Cloghran, Ballymun, Co. Dublin). The development will consist of temporary permission (5 years) for the the continuation of development granted temporary planning permission under P.A. Ref. F19A/0095. As per planning permission F19A/0095 the development consists of the continuation of the temporary change of use of part of the ABP meat processing plant from meat processing to a waste transfer and processing facility (non-hazardous wastes) providing for / incorporating: (a) The collection, processing, storage and bulking up of used and fresh cooking oil; (b) A waste transfer facility for food waste;(c) the washing of used cooking oil containers (d) a dissolved air floatation tank, (e) continued use of a portacabin office accommodation (permitted under P.A. Ref. F16A/0387), (f) continued use of part of the building for collection, storage and bulking up of used cooking oil, (g) use of 6no. existing silos for storage of fresh cooking oil and use of existing 1 no. silo for storage of used cooking oil, (h) 6 no. silos for storage of used cooking oil and, (i) all related site development works. A waste facility permit is required from Fingal County Council for this proposed development.

**Location:**

Frylite, ABP Meat Processing Plant, Ballystruan Lane, Swords, Co. Dublin, K67 K5X0

**Floor Area:**

3252.6 Sq Metres

Time extension(s) up to and including

Additional Information Requested / Received /

In pursuance of its functions under the above mentioned Act, as Planning Authority, the County Council for the County of Fingal did by Order dated as above make a decision to **GRANT PERMISSION** in respect of the above proposal.

Subject to the (6) conditions on the attached Pages.

### Conditions and Reasons

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

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

2. The proposed development shall be as described in the public notices unless otherwise authorised by a prior grant of planning permission by the Planning Authority or An Bord Pleanála on appeal.

REASON: In the interests of clarity, to ensure that the development shall be in accordance with the permission and that effective control be maintained.

3. The proposed development shall strictly comply with the conditions of Planning Decision Reg. Refs. F16A/0002, F16A/0387 and F19A/0095 insofar as they pertain to this site.

REASON: In the interests of the proper planning and sustainable development of the area.

4. The change of use of part of the existing building and site from meat processing plant to a used cooking oil and food waste transfer facility shall cease on or before a period of five years from the date of this permission unless before the end of that period, permission for the continuance of the use beyond that date shall have been granted by the Planning Authority or by An Bord Pleanála on appeal.

REASON: To enable the effect of the development on the amenities of the area to be reviewed having regard to the circumstances then prevailing.

5. The following requirements shall be complied with in full:
  - a) No surface water / rainwater shall discharge into the foul water system under any circumstances.
  - b) The surface water drainage shall be in compliance with the 'Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006.
  - c) The applicant shall sign a connection agreement with Uisce Éireann prior to the commencement of the development and shall adhere to the standards and conditions set out in that agreement.
  - d) All development shall be carried out in compliance with Uisce Éireann Standards codes and practices.

REASON: To ensure adequate provision of water and wastewater facilities.

6. The Developer shall ascertain in writing and strictly comply with all requirements of the Waste Enforcement and Regulation Section and Water Services Section of Fingal County Council in relation to this development, including all requirements in

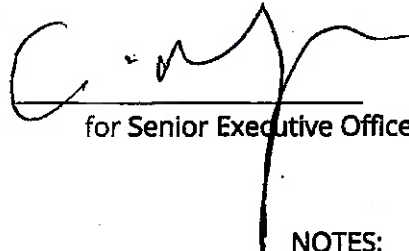
relation to waste facility permits and monitoring of processes.

REASON: To ensure a satisfactory standard of development.

Note 1: The applicant is advised that under the provisions of Section 34(13) of the Planning and Development Act 2000 a person shall not be entitled solely by reason of a permission to carry out any development.

Note 2: In the interest of Public Health and Environmental Sustainability, Uisce Éireann Infrastructure capacity requirements and proposed connections to the Water and Waste Water Infrastructure shall be subject to the constraints of the Uisce Éireann Capital Investment Programme.

Signed on behalf of the Fingal County Council



for Senior Executive Officer

31 January, 2024

NOTES:

A number of the conditions attached to the planning permission may need compliance submissions to be lodged and agreed prior to commencement of development. Failure to comply with a condition of the planning permission is an offence under Section 151 of the Planning and Development Act 2000. Copies of each compliance submission should be made in triplicate.

The applicant is required to remove Site Notice on receipt of Notification from Planning Authority of decision.

Please note all observations/submissions have been taken into consideration when making this decision.

Please also note that consent under the above Planning legislation does not imply consent under the Building Control Regulations. The onus is on all practitioners to ensure full compliance with the Building Control Regulations (In certain circumstances design changes may require planning permission).

It should be further noted that planning permission is required in respect of changes to a Protected Structure or the exterior of a building in an Architectural Conservation Area which materially affects the character of the building/ structure.

F/0260/24

**COMHAIRLE CONTAE FHINE GALL**

**RECORD OF EXECUTIVE BUSINESS AND CHIEF EXECUTIVE'S ORDER**

Reg. Ref.: F23A/0721

**Register Reference:** F23A/0721

**Area:** Swords

**Date of Registration:** 27 November, 2023

**Correspondence:** Stephan Ward Town Planning and Consultants Ltd  
Jocelyn House, Jocelyn Street, Dundalk, Co. Louth

**Development:** We, Frylite (Dublin) Ltd, intend to apply for permission for development/continuation of use at 'Frylite', Ballystruan Lane, Swords, Co. Dublin K67 K5X0. (The site was known and referred to in previous planning applications as the ABP Meat Processing Plant, St. Anne's Cloghran, Ballymun, Co. Dublin). The development will consist of temporary permission (5 years) for the the continuation of development granted temporary planning permission under P.A. Ref. F19A/0095. As per planning permission F19A/0095 the development consists of the continuation of the temporary change of use of part of the ABP meat processing plant from meat processing to a waste transfer and processing facility (non-hazardous wastes) providing for / incorporating: (a) The collection, processing, storage and bulking up of used and fresh cooking oil; (b) A waste transfer facility for food waste; (c) the washing of used cooking oil containers (d) a dissolved air floatation tank, (e) continued use of a portacabin office accommodation (permitted under P.A. Ref. F16A/0387), (f) continued use of part of the building for collection, storage and bulking up of used cooking oil, (g) use of 6no. existing silos for storage of fresh cooking oil and use of existing 1 no. silo for storage of used cooking oil, (h) 6 no. silos for storage of used cooking oil and, (i) all related site development works. A waste facility permit is required from Fingal County Council for this proposed development.

**Location:** Frylite, ABP Meat Processing Plant, Ballystruan Lane, Swords, Co. Dublin, K67 K5X0

<b>CONTRIBUTION</b>	
Standard Levy:	NIL
<b>EXEMPT</b>	
Open Space:	
Other:	
<b>SECURITY:</b>	
Fond:	
Cash:	
Other:	

JK. 20

## COMHAIRLE CONTAE FHINE GALL

### **RECORD OF EXECUTIVE BUSINESS AND CHIEF EXECUTIVE'S ORDER**

Reg. Ref.: F23A/0721

**Applicant:** Frylite (Dublin) Ltd

**Application Type:** Permission

**Zoning:** 'HT' – The objective of which is to 'Provide for office, research and development in high technology/ high technology manufacturing type employment in a high quality built and landscaped environment'

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#### **Planning Officers Report:**

CB/AF

Report of the Planning Officer typed 26th January 2024.

**Site Visit:** 18th December 2023

#### **Nature of Development**

We, Frylite (Dublin) Ltd, intend to apply for **PERMISSION** for development/continuation of use at 'Frylite', Ballystruan Lane, Swords, Co. Dublin K67 K5X0. (The site was known and referred to in previous planning applications as the ABP Meat Processing Plant, St. Anne's Cloghran, Ballymun, Co. Dublin). The development will consist of temporary permission (5 years) for the the continuation of development granted temporary planning permission under P.A. Ref. F19A/0095. As per planning permission F19A/0095 the development consists of the continuation of the temporary change of use of part of the ABP meat processing plant from meat processing to a waste transfer and processing facility (non-hazardous wastes) providing for / incorporating: (a) The collection, processing, storage and bulking up of used and fresh cooking oil; (b) A waste transfer facility for food waste; (c) the washing of used cooking oil containers (d) a dissolved air floatation tank, (e) continued use of a portacabin office accommodation (permitted under P.A. Ref. F16A/0387), (f) continued use of part of the building for collection, storage and bulking up of used cooking oil, (g) use of 6no. existing silos for storage of fresh cooking oil and use of existing 1 no. silo for storage of used cooking oil, (h) 6 no. silos for storage of used cooking oil and, (i) all related site development works. A waste facility permit is required from Fingal County Council for this proposed development at Frylite, ABP Meat Processing Plant, Ballystruan Lane, Swords, Co. Dublin, K67 K5X0 for Frylite (Dublin) Ltd.

#### **Site location and Description:**

The subject site contains the Frylite ABP Meat Processing plant located on lands to the north of the M50 and to the east of the R108 – Ballymun to Naul Road. Access to the site is via a short section of

## COMHAIRLE CONTAE FHINE GALL

### **RECORD OF EXECUTIVE BUSINESS AND CHIEF EXECUTIVE'S ORDER**

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road that also serves a number of commercial units to the immediate adjoining site to the south of the subject site. The surrounding lands are currently in agricultural use.

The site consists of one very large industrial type building with a smaller storage building to the rear/ east. A number of tanks, stores and associated equipment are located to the north of the site. The site is secured by fencing and there is a small car parking area to the front/ west outside of the secured area.

The subject site has a given area of 6 hectares.

#### **Zoning Objective:**

The subject site is zoned with the objective 'HT' High Technology, to 'Provide for office, research and development and high technology/high technology manufacturing type employment in a high quality built and landscaped environment'.

**Vision:** Facilitate opportunities for high technology, high technology and advanced manufacturing, major office and research and development based employment within high quality, highly accessible, campus style settings. The HT zoning is aimed at providing a location for high end, high-quality, value added businesses and corporate headquarters. An emphasis on exemplar sustainable design and aesthetic quality will be promoted to enhance corporate image and identity.

The subject site is located within the Inner Airport Noise Zone C.

#### **National Policy**

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

The Waste Action Plan for a Circular Economy sets out a range of aims and targets for the State and the measures by which these will be achieved, including increased regulation and measures across various waste areas such as Circular Economy, Municipal Waste, Consumer Protection and Citizen Engagement, Plastics and Packaging, Construction and Demolition, Textiles, Green Public Procurement and Waste Enforcement.

The Action Plan states that under EU legislation, Ireland must achieve recycling targets for the following packaging types: glass, plastic, paper and board, metals and wood. Ireland met all EU targets for recycling and recovery of packaging waste in 2018. Ireland's recycling rate is 64% and Ireland's recovery rate for packaging waste was 91%. Energy recovery avoids the emissions associated with disposal of packaging waste at landfill.

#### **Regional Policy**

Regional Spatial Economic Strategy (RSES) for the Eastern Midland Regional Assembly (EMRA)

National Strategic Outcome 9 of the RSES refers to 'Sustainable Management of Water, Waste and other Environmental Resources. Regional Policy Objective (RPO)10.25 states that 'Development

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### **RECORD OF EXECUTIVE BUSINESS AND CHIEF EXECUTIVE'S ORDER**

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

#### **Fingal Development Plan 2023-2029**

##### **Relevant Policies and Objectives**

##### **Section 11.6 Waste Policies and Objectives**

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

##### **Policy IUP20 – Implementation of Existing Waste Management Policy**

'Support the implementation of existing waste management policy and promote education and awareness on all issues associated with waste management, both at industry and community level, including the promotion of waste reduction by encouraging reuse, recycling and recovery of waste. Fingal County Council will continue to promote and support the objectives of the Eastern and Midlands Region Waste Management Plan 2015-2021, or such plans as may be updated'.

##### **Policy IUP21 – Environmental Policy, Legislation and Guidance**

'Have regard to European Union, National and Regional waste and related environmental policy, legislation, guidance and codes of practice to improve management of material resources and wastes'.

##### **Policy IUP22 – Transition From A Waste Economy Towards A Green Circular Economy**

'Support the principles of transition from a waste economy towards a green circular economy and implement good waste management and best practices to enable Fingal to become self-sufficient in terms of resource and waste management and to enhance employment and increase the value recovery and recirculation of resources, in accordance with the Whole-of-Government Circular Economy Strategy 2022'.

##### **Objective IUO28 – Eastern Midlands Region Waste Management Plan**

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### ***RECORD OF EXECUTIVE BUSINESS AND CHIEF EXECUTIVE'S ORDER***

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

Objective IUO29 –Sustainable Waste Recovery and Disposal

'Provide for, promote and facilitate high quality sustainable waste recovery and disposal infrastructure/technology in keeping with the EU waste hierarchy, national legislation and regional waste management policy to adequately cater for Fingal's growing population'.

Policy CAP25- Circular Economy

Support the shift towards the circular economy approach as set out in the National Waste Policy for 2020–2025

EEO30- The Green Economy

Support the growth of the 'green economy' including renewable energy, retrofitting, and electric vehicles and charging infrastructure, supporting the transition towards a circular economy in compliance with national policy and legislation.

#### **13.3 Non-Conforming Uses**

Throughout the County, there are uses which do not conform to the zoning objective of the area. These are uses which were in existence on 1st October 1964, or which have valid planning permissions, or which are un-authorised but have exceeded the time limit for enforcement proceedings. Reasonable intensification of extensions to and improvement of premises accommodating these uses will generally be permitted subject to normal planning criteria.

Objective ZO3 – Non-Conforming Uses Generally, permit reasonable intensification of extensions to and improvement of premises accommodating non-conforming uses, subject to normal planning criteria.

#### **Planning History:**

F19A/0095 – Permission GRANTED for the temporary permission (5 years) for the temporary change of use of part of the APB meat processing plant from meat processing to a waste transfer and processing facility (non-hazardous wastes) providing for: (a) the collection, processing, storage and bulking up of used and fresh cooking oil; (b) a waste transfer facility for food waste; and (c) the washing of used cooking oil containers. Temporary planning permission (5 years) is also sought for: temporary installation of a dissolved air floatation tank; continued use of portacabin office accommodation (permitted under application Ref. No. F16A/0387; continued use of part of the building for collection, storage and bulking up of used cooking oil (temporary permission granted under F16A/0002) use of 6 No. existing silos for storage of fresh cooking oil and use of 1 No. existing silo for storage of used cooking oil (silos granted temporary permission under F16A/0002);

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6 No. proposed silos for storage of used cooking oil; and all related site development works. A Waste Facility Permit from Fingal County Council will be required for this proposed development.

F16A/0387 refers to a grant of permission for the demolition of existing ancillary office accommodation and provision of ancillary portacabin office accommodation, and all associated site development works.

F16A/0002 refers to a grant of permission for a temporary permission (5 years) for the change of use of part of the existing ABP meat processing plant from meat processing to a waste transfer facility (non-hazardous wastes), for: the collection, storage and bulking up of used cooking oil containers for processing off-site; the washing of used cooking oil containers; for use of 1 no. existing storage silo for storage of used cooking oil; and use of an existing truck wash bay. Temporary planning permission (5 years) is also sought for the installation of an overground interceptor/grease trap for removal of oil, fats and grease on the existing foul sewer line; and for the erection of 6 dedicated bunded silos for storage of used cooking oil, and related site development works.

F09A/0544 refers to a grant of permission for a temporary period of 5 years for the change of use of part of the existing bunded 'lairage' building (c. 1,005 sq.m. GFA) at the AIBP meat processing plant (including new roller shutter doors and elevational changes) from meat processing plant to a used cooking oil recycling facility including the installation of a steam boiler, heat oven and tri-canter; the installation of a dissolved air flotation pre-treatment system, or similar, on the existing foul sewer line for removal of oil, fats and grease; and for the erection of six additional used cooking oil storage silos and related site development works. Temporary planning permission (5 years) was also granted for the retention of 4 no. used oil storage silos and existing truck wash bay. A Waste Management Permit from Fingal County Council was required.

F09A/0285 (PL06F.234611) refers to a decision to refuse permission for a temporary planning permission (10 years) for the retention of change of use of part of the existing AIBP meat processing plant from meat processing to a waste transfer facility (for non-hazardous wastes) for the collection, storage and distribution of used cooking oils and the washing of used cooking oil containers; for 4 no. used cooking oil storage tanks and use of an existing truck wash bay. Temporary planning permission (10 years) is also sought for the installation of an overground interceptor/grease trap for removal of oil, fats and grease on the existing foul sewer line; and for the erection of 3 additional used cooking oil storage tanks and related site development works. All at the AIBP meat processing plant.

This decision was appealed to An Bord Pleanála who overturned the decision of the Planning Authority. The Board in their Reasons & Considerations stated the following:

Having regard to the provisions of the Fingal County Development Plan 2005-2011, to the established industrial use of the site, to the nature of the activities proposed and the temporary

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period for which permission is sought and to the possible time scale for completion of a Metro type development, it is considered that, subject to compliance with the conditions set out below, the proposed development, including retention of use for a temporary period, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to development of any future rapid transit rail system and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

This decision and the comments of the Inspector and Board of An Bord Pleanála are noted in the preparation of this planning report.

F07A/0014 refers to a decision to refuse permission for the conversion of existing lairage to storage and processing areas for used cooking oil and for staff facilities and boiler room and for the erection of oil storage tanks and for the installation of a weighbridge and other ancillary works. The existing premises is the subject of an Integrated Pollution Control Licence (Reg. no. P0189-01). Reasons for refusal stated:

1. The site is located within an area zoned ST1 which reads, 'to facilitate opportunities for science and technology based employment and associated and complimentary use in a high quality environment in accordance with an approved local area plan'. The proposed development does not comply with this zoning objective having regard to the nature of the proposed works, i.e. for a waste recovery operation. On this basis, and having regard to the location and scale of the proposal, it is considered that the proposed development materially contravenes the land-use zoning objective and would be contrary to the proper planning and development of the area. The proposal is also considered premature pending the design and adoption of a Local Area Plan in accordance with the Development Plan and may prejudice appropriate future development on adjoining sites.
2. The application submitted is seriously deficient in detail necessary to enable assessment of environmental impact on the local area. On this basis the proposal would seriously injure the amenities, or depreciate the value, of property in the vicinity. A grant of permission would therefore be contrary to the proper planning and sustainable development of the area.

F55/028/16 refers to a referral as to whether use of the ABP meat processing plant at St. Anne's Cloghran, Ballymun for an industrial process comprising the bulking-down and packaging for distribution of fresh vegetable oil is or is not development or is or is not exempted development within the meaning of the Planning and Development Act 2000 (as amended) and associated regulations. It was considered that the use of this meat/ food processing plant for an industrial process comprising the bulking-down and packaging for distribution of fresh vegetable oil is not a material change from the established use on site. As the process was considered not to be a material change in use, the issue of Exempted Development does not arise.

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#### **Proposed Development:**

The proposed development consists of the following:

- The temporary permission (5 years) for the continuation of development granted temporary planning permission under P.A. Ref. F19A/0095. As per planning permission F19A/0095 the development consists of the continuation of the temporary change of use of part of the ABP meat processing plant from meat processing to a waste transfer and processing facility (non-hazardous wastes) providing for / incorporating:
  - (a) The collection, processing, storage and bulking up of used and fresh cooking oil;
  - (b) A waste transfer facility for food waste;
  - (c) the washing of used cooking oil containers;
  - (d) a dissolved air floatation tank;
  - (e) continued use of a portacabin office accommodation (permitted under P.A. Ref. F16A/0387);
  - (f) continued use of part of the building for collection, storage and bulking up of used cooking oil;
  - (g) use of 6 no. existing silos for storage of fresh cooking oil and use of existing 1 no. silo for storage of used cooking oil;
  - (h) 6 no. silos for storage of used cooking oil; and
  - (i) all related site development works. A waste facility permit is required from Fingal County Council for this proposed development.

#### **Departmental Reports**

Transportation Planning Section – No objection.

Water Services Section – No objection subject to conditions.

Environmental Health Officer – No report received at the time of writing.

Parks & Green Infrastructure Division – No objection.

Community Archaeologist – No objection.

Environmental department – No objection subject to conditions.

#### **Prescribed Bodies:**

Uisce Éireann – No objection subject to conditions.

Dublin Airport Authority (daa) – No comment; recommend consultation with the IAA and AirNav Ireland.

Irish Aviation Authority (IAA) – No comment received at the time of writing.

Environmental Protection Agency (EPA) – No comment received at the time of writing.

National transportation Authority (NTA) – No objection.

Transport Infrastructure Ireland (TII) – No comment received at the time of writing.

Local Principal PEHO – No comment received at the time of writing.

Chief Area EHO – No comment received at the time of writing.

## COMHAIRLE CONTAE FHINE GALL

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Department of Housing, Local Government & Heritage – No comment received at the time of writing.

#### **Third Party Submissions/ Representations**

No third party observations/submissions have been made in respect of this application within the statutory timeframe.

#### **Pre-Planning consultation**

No record of a pre-planning consultation taking place in relation to the proposed development.

#### **Assessment**

The main issues for consideration are as follows:

- Zoning & Principle of Development;
- Nature of the Proposed Development;
- Impact on the General & Visual Amenity of Area;
- Transportation Considerations;
- Landscaping Considerations;
- Water Services Considerations;
- Environmental and Public Health Considerations;
- Archaeology;
- Impact on Natura 2000 sites – Screening for Appropriate Assessment; and
- EIA screening.

#### **Zoning & Principle of Development**

The subject site is zoned 'HT' and under this zoning, the use of lands for waste disposal and recovery is not permitted. However, having regard to the history of applications and the An Bord Pleanála decision under Reg. Ref. F09A/0285 (PL06F.234611) and subsequently Reg. Refs. F16A/0002, F16A/0387 and F19A/0095, it is considered that the proposed development may be considered as a non-conforming use in the context of the 'HT' zoning that applies.

In addition, the Planning Authority consider that a temporary permission of five (5) years should be granted as per the previously stated temporary grants on site, to ensure the proposal does not impact on the future provision of MetroLink.

The Planning Report prepared by Stephen Ward Town Planning and Development Consultants Limited have also stated that the Applicant, Frylite (Dublin) Ltd have secured planning permission, with a final grant issued on 5th July 2023, for a new facility at Site B, Cappogue Industrial Park, Ballycoolin Road, Dublin 11 under Reg. Ref. FW23A/0016 for the following development:

*The proposed development will consist of the construction of an industrial development facility for the processing and distribution of fresh and used cooking oils (UCO) [...].*

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The report furthermore indicates that whilst the new facilities get constructed and become operational, it is necessary that the ongoing operations at the subject location remain for a temporary period. It is intended that transfer to the new facility finishes in 2027; the subject temporary permission would extend the proposed development to the first quarter of 2028.

#### ***Nature of the Proposed Development:***

Permission was granted under F19A/0095 for a temporary period of 5 years for similar type development. The final grant was issued on the 27th August 2019 and permission would therefore expire on the 26th August 2024.

The proposed development is in effect for the continuation of this use for a further period of five years. This includes the collection, processing, storage and bulking up of used/ fresh cooking oil, a waste transfer facility for food waste and the washing of used cooking oil containers. These activities have been functioning without any issue since the grant of permission in 2016 (under Reg. Ref. F16A/0002). The Applicant is also applying to continue the use of portacabins under F16A/0387 and for the use of storage silos as already approved for a temporary period of five years. The Applicant is also applying for the continued use of part of the building for collection, storage and bulking up of used cooking oil, the use of 6no. existing silos for storage of fresh cooking oil and use of existing 1 no. silo for storage of used cooking oil and 6 no. silos for storage of used cooking oil.

#### ***Impact on the General and Visual Amenity of the area:***

As previously stated with the previous temporary permission granted on site for similar type development (Reg. Refs. F16A/0002, F16A/0387 and subsequently F19A/0095) it is not foreseen that the proposed development would have a negative impact on the amenity of the area. The site is located adjacent to industrial units between the airport and the M50 with no residential units in close proximity.

It is also considered that the proposed temporary development would not have a negative impact on the visual amenity of the area. The site is located off a semi-private road and whilst the surrounding lands are relatively flat, the site is not visibly dominant due to the distance from the public road and the presence of mature hedgerows in the area. In addition, the proposed silos would not have a negative impact on the visual amenity of the area through their location and the presence of existing large buildings on site reduces their potential visual impact.

#### ***Transportation Considerations***

The Transportation Planning Section note that the Applicant does not propose any alterations to the existing access and parking and that the proposed development does not intensify the access and parking requirements as the application is to temporarily extend the duration of the existing operation.

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The Transportation Planning Section indicate that the proposed MetroLink route is passing very close to the subject site and through the existing access road. The National Transport Authority (NTA) have reviewed the application and are satisfied that the development as proposed will not impact on the delivery of the proposed Metrolink project. The NTA has stipulated that should further development proposals be planned for the site, they are open to engagement with the Applicant and the Planning Authority to ensure future development at this location and any future Metrolink works can be carried out congruently.

Therefore, the Transportation Planning Section state no objection to the proposed temporary development.

#### **Landscaping Considerations**

Parks & Green Infrastructure Division state no objection to the proposed development.

#### **Water Services Considerations**

Uisce Éireann and the Water Services Section state no objection to the proposed development subject to standard conditions.

#### ***Environmental & Public Health Considerations***

The Environmental Section have stated no objection to the temporary proposed development and indicate that the proposal would require a review of the existing waste facility permit or a new waste facility permit. In the event of a grant of permission, a condition should be included for the applicant to engage with the Waste Enforcement and Regulation section of Fingal County Council to avail of a pre-application meeting.

#### ***Archaeology***

The Heritage Officer states that there are no archaeological implications associated with the proposed development and therefore, has no objection to the proposed development.

#### ***Impact on Natura 2000 sites – Screening for Appropriate Assessment***

An Appropriate Assessment (AA) Screening report has been prepared by R. Goodwillie & Associates on behalf of the Applicant which concluded that the proposed development, either alone, or in combination with other projects would not have any direct or indirect significant effects on any European sites. The Planning Authority as follows concur with these findings.

The subject site is located north of Sandymount Strand Special Protection Area (004024) & North Dublin Bay Special Area of Conservation (000206) and the North-west Irish Sea cSPA (004236). The Proposed Project site is not connected with any European (Natura 2000) site and there is no realistic pathway between the Proposed Project site and these or any other European sites. Having regard to the nature, scale and location of the Proposed Project, in comparison with the existing baseline, it is considered that there is no likelihood of significant effects on any European sites during the construction or operation of the Proposed Project, and it is further considered that there

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are no other plans or projects that will act in combination with the Proposed Project to have a significant effect on European sites. It is considered that the Proposed Project, individually or in combination with another plan or project, will not have a significant effect on any European sites. This assessment was reached without considering or taking into account mitigation measures or measures intended to avoid or reduce any impact on European sites.

#### ***EIA Screening***

The proposed development is not listed in Schedule 5 (Part 1 or Part 2) of the Planning and Development Regulations 2001 as amended nor does the proposed development meet the requirements for sub-threshold EIA as outlined in Section 103 of the Planning and Development Regulations 2001 as amended. No Environmental Impact Assessment (EIA) is therefore required.

#### **Conclusion**

Having regard to the nature of the proposed temporary development and planning history on site, in addition to the future relocation of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Fingal Development Plan 2023-2029 and would not seriously injure the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning & sustainable development of the area.

### **RECOMMENDATION**

I recommend that a decision to **GRANT PERMISSION** be made under the PLANNING & DEVELOPMENT ACT 2000, AS AMENDED, subject to the following ~~(9)~~ condition(s):-

6 (AC)

#### **Conditions and Reasons**

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

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

2. The proposed development shall be as described in the public notices unless otherwise authorised by a prior grant of planning permission by the Planning Authority or An Bord Pleanála on appeal.

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REASON: In the interests of clarity, to ensure that the development shall be in accordance with the permission and that effective control be maintained.

3. The proposed development shall strictly comply with the conditions of Planning Decision Reg. Refs. F16A/0002, F16A/0387 and F19A/0095 insofar as they pertain to this site.

REASON: In the interests of the proper planning and sustainable development of the area.

4. The change of use of part of the existing building and site from meat processing plant to a used cooking oil and food waste transfer facility shall cease on or before a period of five years from the date of this permission unless before the end of that period, permission for the continuance of the use beyond that date shall have been granted by the Planning Authority or by An Bord Pleanála on appeal.

REASON: To enable the effect of the development on the amenities of the area to be reviewed having regard to the circumstances then prevailing.

5. The following requirements shall be complied with in full:
- a) No surface water / rainwater shall discharge into the foul water system under any circumstances.
  - b) The surface water drainage shall be in compliance with the 'Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006.
  - c) The applicant shall sign a connection agreement with Uisce Éireann prior to the commencement of the development and shall adhere to the standards and conditions set out in that agreement.
  - d) All development shall be carried out in compliance with Uisce Éireann Standards codes and practices.

REASON: To ensure adequate provision of water and wastewater facilities.

6. The Developer shall ascertain in writing and strictly comply with all requirements of the Waste Enforcement and Regulation Section and Water Services Section of Fingal County Council in relation to this development, including all requirements in relation to waste facility permits and monitoring of processes.

REASON: To ensure a satisfactory standard of development.

7. That no development under any permission granted pursuant to this decision be commenced until security for the provision and satisfactory completion of services, including maintenance, to the taking in charge standard of the Local Authority for roads, open spaces, car parks and drains has been given by:-

A. Lodgement with the Council of a Bond of any Body approved by the Planning Authority in the sum of €            which shall be kept in force by him until such time as the Roads, Open Spaces, Car Parks and Drains are taken in charge by the Council.....OR/

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B. Lodgement with the Council of a Cash Sum of € to be applied by the Council at its absolute discretion if such services are not duly provided to its satisfaction on the provisions and completion of such services to standard specification.

REASON: To ensure that a ready sanction may be available to the Council to induce the provision of services and prevent disamenity in the development.

8. Prior to Commencement of development a financial contribution in the sum of € be paid *omit*  
by the applicant to Fingal County Council in lieu of open space provision towards the cost of *for*  
amenity works in the area of the proposed development in accordance with the requirements of  
the Fingal Development Plan based on a shortfall of sqm of open space.

REASON: The provision of such services in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing the services.

9. Prior to Commencement of development the developer shall pay the sum of € (updated *omit*  
at date of commencement of development, in accordance with changes in the Tender Price Index) *for*  
to the Planning Authority as a contribution towards expenditure that was and/or that is proposed  
to be incurred by the planning authority in respect of public infrastructure and facilities benefiting  
development in the area of the Authority, as provided for in the Contribution Scheme for Fingal  
County made by the Council. The phasing of payments shall be agreed in writing with the planning  
authority prior to the commencement of development.

REASON: It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the Planning Authority and which is provided, or which is intended to be provided by, or on behalf of the Local Authority.

**Note on above Condition:**

Please note that with effect from 1st January 2014, Uisce Éireann are now the Statutory Body responsible for both water and waste water services (excluding surface water). Accordingly, the contribution payable has been reduced by the amount of the contribution associated with these services. A separate charge will be levied by Uisce Éireann in relation to the provision of water and/or wastewater treatment infrastructure and connections to same. Further details are available on the Uisce Éireann website [www.water.ie](http://www.water.ie), Tel. (01) 6021000.

Note 1: The applicant is advised that under the provisions of Section 34(13) of the Planning and Development Act 2000 a person shall not be entitled solely by reason of a permission to carry out any development.

**COMHAIRLE CONTAE FHINE GALL**

***RECORD OF EXECUTIVE BUSINESS AND CHIEF EXECUTIVE'S ORDER***

**Reg. Ref.: F23A/0721**

Note 2: In the interest of Public Health and Environmental Sustainability, Uisce Éireann Infrastructure capacity requirements and proposed connections to the Water and Waste Water Infrastructure shall be subject to the constraints of the Uisce Éireann Capital Investment Programme.

COMHAIRLE CONTAE FHINE GALL

**RECORD OF EXECUTIVE BUSINESS AND CHIEF EXECUTIVE'S ORDER**

Reg. Ref.: F23A/0721

*Andrew Davidson*

**Senior Executive Planner**

**Endorsed:**

*C. Keeney*

**Administrative Officer**

**Order:** A decision pursuant to Section 34 of the PLANNING & DEVELOPMENT ACT 2000, AS AMENDED to **GRANT PERMISSION** for the above proposal subject to the <sup>(9)</sup> condition(s) set out above is hereby made.

*6 (CW)*

**Dated** 30<sup>th</sup> January, 2024

*M. McKeeney*

**Director of Services**

Thereunto empowered by order of the Chief Executive, Fingal County Council C.E. No. 8688 delegating to me all powers, functions & duties in relation to the council of the County of Fingal in respect of this matter.