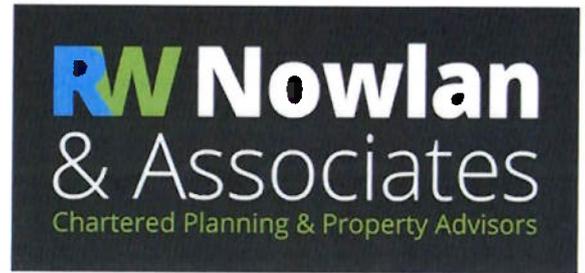


Project No: 77.01/2023



AN BORD PLEANÁLA
LDG- 070633-24
ABP- 319282-24
13 MAR 2024
Fee: € 220 Type: c/c
Time: 12:15 By: Hand

3RD PARTY APPEAL

The construction of a Materials Recovery Facility along with a Food Container Cleaning Plant, at lands at Huntstown Townland and Coldwinters Townland, County Dublin. Planning Register Reference: FW23A/0111.

DATE: MARCH 2024

on behalf of: William and Pauline Byrne, Kildonan House, Coldwinters, North Road, Dublin 11.

1.0 INTRODUCTION

1.1 This third party appeal is in relation to the decision by Fingal County Council to grant planning permission to Rathdrinagh Land Unlimited Company (trading as Irish Recycling) for a proposed development of a Materials Recovery Facility along with a Food Container Cleaning Plant, at lands at Huntstown Townland and Coldwinters Townland, County Dublin. The appeal is made on behalf of William and Pauline Byrne, Kildonan House, Coldwinters, North Road, Dublin 11. Date of Decision: **20th February 2024**. Planning register reference no. **FW23A/0111**.

1.2 Please find enclosed confirmation of receipt of an observation by the appellants to Fingal County Council on the planning application.

2.0 PROPOSED DEVELOPMENT

2.1 The proposed development is to change agricultural land to commercial and industrial land by the construction of two buildings (plus ancillary buildings and structures) on a site of 9.863 hectares. The first building will be used as a Materials Recovery Facility while the second building is to accommodate a Food Container Cleaning Plant.

2.2 The Materials Recovery Facility will provide for the sorting of a range of waste materials into recoverable and recyclable streams. The building has a total floor area of 5032 sq. m.

2.3 The Food Container Cleaning Plant will provide for the washing and sterilisation of food containers so that they can be re-used. The building has a total floor area of 5032 sq. m.

2.4 A single vehicular and pedestrian entrance will be created while the road that provides access to the site, will be improved by adding a footpath and cycle path.

2.5 The site layout drawing of the proposed development indicates for ca. half of the site area that existing lands are to be infilled as part of the development. See site layout drawing no. P001, date-stamped 25/4/23. No use is indicated for this part of the site.

3.0 DEVELOPMENT PLAN

3.1 The site is zoned objective HI – Heavy Industry. The zoning objective is: ‘Facilitate opportunities for industrial uses, activities and processes which may give rise to land use conflict if located within other zonings. Such uses, activities and processes would be likely to produce adverse impacts, for example by way of noise, dust or visual impacts. HI areas provide suitable and accessible locations specifically for heavy industry and shall be reserved solely for such uses.’¹

3.2 There is a proposal to link the Cappagh Road to the west with the north road.² This road would result in the removal of the sharp bend in the current road and create a straight road along the frontage of the site.

4.0 UNCERTAINTY RELATING TO LANDS WITHIN THE SITE BOUNDARY

4.1 Given the nature of the proposed development our clients are concerned that the proposed development may have an impact on the operation of their farm which adjoins the development site. These concerns are based on a lack of information with regard to the use of the site that is to be reserved for future development. The site layout drawing of the proposed development indicates for ca. half of the site area that existing lands are to be infilled as part of the development. No use is indicated for this part of the site. As there is no indication when future development for this part of the site will be happening or indeed whether permission for such development will be granted, it must be assumed that these lands will be used as part of the proposed operation of the Materials Recovery Facility. In particular there are concerns that these parts of the site may be used for the open air storage of materials that are to be processed on the site. Such open air storage would result in odour and dust emissions that would be detrimental to the operation of the adjoining farm.

4.2 In addition to concerns about emissions to air, there are also concerns that these lands are shown to be ‘infilled as part of the proposed development’ may result in the leakage of contaminated surface water that may leak into the adjoining farming land.

4.3 These issues were not considered in the Environmental Impact Assessment Report and the planning authority was urged in a submission made on behalf of our clients on the planning application, to

¹ *Fingal County Development Plan 2023-2029*, p. 480.

² *Fingal County Development Plan 2023-2029*, Map Sheet No. 17 – Connectivity and Movement.

request additional information from the applicant to confirm the precise use of the parts of the site that are indicated as 'to be infilled as part of the development'. However, the planning authority did not request this information.

4.4 The planning authority issued a request for further information on 12/6/23³. This request raised 14 items where further information was required from the applicant. Although the planning authority did not include the issue of concern in relation to the lands to be infilled as part of the development and marked phases 2 and 3 of the overall development, the applicant did respond to the third-party submissions. In doing so the applicants have stated that no development is proposed for the lands that are identified in the Masterplan as phases 2 and 3 of an overall development for the application site. The Masterplan is detailed, according to the response document ...” *solely to set out future development scenarios and a design rationale.*”⁴

4.5 This response is considered to be inadequate in planning terms to assess the impact of the proposed development on our clients' lands. These lands are included within the site curtilage red line boundary with no use shown on the site layout plan. They are clearly indicated to form part of the overall development at some stage in the future. A further submission on behalf of our clients raised this issue and requested, in the case of a decision to grant permission, to clarify the status of the phase 2 and phase 3 lands by planning condition. However, this was not done.

4.6 Our clients are concerned that the proposed development would be detrimental to residential amenity and health as a result of odours. These odours could arise from any storage of materials in the open air. It is relevant to note that the farmhouse on the adjoining land is the sole residence of our clients and that the house has a private water supply in the form of a bored well. The potential of ground water contamination is therefore a matter of serious concern that needs to be addressed. Having regard to the fact that the lands marked to be developed as phase 2 and 3 are situated within the site curtilage, it is considered essential that the precise use of these lands is clarified by condition on a planning permission, if such a planning permission would be granted.

4.7 Our client is concerned with regards the management of the shared road entering Kildonan House. Any future restrictions during construction phases would have negative implications for our clients living in

³ Request for further information pl. ref. FW23A/0111, dated 12/6/23.

⁴ Further information planning report, Genesis Planning Consultants, datestamped 18/12/23, p. 23.

Kildonan House. In addition, are clients would have concerns with regards the upkeep of these lands considering the HGV movements movement in and out of the facility and the likely hood of spillage along this shared road area. We would request that the Board clearly address these concerns in their review of this Appeal.

5.0 Conclusion

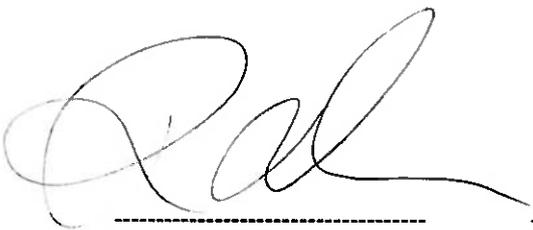
5.1 In the event of a decision by An Bord to grant planning permission for the proposed development it is requested that a planning condition is attached which clarifies that the lands within the site boundary that are marked as Phase 2 and 3 in the Masterplan, should not be used for any buildings or open-air storage of waste materials.

5.2 Such a condition is considered essential in order to protect the adjoining farm operation and residential amenity of the adjoining farmhouse and to clarify the extent of the proposed development and the impacts it will have on our client's landholding and shared road access to the farm.

5.3 We would ask that An board take into consideration the future road, cycle and pedestrian links within the area to make sure that the proposal is not contrary to the future development of the surrounding lands and land uses.

In conclusions, we would request that the Board take into consideration the above points and concerns when reviewing this planning application and Appeal.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'R.W. Nowlan', written over a horizontal dashed line.

R.W. Nowlan & Associates



**Ms. Kirsty McDonnell,
RW Nowlan & Associates obo William and Pauline Byrne
Basement Office
54 Fitzwilliam Square North
Dublin 2
D02X308**

Date: 29 May, 2023

ACKNOWLEDGEMENT of RECEIPT of SUBMISSION or OBSERVATION on a
PLANNING APPLICATION

THIS IS AN IMPORTANT DOCUMENT!

KEEP THIS DOCUMENT SAFELY, YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANALA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE **ONLY** FORM OF EVIDENCE WHICH WILL BE ACCEPTED BY AN BORD PLEANÁLA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION.

PLANNING AUTHORITY NAME: FINGAL COUNTY COUNCIL

PLANNING APPLICATION REFERENCE NO. **FW23A/0111**

A submission/observation has been received from Ms. Kirsty McDonnell, RW Nowlan & Associates obo William and Pauline Byrne, in relation to the above planning application.

The appropriate fee of €20.00 has been paid. (Fee not applicable to prescribed bodies).

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations, 2001 -2013 and will be taken into account by the Planning Authority in its determination of the planning application.

15

Donal Moriarty

for Senior Executive Officer

Development:

We Rathdrinagh Land Unlimited Company (Trading as Irish Recycling LTD) intend to apply to the aforementioned Planning Authority for permission for development on lands at Huntstown Townland and Coldwinters Townland, Co Dublin. The development will consist of the construction of a Materials Recovery Facility along with a Food Container Cleaning Plant. The development is phase one of the Huntstown Circular Economy Hub and will include for the following works:

1. The development will consist of the erection 2no. separate buildings and associated site area for use as a Circular Economy Hub.
2. The processes to be carried out within the Materials Recovery Facility building include for the sorting of range of wastes into recoverable and recyclable streams. Recoverable wastes to processed will include for potential recyclables. This building will include for an external odour control plant with associated flue.
3. The processes to be carried out in the Food Container Cleaning Plant building will provide a centralised washing/sterilisation facility for large food retailers in the area to facilitate re-use of containers.
4. The 2no. buildings to be constructed will incorporate ancillary office and staff facilities along with solar PV panels and signage.
5. The development of associated access roads, turning/loading areas, footways, parking areas, electric vehicle charge points, landscaping, lighting, fencing, bicycle and bin storage facilities and associated site works.
6. The provision of an ESB substation.
7. The provision of ancillary external storage areas.
8. The reprofiling of existing ground levels within the site and associated works to include for infilling and reprofiling of lands within the overall site area.
9. The provision of a new site entrance with associated works to facilitate vehicular and pedestrian access along with associated upgrade works to the adjacent public road to include for provision

of footpaths and cycle paths. 10. The provision of a weighbridge and associated staff building at the entrance. 11 The provision of perimeter fencing and security gates. 12. The provision of all associated hard and soft landscaping works. 13. Provision of attenuation tanks and associated infrastructure as part of the surface water system along with installation of a bypass petrol interceptor. 14. All ancillary site development, landscaping and construction works to facilitate foul; water and service networks. The Materials Recovery Facility will require an EPA Industrial Emissions Licence. An Environmental Impact Assessment Report (EIAR) has been prepared and accompanies this application.

Location: Lands at Huntstown Townland and Coldwinters Townland, County Dublin

Area: Blanchardstown Mulhuddart

Applicant: Rathdrinagh Land Unlimited Company

Application Type: Permission

Date Received: 25 April, 2023

THIS IS AN IMPORTANT DOCUMENT!

KEEP THIS DOCUMENT SAFELY, YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANALA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY.

Please note that all planning applications, including submissions/objections will be published on the Council's website.

