

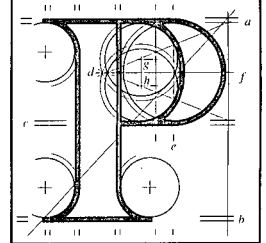
Our Ref: 29S.EF2022

Office

Dr J Derham
Environmental Protection Agency
Headquarters, PO Box 3000,
Johnstown Castle Estate
Co Wexford



An Bord Pleanála



Re: Waste to Energy Facility at Pigeon House Road, Poolbeg Peninsula, Dublin 4.

Dear Sir,


An order has been made by An Bord Pleanála determining the above-mentioned case. 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 decision within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and the Board Direction on the decision on its website (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.

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

Please quote the above-mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,


Siobhan White
Executive Officer

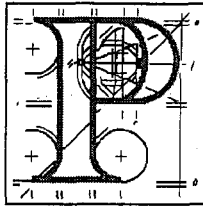
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An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2006

Dublin City Council

APPLICATION by Dublin City Council for approval under section 226 of the Planning and Development Act, 2000 in accordance with plans and particulars, including an environmental impact statement, lodged with the Board on the 30th June, 2006.

PROPOSED DEVELOPMENT: A waste to energy facility at Pigeon House Road, Poolbeg Peninsula, Dublin 4.

DECISION

GRANT approval 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.

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:

- (a) the environmental impact statement, the plans and particulars and all documentation submitted by Dublin City Council,
- (b) all submissions and observations submitted in writing to An Bord Pleanála and made at the oral hearing and the report and recommendation of the person

- would not adversely affect the integrity of any Natura 2000 site or other designated site of ecological significance in the vicinity having regard to the purposes for which these sites are designated and,
- would not otherwise have significant effects on the environment or have significant adverse implications for the proper planning and sustainable development of the area.

CONDITIONS

1. The waste thermally treated at the facility shall be in the form of municipal non-hazardous residual waste generated primarily in the Dublin Waste Management Region as proposed in the application.

Reason: To ensure compliance with national waste management policy and with the provisions of the Dublin Waste Management Plan.

2. A community liaison committee shall be established to liaise between Dublin City Council and the local community. The membership of this committee shall reflect the membership of the community gain fund administration board proposed by Dublin City Council in its submissions at the oral hearing. The Committee shall comprise of 10 members having an independent chairperson, 3 local community representatives, 3 elected members of Dublin City Council, 2 officials of Dublin City Council and 1 representative from the operators of the waste to energy facility. The community liaison committee shall have responsibility for the administration of the community gain fund account to be set up in accordance with condition number 3 and for decisions on projects to be supported by the fund in addition to acting as a liaison committee with the local community in relation to ongoing monitoring of the operation of the waste to energy facility.

Reason: To provide for appropriate ongoing review of waste management operations at the site in conjunction with the local community and to provide for the allocation of resources from the community gain fund in accordance with the requirements of the local community.

3. A community gain fund shall be established to support facilities and services which would be of benefit to the community in the general catchment area. This fund shall include a once-off capital contribution equivalent to 3% of the capital cost of the facility and an annual contribution per tonne of waste accepted for thermal treatment at the plant. The annual contribution shall be €1 per tonne in the first year following commissioning of the plant and thereafter shall be updated in accordance with the consumer price index. Details of the management and operation of the community gain fund, which shall be lodged in a special community fund account, shall be agreed between Dublin City Council and the community liaison committee referred to in condition number 2 above.

- (b) Details in relation to the timing of excavations for the cooling water channel and procedures/construction techniques to be adopted to limit water pollution in the estuary during excavation works shall be agreed with the Eastern Regional Fisheries Board.

Reason: In the interest of fishery protection.

9. Prior to the commencement of operation of the facility Dublin City Council shall ensure that all public roads on the Poolbeg Peninsula to the west of the location of the proposed access are free of loose soil, sand and gravel. A continuous maintenance regime shall be put in place by Dublin City Council to ensure that this situation continues for the entirety of the duration of the operational phase of the development.

Reason: To protect the amenities of the area and to limit dust emissions likely to be generated by traffic associated with the development.

10. The detailed design of the proposed facility shall make provision for the future development of a district heating system. Within 12 months of the date of this order Dublin City Council shall carry out and publish the results of a feasibility study into the future development of a district heating system to avail of excess heat from the proposed facility and any other waste heat in the Poolbeg Peninsula Area.

Reason: To facilitate the development of the use of excess heat in existing and future developments in the city.

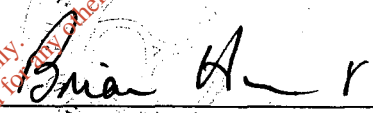
- 11 (a) A 'Marine Notice' advertisement in accordance with the requirements of the Department of Transport shall be placed in a locally circulating newspaper prior to the commencement of any construction works on the foreshore. Local commercial fishing and angling organisations shall be directly notified of the commencement of construction.
- (b) Any floating plant used during the construction phase shall be adequately lit at night and during times of poor visibility.
- (c) The British Admiralty Hydrographic Office at Taunton shall be advised of the location and nature of proposed marine works. Final details shall be confirmed on completion of the marine works.
- (d) New navigational aids and/or alterations to existing aids shall be in accordance with details to be agreed with the Commissioners of Irish Lights.

Reason: To ensure the safety of navigation.

indicating the procedures and protocols adopted, certified by a suitably qualified person, shall be prepared and made available for public inspection at the offices of Dublin City Council and in an office in the Ringsend/Poolbeg area prior to the completion of the site development works.

- (f) Existing granite blocks located along the edges of Pigeon House Road and Shellybanks Road within the confines of the overall site of the proposed development shall be identified and assessed from an archaeological/architectural heritage perspective by suitably qualified personnel. Details in relation to the eventual treatment of these blocks shall be agreed with the Department of the Environment, Heritage and Local Government prior to any development commencing.

Reason: To limit the impact of construction works associated with the proposed development on the environment.

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

Dated this 19th day of November 2007.