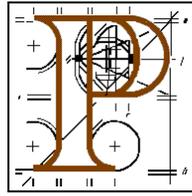


An Bord Pleanála



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

appointed by the Board to conduct the oral hearing and report on the matter (including reports of experts appointed by the Board),

- (c) the National Waste Management policy framework and strategy as set out in the following documents entitled, “Waste Management Changing Our Ways 1998”, “Taking Stock and Moving Forward 2004” and the “National Strategy on Biodegradable Waste 2006”,
- (d) the National Development Plan (2007 – 2013) provisions in relation to waste management and the provision of waste facilities,
- (e) the provisions of the Waste Management Plan for the Dublin Region 2005 – 2010,
- (f) the policies and objectives of the Dublin City Development Plan 2005 to 2011 including the objectives of the Waste Management Plan which by virtue of section 22 of the Waste Management Act 1996 (as amended) are deemed to be included in the Development Plan,
- (g) the location of the site of the proposed development in an area characterised by existing large scale utility and industrial type land uses,
- (h) the distance of the site of the proposed development from existing and likely future residential areas,
- (i) the advice given by the Health and Safety Authority,
- (j) the fact that a licence from the Environmental Protection Agency, which will be subject to ongoing reviews, will be required for the activity and the operator will be required to comply with any conditions imposed in such a licence,
- (k) the energy to be generated and the potential for development of district heating; and
- (l) the mitigation measures proposed to prevent and to minimise environmental impacts likely to arise from the proposed development.

it is considered that subject to compliance with the conditions set out in this order the proposed development

- would not be prejudicial to public health,
- could be accommodated on the road network and would be acceptable in terms of traffic safety,
- would not be visually out of character or detract from the visual amenities of the area,
- would not be seriously injurious to the residential amenities of existing or future residential developments in the area,

- 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.

Reason: It is considered reasonable that the operators of the facility should contribute towards the cost of environmental, recreational or community facilities which will be of benefit to the community in the area.

4. Waste deliveries to the facility shall be in accordance with the strategy proposed and elaborated on by Dublin City Council at the oral hearing. Deliveries of waste (and return trips), except from the central area as indicated on slides/drawings submitted at the oral hearing, shall be via the M50 and the Dublin Port Tunnel. Conditions requiring compliance with this transport strategy shall be incorporated into relevant permits granted to waste collectors.

Reason: To limit the impact of the development on residential areas in the vicinity and along access routes to the proposed development.

5. (a) The external cladding of the main building shall be finished externally in a light grey colour with a matt finish, and
(b) A detailed landscaping scheme for the site of the proposed development, including Shellybanks Road, shall be prepared by a qualified landscape architect. The landscaping scheme shall include details of all site boundary fencing. The landscaping scheme shall be made available for public inspection at the offices of the local authority (including an office in the Ringsend/Poolbeg area) and shall be implemented on completion of construction works.

Reason: In the interest of visual amenity.

6. Access from the existing Shellybanks Road shall continue to be available to existing landowners abutting the road during the construction phase of the proposed development. On completion of the construction works the road shall be re-opened.

Reason: To prevent undue interference with existing land uses in the vicinity during the construction phase of the development.

7. Aviation warning lights shall be provided on the two proposed emission stacks in accordance with details to be agreed with the Irish Aviation Authority.

Reason: In the interest of aviation safety.

8. (a) Prior to the commencement of construction monitoring of existing fish diversity in the Liffey Estuary in the vicinity shall be carried out in accordance with details to be agreed with the Eastern Regional Fisheries Board and the Department of Communications Marine & Natural Resources. Facilities designed to prevent entrainment and impingement at the cooling water intake point shall be provided in accordance with details to be agreed with the Eastern Regional Fisheries Board. The effectiveness of the facilities shall be continuously monitored and any necessary adjustments shall be implemented in accordance with the requirements of the Eastern Regional Fisheries Board.

- (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.

12. Flue gas residues shall not be stored at any location outside the boundaries of the site of the proposed development in such quantities as to result in the storage area becoming an Establishment for the purposes of the European Union Major Accidents Directive.

Reason: The application has been assessed on the basis of the site of the proposed development only being such an Establishment.

13. All mitigating measures proposed and recommended in the environmental impact statement and which are set out in summary in Chapter 21 of the environmental impact statement shall be implemented as part of the development. The following additional provisions shall be incorporated into the mitigating measures.

- (a) Piling during the construction phase of the development shall take place only between the hours of 0700 and 2100 hours.
- (b) The temporary construction area proposed at the southern end of the site of the proposed development shall be modified by providing a setback of at least 20 metres wide from the eastern edge of the compound as indicated on drawing number. MDR0358 UZO BE001c. Continuous screening shall be provided around the edge of the construction compound during the course of construction works. Monitoring of the use by wild fowl of the grass lands located south of the wastewater treatment plant shall be carried out for a period of at least 1 year prior to the enclosure and use of the temporary construction area, during construction works and for a period of at least three years following the commissioning of the plant. Reports on the monitoring shall be prepared at least twice yearly following the commencement of construction works. Copies of the reports shall be available for inspection by the public at the offices of the local authority and at an office in the Ringsend/Poolbeg area.
- (c) An intertidal and underwater archaeological survey shall be carried out in the area impacted upon by the proposed cooling water channel prior to the commencement of construction works. A report on the findings of this archaeological investigation shall be submitted to the Department of the Environment, Heritage and Local Government.
- (d) A scheme for monitoring noise, dust deposition and suspended solids in surface water run-offs and adjacent waters shall be prepared for the construction phase of the development. Details of the scheme shall be made available for inspection at the offices of Dublin City Council and at a local office in the Ringsend/Poolbeg area prior to the commencement of construction works. Monitoring shall be carried out during the construction phase and reports on the monitoring shall be made available for inspection at the offices in question on a 3 monthly basis. The reports shall compare monitored results with standards set out in the environmental impact statement or standards given in recognised national or international guidelines as relevant.
- (e) Excavated material shall be retained and reused on site only if it has been demonstrated following a quantitative risk assessment that the material is not likely to cause risk to human health or the diminution of the environmental quality of water or air in the area. A risk assessment report to verify this and

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.

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

Dated this day of 2007.