
RECORD OF EXECUTIVE BUSINESS AND CHIEF EXECUTIVE'S ORDER

Register Reference: FW18A/0067

Date of Registration: 24 May, 2018

Correspondence: Stephen Hussey, mckenna & associates High Street, Trim, Co. Meath.

Development: The development will consist of Extension to hours of opening approved under Reg. Ref. F05A/1156, F07A/0954, F07A/0954/E1 to 24-hours per day, 7 days per week. The proposed development relates to an activity covered by an existing Waste Licence No WO26 1-02 issued by the Environmental Protection Agency.

Location: Cappagh Road, Cappoge Td., Finglas, Dublin 11

Applicant: Starrus Eco Holdings Ltd.

Application Type: Permission

Zoning: 'GE' i.e. 'provide opportunities for general enterprise and employment' in the Fingal Development Plan 2017-2023.

Planning Officer's Report:

EM/AF

Report of the Planning Officer dated 17th July 2018.

This is an application by Starrus Eco Holdings Ltd. for PERMISSION for development which will consist of Extension to hours of opening approved under Reg. Ref. F05A/1156, F07A/0954, F07A/0954/E1 to 24-hours per day, 7 days per week. The proposed development relates to an activity covered by an existing Waste Licence No WO26 1-02 issued by the Environmental Protection Agency, and is located at Cappagh Road, Cappoge Td., Finglas, Dublin 11.

Zoning

The subject site is located in an area which is zoned 'GE' i.e. 'provide opportunities for general enterprise and employment' in the Fingal Development Plan 2017-2023.

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Description of Site and Surroundings

The proposed development is located on a site of stated area, 2.77 ha, within a topographically flat area, and to the immediate west of the Cappagh Road in an industrial/commercial area within Ballycoolin in the Dublin 15 Enterprise Zone. To the immediate west and south of the site is industrial development on the sites of which are located several large high-bay warehouses.

To the immediate south east of the site, and on the same side of the Cappagh Road is a single storey detached house.

The proposed site is bounded to the north east by a barrel fence and low dwarf wall, to the west and south by a palisade fence, and to the east by a c. 3 metre high, approximately wall. To the north west of building A1 is located a weighbridge and two storey prefabricated office, and beyond to the north west is an area of parking.

In the north west corner beyond the proposed site, and within the applicant's ownership is an area occupied by temporary storage bins, cars, and a mobile home/prefabricated home which apparently is used as a residence.

Existing structures on site are,

- A1 which is a high bay ware house, and aligned parallel to, and to the east of, Cappagh Road. Unit A1 was granted planning permission under Reg. Ref. FW05A/1156. Building A2 also exists.
- Two weighbridges to the immediate north west of building A1. This weighbridge is supported by offices which are housed in what appear to be two large containers sitting one on top of the other. This office structure appears not to have planning permission.

It is noted that Building B2 which is shown on the site location plan is not present on site.

The site has the appearance of being somewhat unkempt, with no apparent landscaping or demarcation of roads and parking.

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Proposal

This is an application for an extension to hours of open approved under Condition no. 11 of the planning permission granted under Reg. Ref. F05A/1156, and Condition no. 10 of the planning permission granted under Reg. Ref. F07A/0954/E1, as follows:

Reg. Ref. F05A/1156, Condition no. 11:

- '11. That the proposed development shall comply with the Noise Guidelines of Fingal County Council. In this regard:
- (a) The premises shall only be used for any purpose including collection and return of vehicles and waste receptacles between the hours of 08:00 to 20:00 Monday to Friday and 08:00 to 16:00 on Saturdays. A monitoring system to ensure compliance with this condition shall be agreed with the Council before development commences.
 - (b) An odour control programme shall be agreed with the Council and installed before operation commences in order to minimise odours.

REASON: In the interests of the amenities of the area.'

Reg. Ref. F07A/0954, Condition no. 10:

- '10. That the proposed development shall comply with the Noise Guidelines of Fingal County Council. In this regard:
- (a) The premises shall only be used for any purpose including collection and return of vehicles and waste receptacles between the hours of 08:00 to 20:00 Monday to Friday and 08:00 to 16:00 on Saturdays. A monitoring system to ensure compliance with this condition shall be agreed with the Council before development commences.
 - (b) An odour control programme shall be agreed with the Council and installed before operation commences in order to minimise odours.

REASON: In the interests of the amenities of the area.'

The proposal is to extend the hours of opening to 24 hours a day, and 7 days per week.

Relevant Planning History

The following recent planning history is relevant to the subject site:

Reg. Ref. F05A/1156

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This was an application by Nurendale Ltd (t/a Panda waste Services) for the development of a Materials Recycling Facility at Cappagh Road, Finglas, Dublin 11 comprising

- A) the following buildings A1) Construction and Demolition, Commercial and Industrial recycling unit with associated offices (area c.2076m – height to eaves 11.2m), 2A) Dry Recyclables unit with associated offices (area c.3062, height to eaves 11.2m), A3) Municipal Solids Waste Recycling Unit (area c.5870m, height to eaves 11.2m). A4) ESB substation and switchroom (area c.21.75m, height to eaves 3m). B) Weighbridge and Office (area 3.5m² height to eaves 3.8) C) 2.5 kw Wind Turbine (11m high). D) Associated site works including fencing, acoustic barrier, entrance gates, drainage. A Waste Permit application will accompany this application. Final grant 11th April 2006.

Condition 2 is relevant,

2. *That the proposed development shall be amended as follows:*
(a) *That both the Dry Recycling Unit (Building 200) and Municipal Solid Waste Unit (Building 300) shall be omitted from the development*
(b) *That Building 100 (Construction and Demolition, Commercial and Industrial Unit) shall be restricted to the processing of 50,000 tonnes of waste per annum*

REASON: In the interests of the proper planning and development of the area and with regard to the existing capacity of the adjoining road network.'

Reg. Ref. F07A/0954

This was an application by Nurendale Ltd (t/a Panda Waste Services) for an extension to the existing Materials Recycling Facility on the subject site at Cappagh Road, Cappoge Td, Finglas, Dublin 11 comprising: A) The following buildings A2) An extension to the existing A1 building for a Municipal Solid Wastes Recycling unit (area c. 2030 m², height to eaves c. 11m) B1) Dry Recyclables unit (area c. 2800 m², height to eaves c. 11 m) B2) Cardboard and Plastics recycling unit (area c. 4608 m², height to eaves c. 11 m²) C) E.S.B. substation and switchrooms (area c. 56 m², height to eaves c. 5.50m) D) Associated site works, and was granted final permission on the 1st October 2008.

Condition 2 is relevant,

2. *That the proposed development shall be amended as follows:*

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(a) *That the extension to the existing A1 building for a Municipal Solid Waste Unit (Building A2) shall be omitted from the development.*

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

Reg. Ref. F07A/0954/E1

This was an application by Nurendale Ltd (t/a Panda Waste Services) for an Extension of Duration of Permission for an extension on the subject site to the existing Materials Recycling Facility at Cappagh Road, Cappoge Td, Finglas, Dublin 11 comprising: A) The following buildings A2) An extension to the existing A1 building for a Municipal Solid Wastes Recycling unit (area c. 2030 m², height to eaves c. 11m) B1) Dry Recyclables unit (area c. 2800 m², height to eaves c. 11 m) B2) Cardboard and Plastics recycling unit (area c. 4608 m², height to eaves c. 11 m²(sic)) C) E.S.B. substation and switchrooms (area c. 56 m², height to eaves c. 5.50m) D) Associated site works, and was granted permission on the 10th June 2013. The Extension of Duration of Permission was up to and including the 30th September 2018.

Submissions/observations

A submission/observation has been received related to the proposed development relating to the impact of the proposal, in particular the noise and dust resulting from the proposed development, on adjoining properties including a dwelling.

Pre-planning

No pre-planning discussions occurred related to the proposed development.

Reports

Water Services Section: No objection

Irish Water: No objection subject to condition

Transportation Planning Section: No objection subject to condition

Environmental Health Officer: No objection subject to condition

Health & Safety Executive: No observations to make

Assessment

Having visited the subject site and having regard to the Development Plan objectives, I am of the opinion that the main issues to be assessed are as follows:

- Principle
- Impact on Amenities of the Area

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- Roads and Traffic
- Water and Drainage
- Other Issues

Principle

The proposed development may be considered acceptable in principle as the permission currently sought solely relates to extending the hours of operation of an existing purpose built facility in an area that is zoned 'GE' zoning objective, i.e. 'provide opportunities for general enterprise and employment' in the Fingal Development Plan 2017-2023; subject to a full planning assessment.

Impact on the Amenities of the Area

An assessment of the potential impact on the amenities of the area of extending the operation of the waste recycling facility on a 24 hour basis, 7 days a week is key, particularly in terms of noise pollution and in particular the impact on the occupants of a dwelling on a site immediately to the south of the site.

Having regard to the information submitted by the applicant, and the comments made by the Environmental Health Officer, it is recommended that the applicant is requested to undertake an acoustic baseline noise survey which shall include continuous monitoring over a 72 hour period. This should form the basis of any future assessment of the acoustic impact of the proposed development. In this regard noise during the normal operation of the proposed development shall not cause a noise nuisance to nearby noise sensitive locations shall not exceed the background level by 10dB(A) or more or exceed NG4 limits which ever is the lesser.

Daytime (07:00 to 19:00 hrs) – 55dB

Evening (19:00 to 23:00 hrs) – 50dB

Nighttime (23:00 to 07:00 hrs) – 45dB

- o Measured from nearest noise sensitive locations.
- o There shall be no tonal or impulsive noise at anytime during the operation of this site.

In respect of the latter, if tonal noise or impulsive noise, is present, for example the reversing of vehicle the applicant is also requested to demonstrate mitigation measures to be implemented to ensure compliance with the above limits and avoid noise nuisance.

While the facility is in an area characterised by industrial activity, given the proximity of a house to the south of the site it is considered that the above details be most appropriately requested from the applicant by way of a request

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for Additional Information to allow for a full assessment to be made. This should also include an updated odour control programme.

Roads and Traffic

The development is acceptable with respect to Roads and Traffic given that extending the opening hours would lessen the traffic impacts at peak hours and spread the traffic volumes over the 24 hours period, and consequently there would be no increase in capacity from that previously granted.

Water and Drainage

The proposed development is acceptable with regard to water and drainage.

Other Issues

Following a site visit there are a number of concerns that the current operation of the site presents these include:

1. The site area of the development is in what is considered to be an unkempt and disordered state, and in particular to be in need of remedial landscaping and demarcation of roads and parking in order to bring it to a standard which would merit its location within the Dublin Enterprise Zone.
2. The site layout does not conform to the layout submitted under planning applications Reg. Ref. F05A/1156 or Reg ref.F07A/0954, drawing number .07.072.02 in particular. It appears that Buildings A1 and A2 have been developed, While Buildings B1 (Warehouse) Dry Recycling and Building B2 (Warehouse) Cardboard & Plastic Recycling have been omitted. There is also a relatively large area employed for parking and the 'dumping' of miscellaneous 'skips'/waste transmission units in the north western corner of the site.
3. The weighbridge office does not conform to the layout and elevations included in planning application Reg. Ref. F05A/1156, drawing no. V083-A-018/A for the weighbridge office.
4. At present there is a mobile home/prefabricated home located in the north western portion of the area within the ownership of the site but not within the site boundary. This mobile home/prefabricated home does not appear to have planning permission, and is not exempt from requiring planning permission.

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While these issues require to be addressed they are primarily matters for planning enforcement. None the less at this stage it is considered appropriate for the applicant to submit an amended site layout plan that clearly shows the layout as existing so a full understanding of how the site operates, and how it would operate on a 24 hour basis, if permission were granted.

Appropriate Assessment

Having regard to the nature of the proposed development and the location of the subject site and/or proximity to the nearest European site no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

Conclusion

In order for a full assessment to be made it is considered that further information is required from the developer regarding the nature and details of the existing layout on site, and planning permissions associated with this existing layout and the existing and potential noise environment.

RECOMMENDATION

I recommend that **ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:

1. Taking account of item 2 below, the applicant is requested to undertake an acoustic baseline noise survey which shall include continuous monitoring over a 72 hour period. This shall form the basis of any future assessment of the acoustic impact of the proposed development. In this regard noise during the normal operation of the proposed development shall not cause a noise nuisance to nearby noise sensitive locations shall not exceed the background level by 10dB(A) or more or exceed NG4 limits which ever is the lesser.
Daytime (07:00 to 19:00 hrs) - 55dB
Evening (19:00 to 23:00 hrs) - 50dB
Nighttime (23:00 to 07:00 hrs) - 45dB
 - o Measured from nearest noise sensitive locations.
 - o There shall be no tonal or impulsive noise at anytime during the operation of this site.

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In respect of the latter, if tonal noise or impulsive noise, is present, for example the reversing of vehicles the applicant is also requested to demonstrate mitigation measures to be implemented to ensure compliance with the above limits and avoid noise nuisance.

2. The applicant is requested to submit a site layout plan which accurately represents the current development on site (indicated in red on the site layout) and within the ownership of the developer (indicated in blue on the site layout), and which accurately indicates the planning permissions under which the existing development was undertaken. In this regard, Building A2 appears to exist on site although it was refused planning permission under planning application Reg. Ref. FW07A/0954. In addition the applicant is requested to address and clarify the following:
 - a. Building B1/B2 is shown on the site layout plan but does not appear to have the benefit of planning permission. It appears construction is currently being undertaken on this building.
 - b. The 'building which is located towards the northern area of the site should be indicated on the site layout plan. It does not appear to have the benefit of a planning permission.
 - c. The existing weighbridge and supporting offices. In this regard, the developer is requested to demonstrate that the existing weighbridge and supporting offices aligns with approved plans and elevations previously granted permission.
3. The applicant is requested to submit an odour control programme.
4. The applicant is requested to liaise with the Area Planner at harry.mclauchlan@fingal.ie and to refer to the Manager's Order relating to Reg. Ref. FW18A/0067 prior to the requested submission.

Note to applicant:

If any submission resulting from the above request is received by the planning authority and it is considered that the information, evidence, revised plans, drawings and particulars received, as appropriate, contain significant additional information, including information in relation to effects on the environment, you must submit a revised newspaper notice and site notice, the format of which accords with Section 35 (1)(a)&(b) of the Planning & Development Regulations 2001 - 2015.

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Henry McLaughlin
Senior Executive Planner
17/07/18

Endorsed:

Patricia Kennedy
Administrative Officer 17/7/18

Order: I direct that ADDITIONAL INFORMATION be requested from the applicant for Permission as set out in the above report and that notice thereof be served on the applicant.

Dated 18th July, 2018

Neil Cooney
Senior Planner

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Thereunto empowered by order of the Chief Executive, Fingal County Council C.E. No. 797 delegating to me all his powers, functions & duties in relation to the council of the County of Fingal in respect of this matter.