

PB/0174/13

COMHAIRLE CONTAE FHINE GALL

RECORD OF EXECUTIVE BUSINESS AND MANAGER'S ORDER

Register Reference: F07A/0954/E1

Date of Registration: 23 April, 2013

Correspondence: Sean Boyle Tara House, 38 Trimgate Street, Navan, Co Meath

Development: The extension 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) C) E S.B substation and switchrooms (area c 56 m², height to eaves c 5 50m) D) Associated site works

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

Applicant: Nurendale Ltd (t/a Panda Waste Services)

Application Type: Extension Of Duration Of Permission

Zoning: 'GE' – The objective of which is to 'Provide Opportunities for general enterprise and employment'

Planning Officer's Report:

LM/BMcC

Report of the planning officer dated 10th June 2013.

This is an application for **EXTENSION OF DURATION OF PERMISSION** for the extension 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) C) E S B substation and switchrooms (area c 56 m², height to eaves c 5 50m) D) Associated site works at Cappagh Road, Finglas, Dublin 11 for Nurendale Limited (Panda Waste Services)

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Site Location and Description

The application site is located on the western side of the Cappagh Road in Dublin 11. It is 2.51ha in area and is irregular in shape. It has a frontage of approx 120 metres to the Cappagh Road while it is immediately north of the established Stadium Business Park. Huntstown Quarry is located on the opposite (eastern) side of the Cappagh Road with the Millennium Business Park also located further to the north east.

Planning History

F07A/0954: Permission was granted for the extension 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) C) E S B substation and switchrooms (area c 56 m², height to eaves c 5.50m) D) Associated site works

PL 06F.227572- Appeal withdrawn

The following condition was attached

That the proposed development shall be amended as follows

(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*

F04A/1123: Permission granted for the erection of an Industrial/Office development of 10,579sq metres consisting of 7 no 2-storey Industrial/Office Units varying from 523sq m to 2273sq m, including ESB substation and switch room, associated parking for 304 cars, boundary fencing, landscaping, berming and site works. The permitted new access to the site was via the existing Stadium Business Park adjoining to the south.

F05A/1156 – Permission granted for Development of a Materials Recycling Facility at Cappagh Road Cappoge Td Finglas, Dublin 11 comprising A) the following buildings A1) Construction and Demolition, Commercial and Industrial Recycling unit with associated offices (area c 2076m² height to eaves 11.2m), A2) Dry Recyclables unit with associated offices (area c 3062m², height to eaves 11.2m), A3) Municipal Solid Wastes Recycling Unit (area c 5870m², height to eaves 11.2m) A4) ESB substation and switchroom (area c 21.75m², height to eaves 3m) B) Weighbridge and Office (area 3.5m² height to eaves 3.8m) C) 2.5kw Wind Turbine (11m high) D) Associated site works including fencing, acoustic barrier, entrance gates, drainage. A Waste Permit application will accompany this application.

PL. 06F215851 - Appeal withdrawn

Background

The applicant is seeking an extension of duration of permission for the development which was approved under F07A/0954. The final grant was issued on the 1st October 2008. The permission will lapse on the 30th September 2013. This application for the

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extension of duration was received on the 23rd April 2013 which is within the appropriate period. The applicant is seeking an extension of 5 years in the duration of this permission.

Planning & Development Considerations

Under Section 42 of the Planning and Development Act 2000, as amended by Section 28 of the Planning and Development Act 2010

"42 - (1) On application to it in that behalf a planning authority shall, as regards a particular permission, extend the appropriate period by such additional period not exceeding 5 years as the authority considered requisite to enable the development to which the permission relates to be completed provided that each of the following requirements is complied with

(a) either

(i) the authority is satisfied that

(I) the development to which the permission relates was commenced before the expiration of the appropriate period sought to be extended,

(II) substantial works were carried out pursuant to the permission during that period, and

(III) the development will be completed within a reasonable time,

or

(ii) the authority is satisfied

(I) that there were considerations of a commercial, economic or technical nature beyond the control of the applicant which substantially militated against either the commencement of development or the carrying out of substantial works pursuant to the planning permission,

(II) that there have been no significant changes in the development objectives in the development plan or in regional development objectives in the regional planning guidelines for the area of the planning authority since the date of the permission such that the development would no longer be consistent with the proper planning and sustainable development of the area,

(III) that the development would not be inconsistent with the proper planning and sustainable development of the area having regard to any guidelines issued by the Minister under section 28, notwithstanding that they were so issued after the date of the grant of permission in relation to which an application is made under this section, and

(IV) where the development has not commenced, that an environmental impact assessment, or an appropriate assessment, or both of those assessments, if required, was or were carried out before the permission was granted

(b) the application is in accordance with such regulations under this Act as apply to it,

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(c) any requirements of, or made under those regulations are complied with as regards the application, and

(d) the application is duly made prior to the end of the appropriate period

Under Subsection (4) of Section 42, a decision to extend an appropriate period shall be made once and once only under this section and a planning authority shall not further extend the appropriate period

Reports

Transportation Planning Section No report received to date

Water Services Section No objection

Appropriate Assessment

Having regard to the nature and scale of the proposed development and/or nature of the receiving environment 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

Assessment

It is stated in the application form *'due to the current economic climate and for financial reasons this project has not yet commenced'*

The key area for determination of this Extension of Duration is Section 42 (1) (a) (i) (I) – (III), (b), (c) and (d)

The lands are zoned GE (General Employment) under the 2011-2017 Development Plan, the objective is to *'Provide opportunities for general enterprise and employment'*

The vision for this zoning is to *'Facilitate opportunities for compatible industry and general employment uses, logistics and warehousing activity in a good quality physical environment General employment areas should be highly accessible, well designed, permeable and legible'*

Local Objective 474 is located on the site which states the following

'Facilitate the expansion of the existing waste operation on this site where it can be demonstrated to the satisfaction of the Planning Authority that such expansion will not be incompatible with surrounding land uses'

(Under the previous development plan the lands were zoned ST1 *'Facilitate opportunities for science and technology based employment and associated and complementary uses in a campus style environment in accordance with an approved action area plan and subject to the provision of the necessary physical infrastructure'*)

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Waste Disposal and Recovery Facility (excluding high impact) is considered to be acceptable under the GE zoning objective. It is noted the following condition was attached '(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'

The permitted development is considered to be acceptable under the GE zoning

The Planning Authority is satisfied that there have been no significant changes in the development objectives in the development plan or in regional development objectives in the regional planning guidelines for the area of the planning authority since the date of the permission such that the development would no longer be consistent with the proper planning and sustainable development of the area, that the development would not be inconsistent with the proper planning and sustainable development of the area having regard to any guidelines issued by the Minister under section 28, notwithstanding that they were so issued after the date of the grant of permission in relation to which an application is made under this section, and that an environmental impact assessment, or an appropriate assessment, or both of those assessments, was not required

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RECOMMENDATION

In light of the above and in accordance with Section 28 of the Planning and Development (Amendment) Act 2010, I recommend that permission be extended up to and including in respect of Register Reference F07A/0954/E1 and subject to the following condition(s)

Conditions and Reasons

1. The Extension of Duration of this Planning Permission shall be for five years only, up to and including 30th September 2018 and shall expire thereafter. All works shall be completed by that date to the satisfaction of the Planning Authority

REASON In the interest of clarity

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Nicholas O'Leary 10-6-13
Senior Executive Planner

Endorsed: Mick Galvin 10/6/2013
Administrative Officer

Order: Pursuant to Section 28 of the Planning and Development (Amendment) Act 2010, the period for which the above mentioned planning permission has effect is hereby extended up to and including subject to the above (1) condition(s).

Dated 16th June, 2013

Jean Coffey
Senior Planner

To whom the appropriate powers have been delegated by Order of the County Manager, dated 29/3/12