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COMHAIRLE CONTAE FHINE GALL

RECORD OF EXECUTIVE BUSINESS AND CHIEF EXECUTIVE'S ORDER

Reg. Ref.: FW19A/0145

Register Reference: FW19A/0145

Area: Blanchardstown Mulhuddart

Date of Registration: 30 August, 2019

Correspondence: Jim O'Callaghan, O'Callaghan Moran and Associates Unit
15 Melbourne Business Park, Model Farm Road, Cork

Development: An amendment to Permission Reg. Ref FW18A/0067 to remove Condition 2b that limits the extended operational hours to 1 year from the final grant of permission. The proposed development relates to an activity covered by an existing Industrial Emissions Licence (W0260-02) issued by the Environmental Protection Agency.

Location: Panda Materials Recovery Facility, Cappagh Road, Cappagh Townland, Finglas, Dublin 11

Applicant: Starrus Eco Holdings Ltd

Application Type: Permission

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

Planning Officers Report:

EM/AM

Report of the Planning Officer dated the 15th October 2019.

This is an application by Starrus Eco Holdings Ltd. for PERMISSION for a proposed amendment to Permission Reg. Ref FW18A/0067 to remove Condition 2 (b) that limits the extended operational hours to 1 year from the final grant of permission. The proposed development relates to an activity covered by an existing Industrial Emissions Licence (W0260-02) issued by the Environmental Protection Agency at Panda Materials Recovery Facility, Cappagh Road, Cappagh Townland, Finglas, Dublin 11.

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Land Use Zoning:

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

Date of Site Visit

3rd October 2019

Description of Site and Surroundings

The proposed development is located on a site of stated area, 2.5 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. Several large high-bay warehouses are located to the immediate west and south of the site

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.

Existing structures on site:

- A1 and A2 which are high bay ware houses, and aligned parallel to, and to the west of, Cappagh Road. Unit A1 was granted planning permission under Reg. Ref. F05A/1156 while Unit A2 was granted planning permission under Reg. Ref. FW13A/0135.
- Building B1/B2 which is a high bay warehouse and is aligned in a north-south direction, and just east of the western edge of the site.
- Weighbridge to the immediate north west of building A1. This is supported by offices which are housed in what appear to be two large containers sitting one on top of the other.
- Parking at the northern end of the site

The site has the appearance of being somewhat unkempt, with no apparent landscaping or demarcation of roads and parking. These issues were addressed in planning application FW18A/0067.

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Proposal:

This is an application to remove condition 2 (b) applied to the subject development i.e. a recycling facility which is operated by Starrus Eco Holdings on site, under planning application Reg. Ref. FW18A/0067 which stated as follows,

2. The following shall be complied with:

- (a) The hours of operation of the facility as described in the public notices and as related to operations on the application site outlined in red on Drawing No. 18139-200 Rev A submitted 21st December 2018 shall be extended to 24 hours 7 days a week.*
- (a) This permission shall be for a temporary period of 1 year only from the final grant of permission, after which time the extended operational hours hereby approved shall cease and the facility shall operate within the operational hours approved under F05A/1156 and F07A/0954, unless before that date permission for the continuation of the extended operating hours is granted by the Planning Authority or by An Bord Pleanála on appeal.*

REASON: *To afford the Planning Authority an opportunity to review the operation of the facility at the end of the permitted period.*

Relevant Planning History

The application site has an extensive planning history which is summarised below:

Reg. Ref. F05A/1156

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.2076m² - 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.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 3.8) 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*
- (a) That Building 100 (Construction and Demolition, Commercial and Industrial Unit) shall be restricted to the processing of 50,000 tonnes of waste per annum*

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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:*
 - (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.

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.

Reg. Ref. FW13A/0135

Permission granted for the construction of a new waste recovery building (2030 m²), an increase in the amount of waste accepted annually from 200,000 tonnes to 250,000 tonnes, and a change of use to allow the acceptance of municipal solid waste including baling station, relocate weighbridge, portacabin offices, canteen and toilets. The development will require a revision of the Waste Licence granted by the Environmental Protection Agency. The application will be accompanied by an Environmental Impact Statement (EIS).

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Reg. Ref. FW18A/0067

This was an application by Starrus Eco Holdings Ltd for development which was to 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. Final permission was granted on the 6th March 2019 subject to condition no. 2 as follows,

The following shall be complied with:

- (a) *The hours of operation of the facility as described in the public notices and as related to operations on the application site outlined in red on Drawing No. 18139-200 Rev A submitted 21st December 2018 shall be extended to 24 hours 7 days a week.*
- (a) *This permission shall be for a temporary period of 1 year only from the final grant of permission, after which time the extended operational hours hereby approved shall cease and the facility shall operate within the operational hours approved under F05A/1156 and F07A/0954, unless before that date permission for the continuation of the extended operating hours is granted by the Planning Authority or by An Bord Pleanála on appeal.*

REASON: *To afford the Planning Authority an opportunity to review the operation of the facility at the end of the permitted period.*

Submissions/observations

No submissions or observations have been received related to the proposed development.

Pre-planning

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

Reports

Water Services Department: No objection.

Irish Water: No objection subject to condition.

Transportation Planning Section: No objection.

Environment: No objection.

Environmental Health Officer (Noise and Light): No objection subject to condition.

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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 the Amenity of the Area
- Water and Drainage
- Layout and Traffic
- Environmental Health

Principle

The following statement is noted from the Chief Executive's Report relating to FW18A/0067:

'...it is considered appropriate that a temporary permission of 1 no. year is granted for the extended operating hours. This will allow an opportunity for the Planning Authority to review the impacts, if any, arising from the extended hours of operation and to ensure that where necessary, appropriate mitigation measures may be identified and introduced...'

In that period, and relating to the subject planning application, no submissions or objections have been received.

The proposed development will allow the facility to operate each day for 24 hours, and for seven days week. The principle of the proposed development is acceptable as an initiative to deliver incremental enterprise activity in an area subject to the 'GE' zoning objective, i.e. General Employment - 'provide opportunities for general enterprise and employment' in the Fingal Development Plan 2017-2023 subject to a full planning analysis, as follows.

Impact on the Amenity of the Area

While noting the established use on site and the land use zoning objective applicable i.e. GE, it is noted that a residence is located immediately to the south east of the subject development.

While there are no objections or submissions related to the proposed development on file, in order to fully assess any impacts arising and before consideration may be given to a permanent permission for 7 day/ 24 hour use, a further temporary period of 3 years should be awarded and the impacts (if any) arising on the amenity of the area observed.

Water and Drainage

The proposed development is acceptable subject to standard Irish Water conditions from a water and drainage perspective.

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Layout and Traffic

There would be no traffic impacts associated with an extension to the hours of operation approved under Reg. FW18A/0067 to 24-hours per day, 7 days per week. Extending the opening hours would lessen the traffic impacts at peak hours and spread the traffic volumes over the 24 hours period. There would be no increase in the facility's capacity from that previously granted.

Environmental Health

The proposed development will require regular acoustic assessment to detect any potential noise nuisance arising and a limit on the level of potential noise emissions.

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.

Environmental Impact Assessment Report (i.e. EIAR)

It is noted that the proposal is not of a scale which would fall within the fifth schedule of the Planning and Development Regulations 2001 (as amended) requiring an EIAR. It is also noted that of the environmental receptors noted in the seventh schedule of the same regulations, that there are no characteristics of the proposed development which would require an EIA to be undertaken.

Conclusion:

In advance of consideration by the Planning Authority of a permanent grant of permission on site, it is considered that a further temporary period of three years is granted in order that the impacts of 24 hour -7 day/week operations on site may be monitored.

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RECOMMENDATION

I recommend that a decision to GRANT PERMISSION be made under the PLANNING & DEVELOPMENT ACTS 2000, AS AMENDED, subject to the following (8) condition(s):-

Conditions and Reasons

1. The development shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application save as may be required by the other conditions attached hereto.

REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.

2. Notwithstanding the amendment to the hours of operation of the facility hereby permitted, the development shall be carried out, completed and operated in accordance with the terms and conditions of all planning permissions relating to this site, in particular FW18A/0067, FW13A/0135, F07A/0954 and F05A/1156 and any agreements entered into thereunder, insofar as these are applicable.

REASON: In the interest of the proper planning and sustainable development of the area.

3. The following shall be complied with:

(a) The hours of operation of the facility as outlined in red on Drawing No. 18139-200 submitted to the Planning Authority on the 30th August 2019 shall be extended to 24 hours 7 days a week.

(b) This permission shall be for a temporary period of three years only from the final grant of permission, after which time the extended operational hours hereby approved shall cease and the facility shall operate within the operational hours approved under F05A/1156 and F07A/0954, ^{and} FW13A/0135 unless before that date permission for the continuation of the extended operating hours is granted by the Planning Authority or by An Bord Pleanála on appeal.

REASON: To afford the Planning Authority an opportunity to review the operation of the facility at the end of the permitted period

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4. The subject development shall be operated in compliance with the following requirements,
- An acoustic assessment shall be carried out by a competent qualified person should a noise nuisance complaint arise relating to the extended hours and suitable mitigation measures shall be put in place to abate any noise nuisance.
 - Noise due to the normal operation of the proposed development shall not cause a noise nuisance to nearby noise sensitive locations and shall not exceed the background level by 10dB(A) or more or exceed NG4 limits whichever is lesser.

Daytime (07:00 to 19:00 hrs) – 55dB

Evening (19:00 to 23:00 hrs) – 50dB

Night-time (23:00 to 07:00 hrs) – 45dB (measured from nearest noise sensitive location).

- The development shall be so operated that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, no noise vibration on site as would give reasonable cause for annoyance to any person in any residence, adjoining unit or public place in the vicinity.

REASON: In the interest of aural amenity and the proper planning and sustainable development of the area.

5. That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of works on the subject site.

REASON: To protect the amenities of the area.

6. That all public services to the proposed development, including electrical and telephone cables and associated equipment, be located underground throughout the entire site area.

REASON: In the interest of amenity.

7. No advertising, signage or other publicity material shall be posted in or around the front façade of this development including that which is exempted development under the Planning and Development Regulations 2001 (as amended) without the prior receipt of planning permission by the Planning Authority, or from An Bord Pleanála on appeal.

REASON: In the interests of visual amenity and the proper planning and sustainable development of the area

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8. No materials to which the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2006, S.I. No. 74 of 2006 (Seveso II) applies or any updated regulations shall be stored in the proposed premises without the prior grant of planning permission by the Planning Authority or An Bord Pleanála. This shall form a clause in any leasing or sale agreement for the development.

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

Note:

1. The developer is advised that under the provisions of Section 34(13) of the Planning and Development Act 2000 a person shall not be entitled solely by reason of a permission to carry out any development.

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P. Leahy FW19A/0145
Senior Executive Planner
23/10/2019.

Endorsed:

[Signature]
Administrative Officer

Order: A decision pursuant to Section 34 of the PLANNING & DEVELOPMENT ACTS 2000, AS AMENDED to GRANT PERMISSION for the above proposal subject to the (8) condition(s) set out above is hereby made.

Dated 24th October, 2019

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[Signature]
Senior Planner

Thereunto empowered by order of the Chief Executive, Fingal County Council C.E. No. 7580.
delegating to me all powers, functions & duties in relation to the council of the County of Fingal in respect of this matter.