

RECORD OF EXECUTIVE BUSINESS AND CHIEF EXECUTIVE'S ORDER

Reg. Ref.: FW20A/0037

Register Reference: FW20A/0037

Area: Blanchardstown Mulhuddart

Date of Registration: 19 January, 2021

Correspondence: Stephen Hussey, McKenna & Associates High Street,
Trim, Co. Meath.

Development: The development will consist of Installation of roof mounted solar panels over 2 no. existing transfer/recycling waste buildings. The proposed development relates to an activity covered by an existing Waste Licence No. WO26 1-02 issued by the Environmental Protection Agency.

Add Info received 19th January 2021.

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

Applicant: Starrus Eco Holdings Ltd

Application Type: Permission

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

| | |
|---------------------|-----|
| CONTRIBUTION | |
| Standard Levy: | NIL |
| EXEMPT | |
| Open Space: | |
| Other: | |
| SECURITY: | |
| Bond: | |
| Cash: | |
| Other: | |

YS AB

Planning Officers Report:

DF /AOT

Report of the Planning Officer dated the 25th June 2020.

This is an application by Starrus Eco Holdings Ltd for **PERMISSION** for a proposed development which will consist of installation of roof mounted solar panels over 2 no. existing transfer/recycling waste buildings. The proposed development relates to an activity covered by an existing Waste

COMHAIRLE CONTAE FHINE GALL

RECORD OF EXECUTIVE BUSINESS AND CHIEF EXECUTIVE'S ORDER

Reg. Ref.: FW20A/0037

Licence No. WO26 1-02 issued by the Environmental Protection Agency at Panda Materials Recovery Facility, Cappagh Road, Cappoge Td., Finglas, Dublin.

Date of Site Visit

The site has been visited the 25th May 2020.

Description of Site and Surroundings

The proposed development is located within the curtilage of an existing site of an industrial operation which is involved in the transfer/recycling of waste. The subject site is located to the south of the Cappagh Road, and in an area occupied by a range of large commercial operations.

Proposal

This is an application for works to the subject industrial premises comprising the erection of roof-mounted solar panels to both sides of the roofs of two industrial warehouses on site. The existing units comprise:

- a. One pitched roof gable-ended warehouse, i.e. building A1/A2, an existing transfer/recycling building, which is located lengthwise in a north westerly-south easterly direction along the eastern side of the site. The unit is a stated 103.359 metres long, 37.182 metres wide, and with a ridgeline of height of 14.000 metres.
- a. One pitched roof gable-ended warehouse, i.e. building B1/B2, an existing cardboard and plastic recycling warehouse, which is located lengthwise in a north-south direction along the western side of the subject site. The unit is a stated 131.77 metres long, 42.161 metres wide and with a ridgeline of stated height of 14.245 metres. The 'proposed solar P.V. panels (*are each*) in portrait orientation over existing profiled metal roof panels' and extend approximately over the full length of each of the subject warehouses.

Both roofs are designed with low pitches. The roof to unit A1/A2 is designed with a stated six-degree pitch.

Relevant Planning History

There is planning history which is relevant to the subject site as follows,

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.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).

COMHAIRLE CONTAE FHINE GALL

RECORD OF EXECUTIVE BUSINESS AND CHIEF EXECUTIVE'S ORDER

Reg. Ref.: FW20A/0037

- A) 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.

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.

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).

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.

Reg. Ref. FW19A/0145

This was an application for 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

COMHAIRLE CONTAE FHINE GALL

RECORD OF EXECUTIVE BUSINESS AND CHIEF EXECUTIVE'S ORDER

Reg. Ref.: FW20A/0037

permission. The proposed development relates to an activity covered by an existing Industrial Emissions Licence (W0260-02) issued by the Environmental Protection Agency. The planning application was granted final permission on the 3rd December 2019 subject to condition 3 as follows,

- 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.*
- a) *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, 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.*

Reg. Ref. FW20A/0005

This was a planning application for permission for development which was to consist of installation of roof mounted solar panels over 2 no. existing transfer/recycling waste buildings at the subject address. The proposed development relates to an activity covered by an existing Waste Licence No. WO26 1-02 issued by the Environmental Protection Agency. The application was ruled invalid.

Submissions/observations

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

The application was submitted on the 13th March 2020. During the assessment phase of the application the Government produced specific measures in response to the Covid 19 pandemic. This included S.251A of the Planning and Development Act 2000 which impacted the timelines under the Act.

Pre-planning

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

Reports

Transportation Planning Section: No objection subject to condition.

daa: Additional information is requested.

IAA: No observations

RECORD OF EXECUTIVE BUSINESS AND CHIEF EXECUTIVE'S ORDER

Reg. Ref.: FW20A/0037

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.

Relevant Fingal Development Plan 2017 – 2023 policy

Objective EN02

Improve the efficiency of existing building stock and require energy efficiency and conservation in the design and development of all new buildings in the County.

Objective EN04

Require details of the requirements for alternative renewable energy systems, for buildings greater than 1000sq m or residential schemes above 30 units, under SI 666 of 2006 European Communities (Energy Performance and Buildings) to be submitted at pre-planning stage for consideration. These should take the form of an Energy Statement or Feasibility Study carried out by qualified and accredited experts.

Objective EN08

Support Ireland's renewable energy commitments outlined in national policy by facilitating the exploitation of solar power where such development does not have a negative impact on the surrounding environment, landscape, historic buildings or local amenities.

Objective DA13

Promote appropriate land use patterns in the vicinity of the flight patterns serving the Airport, having regard to the precautionary principle, based on existing and anticipated environmental and safety impacts of aircraft movements.

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 Visual Amenity
- Water and Drainage
- Layout and Traffic

Principle

The proposed erection of the photo-voltaic panels supports the delivery of sustainable energy to the existing permitted facility currently on site and is consistent with Objectives EN02, EN04 and EN08 of the Fingal Development Plan 2017 – 2023.

RECORD OF EXECUTIVE BUSINESS AND CHIEF EXECUTIVE'S ORDER

Reg. Ref.: FW20A/0037

Impact on Visual Amenity

1. The proposed development comprises of the location of solar photo-voltaic panels on the existing roofs of two industrial units within the subject site.
1. The 'proposed solar P.V. panels (*are each*) in portrait orientation over existing profiled metal roof panels', are laid flat against these existing profiled roof panels, and extend approximately over the full length of each of the subject warehouses.
2. Both roofs are designed with low pitches. The roof to unit A1/A2 is designed with a stated six-degree pitch.

The proposed development is considered not to impact unduly in a negative manner upon the visual amenity of the area.

Layout and Traffic

The developer shall comply with any future requirement of the Planning Authority in relation to glint and glare issues that may arise for road users on adjoining public roads that may only become apparent when the installation is operational.

Airport

A report has been received from the daa stating that they cannot conclude that the proposal would not adversely affect airport operations. In the interest of airport safety, daa requests that the applicant demonstrate that the proposal would not result in a glint or glare hazard to aircraft operations by assessing the proposal individually and cumulatively.

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

While the principle of the proposed development is in keeping with the existing development on site, it will be recommended that Additional Information be requested relating to glint or glare hazard to aircraft operations.

The Applicant is requested to submit the following Additional Information:

COMHAIRLE CONTAE FHINE GALL

RECORD OF EXECUTIVE BUSINESS AND CHIEF EXECUTIVE'S ORDER

Reg. Ref.: FW20A/0037

Item 1:

The applicant is requested to submit an analysis completed by a suitably qualified and experienced professional which assesses and evaluates the proposal with regard to any glint and glare hazard to aircraft operations and demonstrates that the proposal would not give rise to any such hazard. The assessment should consider the proposed development individually and cumulatively.

*For inspection purposes only.
Consent of copyright owner required for any other use.*

COMHAIRLE CONTAE FHINE GALL

RECORD OF EXECUTIVE BUSINESS AND CHIEF EXECUTIVE'S ORDER

Reg. Ref.: FW20A/0037

DF/AF

Subsequent report of the Planning Officer typed 5th February 2021.

A response to the request for Additional Information was received by the Planning Authority on the 19th January 2021. The response to the request for Additional Information was deemed not to be significant.

Reports on foot of Request for Additional Information

daa

This report states that subsequent to,

Submission of a Glint and Glare Impact Assessment undertaken by Macroworks and dated December 2020, which has concluded that the proposal would not negatively impact aircraft operations at Dublin Airport...we (i.e. daa) would have no further comment to make.

Additional Information request -

The applicant is requested to submit an analysis completed by a suitably qualified and experienced professional which assesses and evaluates the proposal with regard to any glint and glare hazard to aircraft operations and demonstrates that the proposal would not give rise to any such hazard. The assessment should consider the proposed development individually and cumulatively.

Applicant's submission

The applicant is proposing alterations to the proposed development to 'avoid any possible glint and glare hazard to aircraft operations'. The applicant states that the:

Glint and Glare Assessment of this amended proposal with regard to any glint and glare hazard to aircraft operations demonstrates that the proposal would not give rise to any such hazard.

The applicant has submitted a 'Glint and Glare Assessment' for the subject 'Rooftop PV Installation' at the Panda Cappagh Facility, Dublin 11. This report states that:

An in-depth analysis of this proposed photovoltaic panel installation with regard to the indicated receptors has predicted that there is the potential for glare effects upon aircraft approaching one of the runways at Dublin Airport, however (sic), it is of a low-level of intensity, which is deemed by the Federal Aviation Authority to be of low risk to this category of receptor.

Planner's assessment

The response is considered to demonstrate that the proposal will not impact in an unduly negative manner upon the Dublin Airport operations. This assertion is confirmed by a report from daa dated the 3rd February 2021.

RECORD OF EXECUTIVE BUSINESS AND CHIEF EXECUTIVE'S ORDER

Reg. Ref.: FW20A/0037

Conclusion

The response has satisfactorily addressed the issue raised in the request for additional information. The proposed development would not adversely affect the amenities of the area and is considered to accord with the proper planning and sustainable development of the area.

RECOMMENDATION

I recommend that a decision to **GRANT PERMISSION** be made under the **PLANNING & DEVELOPMENT ACTS 2000, AS AMENDED**, subject to the following **(4)** 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 and Additional Information received on the 19th January 2021 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. The developer shall comply with any future requirements of the Planning Authority in relation to glint and glare issues which may arise for road users and airport aircraft and which only become apparent when the installation is commissioned.

REASON: In the interest of avoiding a traffic hazard and the proper planning and development of the area.

3. The developer shall comply in full with the following:
 - a. All necessary measures shall be taken by the applicant/developer to prevent the spillage or deposit of any materials including clay, rubble, or other debris or adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant/developer's own expense.
 - b. The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road, arising from the construction work and shall either make good any damage to the satisfaction of the Planning Authority or pay the Planning Authority the cost of making good such damage upon issue of such a requirement by the Planning Authority.

REASON: To protect the amenities of the area.

COMHAIRLE CONTAE FHINE GALL

RECORD OF EXECUTIVE BUSINESS AND CHIEF EXECUTIVE'S ORDER

Reg. Ref.: FW20A/0037

Conclusion

The response has satisfactorily addressed the issue raised in the request for additional information. The proposed development would not adversely affect the amenities of the area and is considered to accord with the proper planning and sustainable development of the area.

RECOMMENDATION

I recommend that a decision to **GRANT PERMISSION** be made under the PLANNING & DEVELOPMENT ACTS 2000, AS AMENDED, subject to the following ¹⁷condition(s):-

4-PMJ

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 and Additional Information received on the 19th January 2021 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. The developer shall comply with any future requirements of the Planning Authority in relation to glint and glare issues which may arise for road users and which only become apparent when the installation is commissioned.

+ airport aircraft

REASON: In the interest of avoiding a traffic hazard and the proper planning and development of the area.

3. The developer shall comply in full with the following:
 - a. All necessary measures shall be taken by the applicant/developer to prevent the spillage or deposit of any materials including clay, rubble, or other debris or adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant/developer's own expense.
 - b. The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road, arising from the construction work and shall either make good any damage to the satisfaction of the Planning Authority or pay the Planning Authority the cost of making good such damage upon issue of such a requirement by the Planning Authority.

REASON: To protect the amenities of the area.

COMHAIRLE CONTAE FHINE GALL

RECORD OF EXECUTIVE BUSINESS AND CHIEF EXECUTIVE'S ORDER

Reg. Ref.: FW20A/0037

4. The following requirements shall be complied with in full:
- The hours of operation on all construction sites shall be restricted to between 0800 hours to 1900 hours Monday to Friday, and between 0800 hours to 1400 hours on Saturdays.
 - No activities shall take place on site on Sundays or Bank Holidays.
 - Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from Fingal County Council. Such approval may be given subject to conditions pertaining to the particular circumstances being set by Fingal County Council.

REASON: In the interests of residential amenity.

- ~~5. That no development under any permission granted pursuant to this decision be commenced until security for the provision and satisfactory completion of services, including maintenance, to the taking in charge standard of the Local Authority for roads, open spaces, car parks and drains has been given by:-~~

~~A. Lodgement with the Council of a Bond of any Body approved by the Planning Authority in the sum of € which shall be kept in force by him until such time as the Roads, Open Spaces, Car Parks and Drains are taken in charge by the Council.....OR/~~

~~B. Lodgement with the Council of a Cash Sum of € to be applied by the Council at its absolute discretion if such services are not duly provided to its satisfaction on the provisions and completion of such services to standard specification.~~

~~REASON: To ensure that a ready sanction may be available to the Council to induce the provision of services and prevent disamenity in the development.~~

- ~~6. Prior to Commencement of development a financial contribution in the sum of € be paid by the applicant to Fingal County Council in lieu of open space provision towards the cost of amenity works in the area of the proposed development in accordance with the requirements of the Fingal Development Plan based on a shortfall of sqm of open space.~~

~~REASON: The provision of such services in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing the services.~~

- ~~7. Prior to Commencement of development the developer shall pay the sum of € (updated at date of commencement of development, in accordance with changes in the Tender Price Index) to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the area of the Authority, as provided for in the Contribution Scheme for Fingal County made by the Council. The phasing of payments shall be agreed in writing with the planning authority prior to the commencement of development.~~

COMHAIRLE CONTAE FHINE GALL

RECORD OF EXECUTIVE BUSINESS AND CHIEF EXECUTIVE'S ORDER

Reg. Ref.: FW20A/0037

REASON: It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the Planning Authority and which is provided, or which is intended to be provided by, or on behalf of the Local Authority.

Note on above Condition:

Please note that with effect from 1st January 2014, Irish Water are now the Statutory Body responsible for both water and waste water services (excluding surface water). Accordingly, the contribution payable has been reduced by the amount of the contribution associated with these services. A separate charge will be levied by Irish Water in relation to the provision of water and/or wastewater treatment infrastructure and connections to same. Further details are available on the Irish Water website www.water.ie, Tel. (01) 6021000.

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.

For inspection purposes only.
Consent of copyright owner required for any other use.

COMHAIRLE CONTAE FHINE GALL

RECORD OF EXECUTIVE BUSINESS AND CHIEF EXECUTIVE'S ORDER

Reg. Ref.: FW20A/0037

Mallon
Senior Executive Planner

Endorsed:

Fergal McSweeney
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 ~~(7)~~ condition(s) set out above is hereby made. 4-17

Dated 10th February, 2021

For inspection purposes only.
Consent of copyright owner required for any other use.

Cowley
Senior Planner

Thereunto empowered by order of the Chief Executive, Fingal County Council C.E. No. 7044 delegating to me all powers, functions & duties in relation to the council of the County of Fingal in respect of this matter.