

Eamon Waters c/o Panda Waste Beauparc Business Park Rathdrinagh Navan Meath

Date: 22 November, 2005

# PLANNING AND DEVELOPMENT ACT 2000 AND PLANNING REGULATIONS MADE THEREUNDER-2002

Register Ref.: F05A/1156

Development: Development of a Materials Recycling Facility at Cappagh Road

Cappoge Td Finglas, Dublin & 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), A2)Dry Recyclables unit with associated offices (area c.3062m\_, height to eaves 11.2m), A3) Municipal Solid Wastes 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 3.8m) 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.

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

Applicant: Nurendale Ltd t/a Panda Waste Services

App. Type: Permission

Dear Sir/Madam,

With reference to the above, I wish to acknowledge receipt of **Additional Information** received on 21 November, 2005.

Yours faithfully,

for Senior Executive Officer





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# PLANNING AND DEVELOPMENT ACTS, 2000-2004 AND REGULATIONS MADE THEREUNDER

Decision Order No. 3327	Decision Date 10 October, 2005
Register Ref. F05A/1156	Registered 17 August, 2005

Applicant

Nurendale Ltd t/a Panda Waste Services

App. Type

Permission

Development

Development of a Materials Recycling Facility at Cappagh Road Cappage Td 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), A2)Dry Recyclables unit with associated offices (area c.3062m\_, height to eaves 11.2m), A3) Municipal Solid Wastes 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 3.8m) 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.

Location

Cappagh Road, Cappage Td, Finglas, Dublin 11

Dear Sir/Madam,

With reference to your planning application received on 17 August, 2005 in connection with the above, I wish to inform you that before the application can be considered under the Planning and Development Acts 2000-2004, six copies of the following additional information must be submitted:

1. The application site is zoned objective 'ST1' lands - 'To facilitate opportunities for science and technology based employment and associated and complementary uses in a high quality environment in accordance with an approved local area plan' in the Fingal County Development Plan 2005. The proposed development is considered excessive in

Eamon Waters c/o Panda Waste Beauparc Business Park Rathdrinagh Navan Meath

#### NOTES

#### (A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of eight weeks beginning on the date of Planning Authority's **decision** on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

#### (B) APPEALS

- 1. An appeal against the decision may be made to An Bord Pleanala by the applicant or ANY OTHER PERSON who made submissions or observations in writing to the Planning Authority in relation to this planning application within four weeks beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received). A person who has an interest in land adjoining land in respect of which permission has been granted may within the appropriate period and on payment of the appropriate fee apply to the Board for Leave to Appeal against that decision.
- 2. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. Appeals should be sent to:

The Secretary, An Bord Pleanala, 64 Marlborough Street, Dublin 1.

- 3. An appeal lodged by an applicant or his agent or by a third party with An Bord Pleanala will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below. In the case of third party appeals a copy of the acknowledgement of valid submission issued by F.C.C. must be enclosed with the appeal
- 4. A party to an appeal making a request to An Bord Pleanala for an oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanala a further fee (see 7 (j) below).
- 5. Where an appeal has already been made, another person can become an "observer" and make submissions or observations on the appeal. A copy of the appeal can be seen at the planning authority's office.
- 6. If the Council makes a decision to grant permission/retention/outline/ permission/consequent on the grant of outline and there is no appeal to An Bord Pleanala against this decision, a final grant will be made by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If every appeal made in accordance with the Acts has been withdrawn, the Council will issue the final grant as soon as may be after the withdrawal.
- 7. Fees payable to An Bord Pleanala from 28th February 2005 are as follows.

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(e)	Application for leave to appeal.	€105.00
(f)	Appeal following a grant of leave to appeal.	€105.00
(g)	Referral.	€210.00
(h)	Reduced fee (payable by specified bodies).	€105.00
(i)	Submissions or observations (by observer)	€50.00

### NOTES

(j) Request from a party for an oral hearing.

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If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanata for clarification at: [01] 858 8100.

€95.00

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Reg.. Ref.: F05A/1156

.PLANNING DIVISION

Development Control Section
P.O. Box 174

County Hall

Swords Fingal,

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scale given the size of the subject site, proximity of existing properties and volume of material proposed for recycling. The applicant is requested to provide a revised scheme that has regard to the objective 'ST1' zoning and allows adequate separation of buildings from site boundaries.

- 2. The proposed development includes a substantial Municipal Solid Waste (MSW) building to receive refuse delivered to the site by refuse collection vehicles. Such a 'Refuse Transfer Station' is stated to be 'Not Permitted' in Table No. 4.8 of the 2005 Development Plan. The applicant is requested to omit the proposed MSW element of the development in the revised scheme requested under Item No. 1 above.
- 3. The proposed development will involve significant traffic movements by Heavy Goods Vehicles onto the Cappagh Road. There is potential at peak times for obstruction/conflict/vehicle queuing at the proposed entrance. The applicant is requested to:
  - (a) Submit details of the weighbridge waste inspection/acceptance procedures and measures proposed to control/manage queues at the weighbridge.
  - (b) Provide an increased set back for entrance weighbridge to provide for HGV storage reservoir off the existing Cappagh Road (based on 16 metre vehicle lengths)
  - (c) Provide entrance layout/junction radii to comply with TD 41/95 and TD 42/95 of NRA DMRB
  - (d) Ensure that no part of an internal site junction to be located within 25m of the edge of the existing Cappagh Road which distance shall be increased if necessary to ensure no impact on the revised entrance layout
  - (e) State the reasons for the proposed available set back distance for sight visibility of 2.4 metres which is under the 4.5 metres recommended in TD 41/95 of NRA DMRB.
  - (f) Confirm that adequate forward visibility exists for the major road traffic along the Cappagh Road, particularly in respect of stationary vehicles on the Cappagh Road waiting to turn right into the development

The applicant is advised to consult with the Transportation Department (Planning Section) prior to making a submission.

- 4. In the submitted Traffic Impact Analysis there is a discrepancy between 130 car parking spaces proposed and only 50 two-way traffic movement daily for staff and sundry visitors to the site. Accordingly the applicant is requested to:
  - (a) Submit comprehensive data and documentation to address this discrepancy and to revise the appropriate sections of the TIA accordingly
  - (b) Review car parking provision in light of projected employee/delivery/other demand
  - (c) Revise the site layout in order to improve internal vehicle circulation and operational movements and in conjunction with Item No. 1 above.

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Reg., Ref.: F05A/1156

PLANNING DIVISION

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- 5. The application is requested to clarify the extent of the non-EPA licence development and submit the following information:
  - (a) A site plan delineating the full extent of the development proposed for which an EPA licence is not required
  - (b) Full details of the foul sewer drainage proposed to cater for the development for which an EPA licence is not required including pollution control measures.
  - (c) Details of the composition and estimated quantity of material which will be unsuitable for recycling purposes at the facility. Details of the various phases up to the maximum design capacity of the facility to be submitted. Applicants to submit details of the disposal facilities to which it is proposed to send this material including details of licensing requirements
  - (d) Details of the surface water drainage proposed to cater for the development for which an EPA licence is not required including pollution control measures.
  - (e) Full details of the water demand for the proposed development for the various phases up to the maximum design capacity of the facility.

The applicant is advised to consult with the Water Services Department, Fingal County Council prior to making a submission.

6. The application is requested to provide a scaled contextual drawing of the proposed wind turbine.

Please mark your reply "ADDITIONAL INFORMATION" and quote the Planning Reg. Ref. No. given above.

Yours faithfully

CILL OFORG

10 October, 2005.

for Senior Executive Officer

N.B. In accordance with Article 33(4) where the above requirement is not complied with, the Planning Application shall be declared to be withdrawn after a period of 6 months.

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€1,900.00

€630.00

# RECORD OF EXECUTIVE BUSINESS AND MANAGER'S ORDER

Register Reference: F05A/1156

Date of Registration: 17 August, 2005

Correspondence: Eamon Waters c/o Panda Waste Beauparc Business Park,

Rathdrinagh, Navan, Meath

Development: 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.2076m-. height to eaves 11.2m), A2)Dry Recyclables unit with associated offices (area c.3062m\_, height to eaves 11.2m), A3) Municipal Solid Wastes 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 3.8m) C) 2.5kw Wind Turbine (Manchigh). D) Associated site works including fencing, acoustic barrier, entrance gates, drainage. A

Waste Permit application will accompany this application.

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

Applicant: Nurendale Ltd Va Panda Waste Services

60

Application Type: Permission

Zoning: 'ST1' - The objective of which is To facilitate opportunities for

science and technology based employment and associated and complementary uses in a high quality environment in accordance

with an approved local area plan.'

### Planning Officer's Report:

SL/HC

Report of the Planning Officer dated 10th October, 2005.

This is an application for **PERMISSION** for a Development of a Materials Recycling Facility at Cappagh Road, Cappage Td Finglas, Dublin 11 by Nurendale Ltd. t/a Panda Waste Services.

# RECORD OF EXECUTIVE BUSINESS AND MANAGER'S ORDER

Reg. Ref: F05A/1156

### ZONING

The application site is zoned Objective 'ST1'- 'To facilitate opportunities for science and technology based employment and associated and complementary uses in a high quality environment in accordance with an approved local area plan' in the Fingal County Development Plan 2005.

### THE SITE

The application site is located on the western side of the Cappagh Road in Dublin 11. It is 2.36ha 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.

The site comprises of two former agricultural fields including traditional hedgerow boundaries and an existing field entrance from the Cappagh Road. The site is relatively flat in nature but the more southerly field includes several mounds of hardcore and building waste while there are areas of hardstanding adjoining. There is a significant amount of fly-tipping and rubbish on the site in the vicinity of the field entrance. To the north west of the site along the Cappagh Road is a private dwelling that is set back from the road. This site also features the open are storage of scaffolding equipment. A palisade fence marks the boundary with this adjoining property. To the south west along the Cappagh Road adjoining the application site is a single-storey house and a storage yard.

### PLANNING HISTORY

Reg. Ref. 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.

### **DEPARTMENTAL REPORTS**

The Water Services Department Report requests Additional Information from the applicant in regard to a number of issues with the proposed development.

The Transportation Department Report requests Additional Information from the applicant in regard to a number of issues with the proposed development.

# RECORD OF EXECUTIVE BUSINESS AND MANAGER'S ORDER

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The Parks Division Report (Dated 16th September 2005) states no objection to the proposed development subject to certain conditions.

The Irish Aviation Authority has reported (received 12th September 2005) that they have no observations to make on the application.

A report from the Health and Safety Authority (Received 16th September 2005) states that they do not advise against the granting of planning permission for the proposed development scheme.

The Environmental Health Officer has reported (received 7th October 2005) that the proposal is acceptable subject to conditions.

### THIRD PARTY OBJECTIONS

Two objections to the proposed development have been received within the prescribed period.

- Larry Gleeson, The Grange, Cappagh.
- Mary Barron, Terry Murphy and others (no address given)

They object to the proposed development on grounds including:

- Incompatibility with the zoning of the site
- Injury to amenity from noise levels, pollution, smell and dust
- Devaluation of property in vicinity
- Additional traffic generated on local road infrastructure and access arrangements

### PROPOSAL

Permission is sought for the erection of a waste recycling facility on this 2.36 acre site fronting onto the Cappagh Road.

The proposal consists of the erection of three buildings.

- A 3062sq metre 'Dry Recycling Unit' building in positioned in the north western corner of the site. This building is approx. 11.2 metres in height (13.5 in ridge height) with dimensions of 45.5 metres by 68.5 metres. It includes a two-level offices extension of the south eastern elevation together with two roller shutters doors. External finishes include kingspan panelling and aluminium cladding. The applicant states that this building is to be used for the recycling of electrical, equipment, tyres and green waste.
- A 2076sq metre 'Construction/Demolition/Commercial/Industrial Waste Recycling Unit' structure to be situated on the northern eastern side of the site to

## RECORD OF EXECUTIVE BUSINESS AND MANAGER'S ORDER

Reg. Ref: F05A/1156

the south of the proposed new entrance. This building is approx. 11.2 metres in height (13.5 in ridge height) with dimensions of 38 metres by 48 metres. It includes a two-level offices accommodation on the north western elevation together with the main roller shutters/vehicle entrance doors on the south western side. The applicant states that this building is to be used for the recycling of commercial/industrial waste such as dry recyclables and residual mixed waste.

 A 5870sq metre structure for 'Municipal Solid Waste Recycling' adjoining the southern boundary. This building is approx. 11.2 metres in height (13.5 in ridge height) with dimensions of 120 metres by 48 metres.

The site is to be accessed from the Cappagh Road via a new vehicular entrance located midway along the sites road frontage. Car parking and areas of hardstanding and vehicle circulation are dispersed around the subject site. An ESB substation is also to be erected adjoining to the north east of the commercial waste building. In addition an 11m metre high wind turbine will be erected in the vicinity of the western boundary of the site.

### PRE-APPLICATION DISCUSSIONS

Pre-application discussions were held with the Planning Department. The applicants were advised that a recycling operation would in principle be an appropriate use within the 'ST1' zoning objective.

# PLANNING ASSESSMENTS

The submitted scheme proposes the erection of a recycling facility. The proposal seeks permission for three substantial structures on the 2.36ha together with associated site works/development including a new vehicular access from the Cappagh Road. The site is located at the north eastern extent of zoned objective 'ST1' lands - 'To facilitate opportunities for science and technology based employment and associated and complementary uses in a high quality environment in accordance with an approved local area plan' in the Fingal County Development Plan 2005. The Stadium Business Park is located adjoining to the south, while the Millennium Business Park and North West Business Park is located to the north of the site. Development generally consists of a mixture of manufacturing, light industrial, logistics and office development.

Under the Objective 'ST1' zoning a large number of uses are 'Permitted in Principle' under Table No. 4.8 of the 2005 Development Plan. The proposed development whereby dry, construction and demolition (C &D), commercial and industrial (C & I) waste is dismantled, separated, and processed for re-use (e.g. production of aggregates) for distribution is considered to be a 'Recycling Facility' under this schedule.

### RECORD OF EXECUTIVE BUSINESS AND MANAGER'S ORDER

Reg. Ref: F05A/1156

However a Municipal Solid Waste (MSW) building is to be accommodated to the rear of the site. As confirmed in section 5.6.3 of the report accompanying the proposal, this is essentially domestic waste that will be delivered to the site by refuse collection vehicles. A 'Refuse *Transfer Station*' is stated to be 'Not Permitted' in Table No. 4.8 of the 2005 Development Plan. This type of refuse operation is therefore contrary to the ST1' zoning and is unacceptable.

### **Transportation**

The proposed development will involve the significant importation of waste materials into the site for the recycling operations proposed. The proposed overall/potential capacity of the facility is 250,000 tonnes per annum and the average number of vehicles entering/exiting the site is estimated to be 38 per day (Section 4.2.10 of the Traffic Impact Assessment). The facility is accessed from the existing substandard Cappagh Road and will involve primarily heavy goods vehicles entering and exiting the site. The Transportation Department has requested further information in relation to the entrance/access arrangements, vehicle movements and traffic generation from the facility in order to make an informed assessment of the transportation impacts. It is considered that the required analysis/information to enhance the Traffic Impact Assessment should be sought from the applicants before the scheme is progressed further.

### **Noise/Odour Impacts**

The recycling operations will be covered in nature being housed in the three new buildings proposed for the site. The submitted report accompanying the proposal includes sections assessing the noise and air quality impacts of the proposed development. The proposed development will create noise necessarily through the industrial nature of the recycling operations and its is proposed to erect a 2.5 metre sound barrier/wall along the eastern boundary of the site. The Environmental Health Officer has reported that the proposal is acceptable subject to certain conditions to ensure that acceptable noise and air quality levels are maintained.

### Proposed buildings

The submitted development provides for a total of 11000sq metres between the three new proposed buildings. These structures are also substantial in height terms being 11.2 metres to the parapet/eaves and 13.5 metres to the ridge height. The orientation/layout of the buildings on site primarily run parallel to the boundaries of the 5.8 acre site. The separation distances vary considerably but are approx. 3 metres at certain locations and are predominantly 6-8 metres. This compacted layout is further emphasised by the extensive surface car parking and future heavy volume of HGV movements and circulation.

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The proposed layout is considered to be contrary to the Objective 'ST1' zoning - 'To facilitate opportunities for science and technology based employment and associated and complementary uses in a high quality environment in accordance with an approved local area plan' in the Fingal County Development Plan 2005. The buildings would be unduly imposing on the properties adjacent and result in an overdevelopment of a modest site relative to the scale of development proposed. This combined with the potential 250,000 tonne capacity of facility is considered to be inappropriate for a site of less than 6 acres. It is considered that the applicant should be requested to provide for a facility than is reduced in scale through the omission of the MSW facility.

### Summary

It is considered necessary to clarify the above issues with the proposed development before this application is progressed further.

# RECOMMENDATION

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

- 1. The application site is zoned objective 'ST1' lands 'To facilitate opportunities for science and technology based employment and associated and complementary uses in a high quality environment in accordance with an approved local area plan' in the Fingal County Development Plan 2005. The proposed development is considered excessive in scale given the size of the subject site, proximity of existing properties and volume of material proposed for recycling. The applicant is requested to provide a revised scheme that has regard to the objective 'ST1' zoning and allows adequate separation of buildings from site boundaries.
- 2. The proposed development includes a substantial Municipal Solid Waste (MSW) building to receive refuse delivered to the site by refuse collection vehicles. Such a 'Refuse Transfer Station' is stated to be 'Not Permitted' in Table No. 4.8 of the 2005 Development Plan. The applicant is requested to omit the proposed MSW element of the development in the revised scheme requested under Item No. 1 above.
- 3. The proposed development will involve significant traffic movements by Heavy Goods Vehicles onto the Cappagh Road. There is potential at peak times for obstruction/conflict/vehicle queuing at the proposed entrance. The applicant is requested to:
  - (a) Submit details of the weighbridge/waste inspection/acceptance procedures and

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measures proposed to control/manage queues at the weighbridge.

- (b) Provide an increased set back for entrance weighbridge to provide for HGV storage reservoir off the existing Cappagh Road (based on 16 metre vehicle lengths)
- (c) Provide entrance layout/junction radii to comply with TD 41/95 and TD 42/95 of NRA DMRB
- (d) Ensure that no part of an internal site junction to be located within 25m of the edge of the existing Cappagh Road which distance shall be increased if necessary to ensure no impact on the revised entrance layout
- (e) State the reasons for the proposed available set back distance for sight visibility of 2.4 metres which is under the 4.5 metres recommended in TD 41/95 of NRA DMRB.
- (f) Confirm that adequate forward visibility exists for the major road traffic along the Cappagh Road, particularly in respect of stationary vehicles on the Cappagh Road waiting to turn right into the development

The applicant is advised to consult with the transportation Department (Planning Section) prior to making a submission.

- 4. In the submitted Traffic Impact Analysis there is a discrepancy between 130 car parking spaces proposed and only 50 two-way traffic movement daily for staff and sundry visitors to the site. Accordingly the applicant is requested to:
  - (a) Submit comprehensive data and documentation to address this discrepancy and to revise the appropriate sections of the TIA accordingly
  - (b) Review car parking provision in light of projected employee/delivery/other demand
  - (c) Revise the site layout in order to improve internal vehicle circulation and operational movements and in conjunction with Item No. 1 above.
- 5. The application is requested to clarify the extent of the non-EPA licence development and submit the following information:
  - (a) A site plan delineating the full extent of the development proposed for which an EPA licence is not required
  - (b) Full details of the foul sewer drainage proposed to cater for the development for which an EPA licence is not required including pollution control measures.
  - (c) Details of the composition and estimated quantity of material which will be unsuitable for recycling purposes at the facility. Details of the various phases up to the maximum design capacity of the facility to be submitted. Applicants to submit details of the disposal facilities to which it is proposed to send this material including details of licensing requirements
  - (d) Details of the surface water drainage proposed to cater for the development for which an EPA licence is not required including pollution control measures.
  - (e) Full details of the water demand for the proposed development for the various

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phases up to the maximum design capacity of the facility.

The applicant is advised to consult with the Water Services Department, Fingal County Council prior to making a submission.

6. The application is requested to provide a scaled contextual drawing of the proposed wind turbine.

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Senior Ex	ecutive Planner
(1)	Lay Dense Planner Endorsed Colotte Sun-
	Administrative Officer 10/10/0
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 / October, 2005 Edith Com Sentor Planner/Senior Executive C

To whom the appropriate powers have been delegated by Order of the County Manager, dated 77. 14/15



























