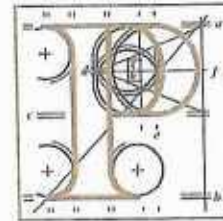


Our Case Number: ABP-310332-21

Your Reference: Starrus Eco Holdings Limited T/A Panda Gre



**An
Bord
Pleanála**

David Tobin, Beauparc
Beauparc Head Office
Ballymount Road Upper
Ballymount, Dublin 24

Date: 18 JUL 2022

Re: Increase in annual waste intake limit from 250,000 tonnes to 450,000 tonnes and continued extension of operational hours
Starrus Eco Holdings Ltd T/A Panda, Cappagh Road, Cappoge Townland, Dublin 11

Dear Sir / Madam,

An order has been made by An Bord Pleanála determining the above-mentioned case. A copy of the order and Board Direction is enclosed.

Please be advised that in accordance with the provisions of section 37H(4) of the Planning and Development Act, 2000 as amended a grant of permission under section 37G shall not become operative until payment by the applicant of a sum in respect of costs has been complied with.

Furthermore, section 37H(5) states that where an applicant for permission fails to pay a sum in respect of costs in accordance with a requirement made under subsection 2(c) the Board, the authority or any person concerned (as may be appropriate) may recover the sum as a simple contract debt in any court of competent jurisdiction.

In accordance with section 146(5) of the Planning and Development Act, 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and the Board Direction on the decision on its website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The attachment contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

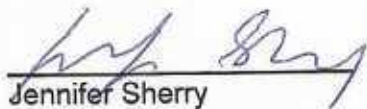
If you have any queries in relation to the matter please contact the undersigned officer of the Board.

Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Tel	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

Yours faithfully,



Jennifer Sherry
Executive Officer
Direct Line: 01-8737266

PA17

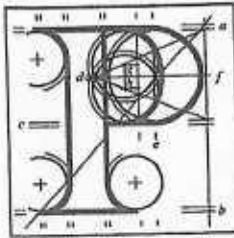
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An
Bord
Pleanála

Board Order
ABP-310332-21

Planning and Development Acts, 2000 to 2021

Planning Authority: Fingal County Council

Application for permission under section 37E of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report, lodged with An Bord Pleanála on the 21st day of May, 2021 by Starrus Eco Holdings Limited (trading as Panda/Greenstar) at Panda Waste Management Solutions, Cappagh Road Depot, Finglas, Dublin 11.

Proposed Development: It is proposed to increase the annual waste acceptance rate from 250,000 tonnes to 450,000 tonnes so as to expand the recycling/recovery capacity. The increased intake does not require either new buildings, or extensions to existing ones and does not involve any changes to the layout of external areas and drainage systems. It is proposed to amend Fingal County Council Planning Register Reference Number FW19A/0145 to remove condition 3B that limits the extended operational hours to three years 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.

All at the existing Materials Recycling Facility Cappagh Road, Cappoge Townland, Finglas, Dublin 11.

Decision

GRANT permission under section 37G of the Planning and Development Act 2000, as amended, for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

DETERMINE under section 37H(2)(c) the sum to be paid by the applicant in respect of costs associated with the application as set out in the Schedule of Costs below.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

European legislation, including of particular relevance:

- The Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.

National and regional planning and related policy, including:

- The National Planning Framework Project Ireland 2020.
- The Waste Action Plan for a Circular Economy | Ireland's National Waste Policy 2020-2025.

Regional and local level policy, including:

- The Regional Spatial Economic Strategy for the Eastern and Midland Region.

The local planning policy, including:

- the Fingal County Development Plan 2017-2023,
- other relevant guidance documents,
- the nature, scale of the proposed development as set out in the planning application and the pattern of development in the vicinity, including the

- permitted development within the vicinity of the proposed development site within an established industrial and commercial area,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
 - the submissions made to An Bord Pleanála in connection with the planning application, and
- the report and recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to the environmental impact assessment.

Screening for Appropriate Assessment:

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European sites, in view of the site's Conservation Objectives.

Environmental Impact Assessment:

The Board completed an environmental impact assessment of the proposed development taking account of:

- (a) the nature, scale, location and extent of the proposed development on a site,

- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions received from the prescribed bodies and planning authority, and
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are:

- Negative impacts on **human health and population** arising from the operation of the development include noise, traffic and dust disturbance to residents of neighbouring dwellings. All of these impacts are slight to imperceptible. Adequate mitigation measures are proposed to ensure that these impacts are not significant and include adequate mitigation for operational noise.
- Slight negative **traffic** impacts arise during the operational phase of the development, these impacts are not significant in terms of magnitude and can therefore be ruled out.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Proper planning and sustainable development:

It is considered that the proposed development would accord with European, national, regional and local planning and that it is acceptable in respect of its likely effects on the environment and its likely consequences for the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All mitigation and monitoring measures identified in the Environmental Impact Assessment Report shall be implemented in full as part of the proposed development.

Reason: In the interest of development control, public information, and clarity.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

4. (a) No storage, either permanent or temporary of any materials shall occur within the site which is outside of any structure shown on the Site Layout Plans (Drawing number 18139-200) submitted with the application.

(b) Any waste vehicles parked on the apron of the facility shall not contain waste. All organic materials shall be transported to and from the site in sealed containers. No materials that would attract birds shall be present on the open areas of the site at any time.

Reason: In the interest of public health.

5. Prior to the commencement of development an operational management plan shall be submitted for the written agreement of the planning authority which clearly sets out mitigation measures to prevent any possible traffic queuing on the public road from the entrance to the development in the event of internal issues or a backlog of arrivals.

Reason: In the interests of orderly development and traffic safety.

Schedule of Costs

In accordance with the provisions of section 37H(2)(c) of the Planning and Development Act 2000, as amended, the amount due to be reimbursed to the applicant is €79,440.

A breakdown of the Board's costs is set out in the attached Appendix 1.

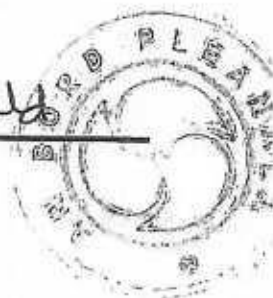
DR. Maria FitzGerald

Maria FitzGerald

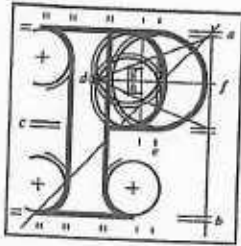
Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this 18th day of July 2022



An
Bord
Pleanála

**Board Order –
Appendix 1
ABP-310332-21**

Strategic Infrastructure Development

Cost of determining the Application

File Number: ABP-310332-21 (PA)

Proposed Development: Increase in annual waste intake limit from 250,000 tonnes to 450,000 tonnes and continued extension of operation hours at Starrus ECO Holdings Ltd T/A Panda, Cappagh Road, Cappogue Townland, Dublin 11.

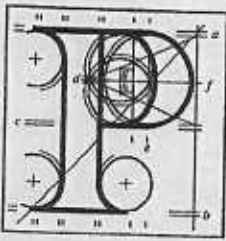
Costs incurred by An Bord Pleanála in determining the application.

An Bord Pleanála's Costs		€
(1)	Cost (calculated based on Inspector's time) Inspector 1 (pre-application) - €5,635 Inspector 2 (application) - €15,925	€21,560
(2)	Total chargeable costs	€21,560
(3)	Application Fee - €100,000 Pre-application Consultation Fee - €1,000	€101,000
(4)	Observer fees paid	n/a
(5)	Net amount due to be reimbursed to the applicant	€79,440

DR. Maria FitzGerald

Maria FitzGerald
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 18th day of July 2022



An
Bord
Pleanála

Board Direction
BD-010957-22
ABP-310332-21

The submissions on this file and the Inspector's report were considered at Board meetings held on 06/07/2022 and 18/07/2022.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

European legislation, including of particular relevance:

- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.

National and regional planning and related policy, including:

- National Planning Framework Project Ireland 2020,
- Waste Action Plan for a Circular Economy | Ireland's National Waste Policy 2020-2025

Regional and local level policy, including:

- Regional Spatial Economic Strategy for the Eastern and Midland Region

Local planning policy including:

- the Fingal County Development Plan 2017-2023,
- other relevant guidance documents,
- the nature, scale of the proposed development as set out in the planning application and the pattern of development in the vicinity, including the permitted development within the vicinity of the proposed development site within an established industrial and commercial area,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
- the submissions made to An Bord Pleanála in connection with the planning application, and

the report and recommendation of the Senior Planning Inspector, including the examination, analysis and evaluation undertaken in relation to the environmental impact assessment.

Proper Planning and Sustainable Development

It is considered that the proposed development would accord with European, national, regional and local planning and that it is acceptable in respect of its likely effects on the environment and its likely consequences for the proper planning and sustainable development of the area.

Environmental Impact Assessment:

The Board completed an environmental impact assessment of the proposed development taking account of:

- (a) the nature, scale, location and extent of the proposed development on a site,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,

- (c) the submissions received from the prescribed bodies and planning authority and,
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board considered that the main direct and indirect effects of the proposed development on the environment are:

- Negative impacts on **human health and population** arising from the operation of the development include noise, traffic and dust disturbance to residents of neighbouring dwellings. All of these impacts are slight to imperceptible. Adequate mitigation measures are proposed to ensure that these impacts are not significant and include adequate mitigation for operational noise.
- Slight negative **traffic** impacts arise during the operational phase of the development, these impacts are not significant in terms of magnitude and can therefore be ruled out.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Screening for Appropriate Assessment:

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for

Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European sites, in view of the site's Conservation Objectives.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All mitigation and monitoring measures identified in the EIAR shall be implemented in full as part of the proposed development.

Reason: In the interest of development control, public information, and clarity.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

4. (a) No storage, either permanent or temporary of any materials shall occur within the site which is outside of any structure shown on the Site Layout Plan (Drawing no. 18139-200) submitted with the application.

(b) Any waste vehicles parked on the apron of the facility shall not contain waste. All organic materials shall be transported to and from the site in sealed containers. No materials that would attract birds shall be present on the open areas of the site at any time.

Reason: In the interest of public health.

5. Prior to the commencement of development an operational management plan shall be submitted for the written agreement of the Planning Authority which clearly sets out mitigation measures to prevent any possible traffic queuing on the public road from the entrance to the development in the of internal issues or a backlog of arrivals.

Reason: In the interest of orderly development and traffic safety.

Note: In deciding to omit an unspecified financial contribution condition as a special contribution under section 48(2)(c) of the Planning and Development Act 2020, as amended, in respect of road and junction improvement works, the Board considered that in the absence of an assessment including modelling of junction 5, that there was no clarity on the nature and scale of specific works that might be required to improve capacity and/or what proportion of overall costs could be reasonably attributed to the proposed development, it was not appropriate to include this condition.

Board Member

Maria FitzGerald
Maria FitzGerald

Date: 06/07/2022

Judicial Review Notice

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Acts (as amended).

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(6) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The