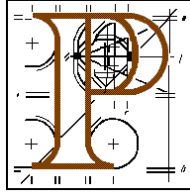


An Bord Pleanála



Inspector's Report

An Bord Pleanála Ref. No.:	PL 06F. 202468
Reg. Ref.:	02A/1474
Planning Authority:	Fingal County Council
Proposed Development:	Materials Recovery Facility and Biowaste Treatment Facility including interalia recovery and transfer building, Biowaste treatment building, administration building/staff amenity and changing facility, weigh bridges and control rooms, Biowaste office facility, plant and transformer rooms, vehicle maintenance facility, and movable shed all associated security and acoustic fencing to site boundaries, fuel tanks bund walls, hardstandings, skip storage, vehicle parking, vehicle wash area and all other associated site works at the Millennium Business Park, Cappagh Road, Ballycoolin, Dublin.
Type of Application:	Permission
Planning Authority Decision:	Permission with attached conditions
Type of Appeal:	First Party (Celtic Waste Ltd.) against Condition No. 4
Site Inspection:	18.07.05
Inspector:	M. Cunneen

1.0 PROPOSED DEVELOPMENT

The proposed development comprises a waste handling facility which will provide a recycling and biowaste treatment infrastructure for commercial and industrial organic and inorganic wastes. The facility which will serve a prospective customer base in the Dublin Region will consist of two operational elements - a **Materials Recovery Facility** and a **Biowaste Treatment Facility**; they will be constructed on a site stated to be 4.485 hectares in area with construction to take place in four phases over an eight year period culminating in 12,878 sq. metres of floor area. The development is designed to maximise the recovery of non-hazardous waste materials and minimise the volume of treated waste disposed of to residual landfill; it proposes to do this by recycling inorganic wastes in a Materials Recovery Facility and treating organic wastes in a Biowaste Treatment Facility. The proposed development will allow for the relocation of an existing waste handling facility located at ST. Margarets which has an annual handling capacity of 60,000 tonnes per annum.

Materials Recovery Facility:

This facility will handle up to 220,000 tonnes of waste annually when fully developed. The waste will consist of:

- (i) Source separated and mixed non-hazardous solid wastes of primarily commercial and industrial origin (90,000 tonnes per year).
- (ii) Construction and demolition waste: (30,000 tonnes per year).
- (iii) While the developer is not currently involved in the collection of municipal waste the facility will be designed to allow the developer to tender for future collection and treatment of municipal waste in the Dublin region (100,000 tonnes p.a. @ year 7).

Materials Recovery Facility: Specification

When completed the Materials Recovery Facility will be 50 metres long along its eastern and western elevations, 98 metres in length along its northern elevation and 84 metres in length along its northern elevation; it will have an elevational height of 18 metres approximately along its northern elevation, and 16 metres along its southern elevation. Proposed external finish is profile cladding on both vertical walls and roof. Solar panelling is proposed on the building. Entry/exit points to the facility are located mainly on the southern elevation.

The facility itself will be located on the southern portion of the site and will be set back some 50 metres behind the site boundary with the internal access road for the Business Park. The intervening land will be dedicated to the administrative block and to parking.

Materials Recovery Facility: Acceptance and handling of wastes.

4 stages of recovery are proposed –

- (i) on site waste sorting
- (ii) compacting
- (iii) baling
- (iv) waste transfer off site.

All waste to delivery vehicles arriving at the facility will be weighed and documentation checked. Any waste which does not have appropriate documentation or which upon inspection at the weigh bridge is not suitable for acceptance will be stored in a quarantine area pending removal off site. Segregated commercial and industrial waste will be off loaded in separate bays from the mixed commercial and industrial waste. There the waste will be inspected, with unsuitable materials removed to the quarantine area. Pre segregated waste will be baled or compacted before being loaded for removal off site; mixed waste will be sorted by mechanical and manual means into organic and non organic streams; organic streams will be removed to the composting facility; inorganic streams will be stored pending removal off site.

Construction and demolition waste will also be off loaded in a designated area inside the MRF building where it will then be inspected. Any unsuitable materials will be removed to a waste quarantine area; the waste will then be screened for size and directed to the appropriate on site handling/storage area; waste in the storage area will then be removed for off site processing or for off site recovery operations.

Municipal solid waste will be off loaded in a designated area inside the MRF building. Should the waste not have been already segregated it will be baled and removed off site for disposal at landfill. Should source segregation of municipal solid waste be introduced by the Local Authorities area, the organic fraction will be delivered directly to the Biowaste Treatment Facility building.

Biowaste Treatment Facility: This facility will treat commercial and industrial organic waste originating from food retail outlets, supermarkets and catering waste. It will also be capable of treating similar type household waste. Initially the end product will be used for landfill restoration works; however the composting methodology can be adapted to produce a more refined product suitable for horticultural use. The building will be constructed in 2 phases - Phase 1 (2004 – 2007) and Phase 2 (2007-2009). *It is stated that 12,500 tonnes of organic waste will be treated in the first year of operation increasing to 50,000 tonnes at year 7 of operation.*

Biowaste Treatment Facility: Building specification: The facility which will be located on the northern portion of the site will on completion have a floor area of 6246 sq. metres and an overall height of 12.5 metres above ground level. The overall length of the northern and southern elevations is 130 metres approximately; western and eastern facades are each

approximately 36 metres long. The proposed external finish is Kingspan or equivalent profile cladding in selected colours.

Biowaste Treatment Facility: Acceptance and handling of wastes.

The BTF comprises a pre treatment section where visual inspection and mixing of Biowaste will take place and a composting section where Biowaste will be converted to a non putrescible stable compost. All Biowaste will be mechanically pre treated and transported to the composting process within 24 hours of delivery to the BTF building. Biowaste directed to the BTF building will be off loaded in the internal reception area where it will be visually inspected and any unsuitable material removed to the quarantine area for storage pending transfer off site for disposal/treatment at an appropriate facility.

Pre treatment of Biowaste is necessary to ensure that a mix of wastes is produced which has sufficient structure and porosity for the composting process. Mechanical pre treatment therefore varies according to the characteristics of the waste stream. Relatively dry Biowaste can be placed directly on the composting area while wet Biowaste will required to be mixed first with relatively dry Biowaste.

Composting Area: Biowaste will be fed to the composting bay via a system of conveyor belts where it will be placed in one elongated pile over the length and width of the aeration floor to a height of approximately 2.5 – 3 metres. Air will be supplied to the floor by a series of ventilators placed mainly at the front end of the composting bay where higher rates of aeration are required. Over a period of six weeks the Biowaste will be moved from the front to the back of the bay and turned with a mechanical turner; water is added if necessary to enhance the process. After six weeks the compost pile at the far end of the bay will be moved by conveyor to the compost refinement area.

In the compost refinement area varying grades of compost can be produced by sieving. Initially a low quality compost will be produced for use in landfill remediation while markets for high quality compost are developed. The sieved compost will be conveyed directly into an articulated truck located within the building. The compost will then be covered and transported off site. Maximum compost production of 100 tonnes per day is proposed: the compost will be transported off site on a daily basis in 5 loaded trucks. Any overnight storage of compost will take place only in the covered articulated trucks inside the building. Any metals recovered in the refining process will be transported off site for recycling.

It is also proposed to construct a 2 storey administration building adjacent to the north west corner of the MRF; it will contain office and washroom accommodation, a canteen facility and plant rooms and will be separated from the operations yard by a screen wall. The building will be approximately 50.5 metres in length along its eastern and western elevations and between 16 and 8 metres in length along its northern and southern

elevations respectively. Its maximum elevational height is 10 metres approximately. Its floor area is 1100 sq.m. approximately.

A maintenance facility is also proposed: this is a four bay building with ancillary plant accommodation consisting of plant rooms at ground floor level and a canteen at first floor level. The eastern and western elevations are approximately 32 and 26 metres in length respectively while the northern and southern elevations are approximately 24 and 18 metres in length respectively. The maximum elevational height is 10.75 metres approximately. The administration and maintenance buildings are of a similar roof profile and external finish to that proposed for the MRF and BTF buildings thus ensuring visual cohesion of on-site structures.

Separation Distances: The BTF building lies approximately 25 metres distant at its nearest point from the northern site boundary, 15 metres from the eastern site boundary and 55 metres approximately from the western boundary. The MRF facility on the southern portion of the site at its nearest point lies approximately 20 metres from the southern site boundary, 20 metres from the south eastern site boundary and 50 metres from the south western site boundary. The BTF and NRF facilities lie 70 and 65 metres respectively from the nearest Business Park units.

The appeal site itself lies at its closest point 130 metres approximately North East of the Cappagh Road.

Operational Hours: The facility will accept waste between 6.30 hours and 20.00 hours Monday to Saturday. Operational hours will be 07.00 hours to 19.00 hours. Waste will not be removed from the facility after 19.00 hours.

Site Services:

Water Supply: A potable water supply will be obtained from the existing water main in the Millennium Business Park; it is proposed to minimise the demand on that water main however by using “grey water” for process requirements, for use in the toilet block and for use in the dust suppression system. The grey water supply will be augmented by a new well water supply.

Surface Water: Surface water run off will discharge via the drainage system to the storm sewers serving the Millennium Business Park; the system which will incorporate attenuation proposals, will be fitted with silt traps and an oil interceptor. Roof water run off will however be directed to the grey water tanks.

Waste Water: Sanitary and sink waste water from the BTF, NRF, administration and maintenance buildings will discharge to the site foul drainage system which in turn will connect into the sewers serving the Millennium Business Park and thence into the Fingal County Council municipal sewer. Floor water and water from the dust suppression system in the MRF building will also discharge to the public sewer. Waste water generated within the BTF building however such as leachate and condensate

will be collected and directed to an underground storage tank and thence via a mechanical filter to the process water tank. The process water will be used to moisten the composting biomass, in the water scrubber to condition process air, to moisten the biofilters and to clean hardstanding areas in the composting building. Although the composting facility will generally be a closed loop system there may be occasions when the Biowaste will have an elevated moisture content resulting in surplus waste water. As a contingency measure therefore an access chamber and collection sump will be provided in each of the process water tanks which will facilitate emptying to road tankers which will tanker it off site to an appropriate treatment facility. Vehicle wash water obtained from the “grey water” tank will be recirculated and no waste water will be generated.

Management and Operational Controls:

On-Site Waste Generation: Waste generated on site will be segregated in order to maximise the recovery of potential recyclable and combustible materials. Any inorganic wastes resulting from pre treatment of Biowaste and compost refinement will be stored on site pending removal for recovery or landfill disposal. Other waste materials such as gas cylinders and batteries will be stored on site pending removal for disposal at appropriate licensed recycling or treatment facilities. Waste Oil and batteries generated during maintenance will be stored on site in dedicated storage areas pending removal off site.

Air Management; negative pressure will be maintained inside the BTF thus preventing emissions through open doors. Process air from the composting bay will be directed to a water scrubber; air from the pre-treatment and compost refinement/storage areas will be directed to a second scrubber; From the scrubbers the air will pass through biofilters of shredded wood chips ultimately venting externally some 16m. above ground level. Every 1-2 years part of the biofilter material will be replaced in order to maintain odour removal efficiency.

Nuisance Control: The site operations will not generate litter as waste handling operations will only be carried out inside the buildings; any wind blown litter will be collected. Food waste will be delivered to the facility in a fully enclosed vehicle and there will be no external handling or storage of waste that contains materials attractive to birds. Waste attractive to vermin and insects will generally be transported off site the same day; if stored overnight it will be stored in sealed trailers inside the building. All plant equipment and tipping areas will be cleaned regularly. Test control measures will also be put in place.

Odour controls: Odour emissions in the Materials Recovery Facility are likely to be associated with municipal solid waste and commercial and industrial waste. That waste however will be delivered and removed in enclosed vehicles, will be handled only inside buildings and if stored overnight will be held in sealed trailers. Odour mitigation will be provided by the abatement factor of the building and an odour neutralising spray system.

Biowaste is also a significant source of odours due to anaerobic conditions in the fresh Biowaste, the composition of the Biowaste itself, which may contain high concentrations of sulphur and nitrogen containing components, and finally temperatures exceeding 65°C. It is proposed therefore to control the odour emissions by transportation of waste in appropriate vehicles, by use of appropriate composting mix, by controlling temperatures, by increasing the aeration to the compost bed, and by treating all odours generated at each stage of the process in the Bio-filters; those have an estimated 95% minimum efficiency.

Dust and noise emission controls: Significant dust emissions are not anticipated; noise however will be generated at the site during both construction and operational phases. It is proposed to mitigate this by means of an acoustic fence along the north western and southern site boundaries.

Timescale for Construction and Implementation of Development:

Stage 1 2004 – 2007: MRF: Phase 1: To handle 67,500 t.p.a of commercial/industrial, construction/demolition waste, and from 2007 37,500 t.p.a. of municipal waste.

BTF: Phase 1: To handle 22,500 t.p.a.

Stage 2 2007 – 2009: BTF: Phase 2: 30,000 t.p.a. growing to 50,000 by 2011.

Stage 3 2009- 2010: MRF: Phase 2: To handle 110,000 t.p.a. of commercial/industrial, construction/demolition waste and 75,000 t.p.a. of municipal waste.

Stage 4 2010 – 2012: MRF: Phase 3: To handle 120,000 t.p.a. of commercial/industrial, construction/demolition waste as well as 100,000 t.p.a. of municipal waste.

Construction works associated with Stage 1 of the development is likely to run for 12 months; waste treatment activities will run approximately one year behind the construction. On completion of the first stage of construction the Murphy waste facility at St. Margaret's will be relocated to the site (confer Chapter 5.3 of the E.I.S.)

Landscaping Proposals:

Landscaping and boundary proposals are set out on Drawing Nos. PP – 006 and PP – 008. The landscaping proposals comprise

- (a) grass/ground cover areas at the site entrance and boundary adjacent to the Millennium Business Park internal access road.
- (b) A 6 metre deep strip of shrubbery along the north western boundary of the site where it interfaces with the site of the Millennium Business Park units; it would appear that trees are not proposed within that shrubbed area due to the presence of an overhead 220 kV power line.
- (c) Extensive tree planting is proposed along the northern and north eastern site boundaries where an existing hedge will also be retained.
- (d) The southern and south eastern boundaries of the site will be defined by a 1.5 – 3 metre wide strip of shrubbery reinforced in the case of the south eastern boundary by an existing boundary hedge and tree planting. A 2.4 metre high concrete block wall with rendered finish is also proposed along the south eastern corner of the site. Along the southern and north western site boundaries a 2.4 metre high acoustic sound barrier of timber is proposed surmounting a 0.5 metre high concrete bund wall; this gives way to a 2.4 metre high block wall at the very north western corner of the site.

Environmental Monitoring Programme: This will be implemented at the site but its scope will be determined by conditions attached to the Waste Licence. At minimum it will include monitoring of emissions to sewers and compliance monitoring for noise, dust desposition and odours. It may also include a Bio-aerosol monitoring programme.

Traffic Access and Volumes:

Until such time as the programmed road infrastructure in the Ballycoolin area is implemented vehicles to the site from the north will approach from the N2 via the Kilshane Crossroads.

Haul traffic from the south will use the N3 Blanchardstown interchange, the Blanchardstown Road north to the new roundabout at the Blanchardstown corporate park, thereafter bearing right at the next two junctions in order to access the Cappagh Road and the proposed development site. The same route will be used by outbound vehicles. Until such time as the Cappagh Road is upgraded however neither construction nor operational site generated HGV traffic will access or exit the site either from or to the east (south). The developer notes however that some minor works will be required on that section of road between the entrance to the Millennium Business Park and the first junction on the Cappagh Road to the north west of the site. As that stretch of road is relatively narrow and lined with dense hedgerows on either side it is recommended that some cutting back of the trees and hedgerows should take place in order to aid the passage of large vehicles. As the road

network in the area develops, vehicle routes can be reviewed in agreement with the Local Authority if necessary.

Construction and operational traffic volumes likely to be generated by the proposed development over the initial 8 year period are set out at Table 7.3-7.11 of the E.I.S. Daily HGV traffic generation volumes associated with both MRF and BTF operational activities at the site are set out at Table 7.7 of the E.I.S; the Table shows 44 inbound trips and 44 outbound trips likely to be generated in 2005 rising to 96 inbound and 96 outbound trips in 2009 and 135 inbound trips and 135 outbound trips in 2012. In terms of peak hour traffic generation this equates to 3 inbound and 3 outbound trips in the a.m. and p.m. peak hour periods in 2005 7 inbound and 7 outbound trips in 2009 and 10 inbound and 10 outbound trips in both the a.m. and p.m. peak hour periods for 2012. Tables 7.10 and 7.11 show that construction traffic has little impact on those figures.

Given that the weigh bridge system in operation at the site has a capacity in the region of 60-120 vehicles per hours in and out, and as the proposed development will generate a maximum demand at the weighbridge of 10 vehicles per hour, there is unlikely to be queuing at the weigh bridge under normal circumstances.

The E.I.S. states that “In view of the level of road improvement works programmed not only for the Ballycoolin area but also the greater strategic road network, combined with the development zoning in the area, and the fact that timescales for the implementation of both roads and developments are not fixed it is considered that a finite modelling assessment in this area would not prove worthwhile especially in the content of likely negligible traffic generation at the site.” On the Cappagh Road itself the forecast increases in traffic flows with the development fully operational are 1160 (14.9% HGV) in the a.m. peak hour period and 1008 (12.9% HGV) in the p.m. peak period compared to existing flows of 1140 (13.4% HGV) in the a.m. peak period and 988 in the p.m. peak period (11.1% HGV) this is equivalent to an increase in the order of + 0.9% in the a.m. peak hour and + 1% in the p.m. peak hour. On that basis the forecast peak hour increases in traffic at the Kilshane Crossroads and the Blanchardstown interchange would be negligible and well within normal existing peak hour fluctuations which are usually in the order of $\pm 10\%$.

In regard to traffic generation the developer also notes that in assessing the likely increase in traffic volumes all traffic to the facility has been assumed to be entirely new to the roads network despite the fact that the existing facility at St. Margarets could reasonably be considered to be in the same general area as the development site.

Finally the E.I.S. states that based on discussions with F.C.C. N2 improvement works should be completed in 2007 but no later than 2009 in which case the development of the roads infrastructure designed to serve development zoned lands in the Ballycollin area should either be under way or significantly completed.

2.0 RATIONALE FOR THE PROPOSED DEVELOPMENT

National Waste Management Policy, as set out in the Government Policy Statement “Changing Our Ways” seeks to divert the volume of biodegradable waste disposed of to landfill by some 65% by 2013. That target requires the development of alternative waste recovery facilities including the development of composting and other biological treatment facilities. Support for such alternative facilities is outlined in “Delivering Change”, the 2002 Government Policy Statement which emphasises the need for a network of centralised biological treatment facilities required to deal with organic and green wastes.

Government policy is supported at regional level in the Dublin Regional Waste Management Plan where the lack of recycling and disposal infrastructure on both a short and long term basis is identified as a major problem in the region. The Materials Recovery Facility will provide such recycling infrastructure while the Biowaste treatment facility will reduce the volume of commercial and industrial organic waste disposed of to landfill; in the latter regard the proposed development will therefore compliment the proposed Biowaste treatment facilities for domestic household waste proposed in the 1999 feasibility study for biological treatment of waste in the Dublin region.

3.0 SITE LOCATION

The appeal site forms the north eastern portion of the Millennium Business Park; the Millennium Business Park may be accessed from the N2 or from the N3.

From the Kilshane Crossroads on the N2 the haul route travels west and south for a distance of approximately 2.2 kilometres until it reaches the Cappagh/Mitchelstown/Kilshane Road roundabout junction. The western portion of that haul route (A) is approximately 1.6 kilometres long has an average width of 7 – 7.5 metres and is of moderate to poor surface condition and substandard horizontal alignment. The southern portion of the road (B) is approximately 7.5 metres wide is of reasonable surface condition and alignment. The entire length of that stretch of haul route shows evidence of major sub surface installation work – reinstated trenches and manhole clusters.

South of the roundabout junction on the Cappagh Road, the haul route travels south for approximately 500 metres (C) to the Millennium Business Park entrance. That 500 metres is characterised by substandard width, alignment and surface conditions; sight lines however at the Business Park entrance are reasonable.

South of the site entrance the Cappagh Road remains in a poor state of repair for a distance of approximately 300 metres (D) at which point its width alignment and surface condition improves to a reasonable standard with that standard being maintained beyond the M50 fly over bridge.

West of the Cappagh/Mitchelstown/Kilshane Road junction lies a 500 metre (approximately) stretch of road known as the Mitchelstown Road (also variously known as the Ratoath Road); the carriageway is approximately 7-7.5 metres in width, and is of reasonable surface condition and alignment (E); the carriageway terminates at its western end in a roundabout junction. The entrance to the north western Business Park fronts the southern margin of the carriageway. Lands fronting the northern margin of the Mitchelstown Road were granted permission in 2002 for industrial and ancillary office development; (cf. Reg. Ref. 01A/1160); that permission also provided for widening of the Mitchelstown Road (Ratoath Road) at that location and a new district distributor road to the north of the proposed industrial units; (Reg. Ref. 01A/1160) that distributor road is now in the final stages of completion and broadly follows the east-west alignment shown on the Action Area Plan appended to this report.

Beyond the roundabout at the western end of the Mitchelstown Road lies a further 300 metre long 7.5 metre wide stretch of carriageway of reasonable alignment (F). At its most westerly point that carriageway also terminates in a roundabout junction which affords access to a dual carriageway (G) and thence via the Blanchardstown Road North to the Blanchardstown interchange. The Blanchardstown Road North is satisfactory in terms of width alignment and surface condition (H).

Of the 4.5 kilometres (approximately) stretch of haul route between the Millennium Business Park entrance and the Blanchardstown interchange only a 500 metre stretch north of that entrance is substandard in terms of width alignment and surface condition. Of the 2.2 kilometre (approximately) stretch of haul route between the Cappagh/Cloghran/Kilshane roundabout junction and Kilshane Cross, the westerly 1.6 kilometre stretch is substandard in width alignment and surface condition.

The Millennium Business Park itself has a set back frontage along the Cappagh Road; as of this point in time however the only development which has taken place there has been two parallel rows of business units in the north western corner of the Park. A significant number of those units are still vacant.

On the opposite margin of the Cappagh Road to the west of the Millennium Business Park lie a number of units associated with the North Western Business Park. Those units are clearly visible on the aerial photograph - Figure 1 in the E.I.S. The units have an external finish of profiled metal cladding and would appear to be in excess of 12 metres in height. Westerly views from the Millennium Business Park also incorporate views of nearby plant associated with asphalt and concrete production.

Within approximately 450 metres south of the Millennium Business Park entrance, along the Cappagh Road, lie two occupied dwellings; within approximately 600 metres south of the entrance lies another dwelling and an entrance to the Stadium Business Park which is currently closed off by large boulders.

To the north and east of the Millennium Business Park lies the working quarry of Huntstown.

The overall area therefore in which the site is located is dominated by light and general industrial uses.

4.0 SITE DESCRIPTION

The appeal site comprises an asymmetrically shaped wedge of land at the north eastern corner of the Millenium Business Park; at date of site inspection the site was heavily overgrown by long grass, hence levels were difficult to ascertain other than by reference to the site survey contours. Currently a number of overhead power lines traverse the site; it would appear that these will remain undisturbed until Stage 2 when one of the lines will be moved; the E.I.S. states however that this will be done as part of a separate planning application.

The Business Park is adjoined on its northern and eastern boundaries by the Huntstown Quarry. As of yet the quarry lands adjoining the northern boundary of the Business Park have not been the subject of any extraction works other than initial preparatory works such as soil - stripping. Permission on appeal however was recently granted for further extraction works at that location (PL 06F.130638). Quarry lands adjoining the eastern boundary of the site have however been developed with some spoil banks visible from the site. The south eastern tip of the appeal site lies approximately 250 m North of a bungalow which is currently occupied.

5.0 PLANNING AUTHORITY DECISION

FI Request: In response to a further information request the applicant stated that although a search of GSI records did not identify any ground water abstraction wells within 2 kilometres of the site, “it is reported that there are two wells for potable and non potable purposes on lands adjoining a site. The nearest residence, Grange House is more than 200 metres to the south of the development site”. The FI states that it is unlikely given the proposed design and operational measures in conjunction with ground conditions that the development will result in any impact on the quality or yield of ground water within 2 kilometres of the site.

Re trade effluent, the FI states that the only trade effluent discharge to the municipal sewer will be from the MRF building (floor washings and water from the dust suppression system). Process water and floor washings from the BTF building will not discharge to the foul sewer but will be recirculated in the composting process other than when it may be necessary for surplus leachate to be removed for treatment off site at the Smithstown Industrial Estate, Shannon, Co. Clare. Maximum volumes of leachate to be tankered off site will be 275 cubic metres per annum. The applicant provides an analysis of the emission concentrations for the processed waste water discharging from the MRF building to the sewer. The FI states that “storm water from the site will not discharge to the foul drainage system”.

EPA Recommendations: The applicant provides a copy of an EPA request for additional information in relation to the proposed development.

Departmental Reports:

No objection to the proposed development was made by the Environmental Service Department of the County Council subject to compliance by the applicant with a number of conditions.

Roads/Transportation Department did not object to a grant of permission provided that **no units are to be occupied prior to the completion of the Cappagh Road realignment scheme**, and that a **financial contribution** be paid by the developer to Fingal County Council towards the cost of road improvements and traffic management proposals in the area serving the site.

The HSA did not advise against the granting of planning permission.

E.S.B. International, stated that occasional encroachments within the 60 metre wide restriction corridor do not present a problem provided they do not exceed 5 metres (at the southern end of Biowaste at southern end of BTF).

Aer Rianta have no objection to the proposed development provided all waste handling, storage etc. is carried out indoors.

I.A.A., states that the proposed development which is located approximately 3.5 kilometres from the threshold of runway 10 at Dublin Airport is acceptable on the basis that the facility will be managed in an effective manner (waste to be stored, segregated and handled in enclosed areas) to ensure that there is no bird hazard arising.

Two individual objections were received in respect of the proposed developments.

Permission for the proposed development was granted by the Planning Authority, subject to compliance with a number of conditions. Those included interalia; -

Condition No. 4:

The proposed development shall not become operational until the Cappagh Road realignment scheme has been constructed and is operational.

Reason: It is considered prudent for the Planning Authority to sequence development on the basis of the provision of the necessary road infrastructure.

6.0 APPELLANTS SUBMISSION

- 6.1 The developer objects to Condition No. 4 on the basis that
- (a) It is overly restrictive in relation to a development which is an important piece of infrastructure for the Fingal area.
 - (b) It is also overly restrictive in the context that the first phase of the development consists essentially of the transfer of an existing facility from its existing operational site (Murphy Waste Ltd.) to the appeal site, both of which sites are located in the Fingal area.
 - (c) The proposed development is dependent on the actions of the third party before it can become operational.
- 6.2 The appellant requests that construction and operational works associated with Phase 1 of the development be allowed to proceed immediately.
- 6.3 While the developer accepts that some regulation of later phasing of the development is necessary viz a viz road infrastructural works, the payment of any contributions levied should reflect that phasing.

7.0 PLANNING AUTHORITY'S OBSERVATIONS ON APPEAL SUBMISSION

On foot of a Roads department report on the development, it was considered prudent for the Planning Authority to sequence development in line with the provision of the necessary roads infrastructure. Given that the current roads infrastructure is sub standard and given also the existing zoning objective for the site it is considered that the attached condition is reasonable.

8.0 DEVELOPMENT PLAN

The appeal site lies within an area which is governed by the landuse zoning objective “to facilitate opportunities for general industrial employment and related uses in established industrial areas” (Objective E). The use zoning matrix attached to the Fingal Development Plan indicates that within areas so zoned recycling centres and refuse transfer stations are acceptable. The Use Zoning Matrix omits any reference to composting facilities.

Council policy in relation to solid waste is set out at Chapter 5.4 where it is stated that “it is the policy of this Council in relation to waste to reduce the amount of waste produced and reduce the toxicity and environmental effects of that waste; following this it is policy to reuse, repair, recycle/compost remaining waste and to dispose of waste by landfill as a last resort...

It is the policy of the Council that refuse transfer stations shall generally be located in industrial zones within urban areas; criteria for determining site suitability in relation to such stations include interalia impact on existing residential amenities, visual impact, and ability of the road infrastructure to accommodate the projected levels of traffic.

The 1999 Fingal County Development Plan at Chapter 5.2.1 sets out a number of Roads Objectives for the county. Those are also illustrated on the relevant zoning objectives map. As regards the appeal site, the relevant objectives may be summarised as follows:

- (i) N2; motorway interchange to county boundary – dualling.
- (ii) Improvement of distributor roads generally within the area, including the Ballycoolin Road, Blanchardstown Road, North Corduff Road, Cappagh Road, Ratoath Road - a site inspection indicates that already substantive improvement works as outlined have taken place albeit with some variations to the road alignment indicated on the Zoning Objectives Map.

9.0 NATIONAL WASTE MANAGEMENT POLICY

“Changing Our Ways”, published by the DOE in September 1998 identifies and supports the internationally recognised hierarchy of waste management options and stresses the need to replace heavy reliance on landfill with alternative more sustainable practices. To this end a number of targets are identified; those include

- A minimum 65% reduction in biodegradable wastes consigned to landfill,
- The development of waste recovery facilities environmentally beneficial technologies as an alternative to landfill including the development of composting and other feasible biological treatment facilities capable of treating up to 3000 tonnes of biodegradable waste per annum.

The policy however acknowledges that the success of waste management planning in providing alternatives to landfill is dependent on economies of scale i.e. that waste infrastructure should be planned on a scale that is viable and cost effective.

The policy outlines a number of alternatives to landfill such as composting, anaerobic digestion, incineration with energy recovery and thermo chemical processes. In the case of centralised composting the policy notes that this is generally only viable when areas of high population density are being serviced; generally however composting is preferable to incineration.

The Policy concludes by stating at Para. 10.4 that Waste Management Plans should involve a triple track approach to deliver an integrated waste management solution for the region concerned. It identifies 2 of the essential components of such an approach as

- a comprehensive waste recovery programme aimed in particular at substantially increasing recycling rates for municipal waste, and construction of demolition waste.
- planning for the provision of requisite infrastructure which should substantially come on stream within a period not exceeding 7 years.

“Delivering Change” – A sequel policy statement setting out a number of objectives aimed at the prevention and recycling of waste was published by the DOE in March 2002; the statement identified constraints on recycling as lack of recycling facilities and access to same; objectives in relation to biological treatment of organic waste were set out at Chapter 7 and non organic waste at Chapter 5. The former included the formulation of a National Strategy on biodegradable waste in the municipal waste stream by July 2003, the provision by Local Authorities of infrastructure for the biological treatment of organic waste, the introduction of product standards for compost derived from municipal waste, and development of markets. Objectives for the treatment of non organic wastes were mainly financial provisions for the

establishment of waste recovery infrastructure and markets for recyclable materials.

The policy identified key areas for improvement in recycling as provision of an adequate infrastructure for the collection and management of waste arisings; source sorting, and separation of comingled recyclables into individual recyclable material fractions, and pre treatment of recyclable materials (e.g. baling of cars, crushing of glass) into the form of marketable commodities.

10.0 DUBLIN REGIONAL WASTE MANAGEMENT PLAN

The preferred strategy for waste management in the Dublin region is the achievement of maximum recycling and bulk waste reduction through thermal treatment. The plan states that the proposal to maximise recycling also involves the biological treatment of organics.

The Plan sets out at Chapter 10.2.3 an outline of Waste Management Policy for the region. The policy describes a no. of facilities required to cater for each waste source in the region: those include

- The provision of additional sorting and baling facilities in the Dublin region for recyclables.
- Provision of green garden waste depots and composting facilities.
- Facilities for the biological treatment of organic waste using composting or biological digestion processes in plants serving the region. A minimum of 1 Central or 2 Regional Facilities is required.
- The provision of facilities in the north and south county areas for the reception sorting and recycling of construction/demolition waste as an **urgent priority**.
- The provision of recycling facilities/treatment for dealing with priority wastes and harmful household wastes.

The Plan notes that of the waste risings in the Dublin region the two largest fractions are industrial/commercial (23%) and construction/demolition waste (38%) Table 3.6 of the Plan shows the constituent components of Commercial Waste as paper, glass plastic, organic and other. Chapter 3.5.3 describes the constituent components of construction demolition waste as soil, stones, concrete, bricks, tiles and ceramics.

Chapter 8.2.2 of the plan identifies deficiencies in the case of commercial/industrial waste infrastructure as, inter alia, inadequate facility/capacity to recycle most waste materials; in the case of construction/demolition waste an absence of recycling of such waste, lack of experience of using the recyclable materials, and the lack of regulations governing construction and demolition waste which makes it impossible to control that waste stream and divert it from landfills (Ch. 8.2.3).

Table 9.3 of the Plan sets out estimated growth rates for commercial/industrial waste in the Dublin region. The plan predicts growth rates of less than 1% for commercial/industrial waste in the period 1999 – 2004. However construction/demolition waste is expected to increase as work commences on major infrastructural projects.

- Table 10.5 of the Plan therefore sets out Waste Management targets for recycling and thermal treatment of the various waste streams. Recycling

targets of 41% for commercial/industrial waste and 82% for construction/demolition waste are proposed **with thermal treatment in place.**

Chapter 13.2 of the plan requires that the proximity principle be respected in regard to any proposed Waste Management Facilities within the region by way of interalia.

The provision of 10 recycling stations in the region to be situated in close proximity to the waste producers.

The provision of sorting and baling facilities for waste with the resultant environmental benefits of transfer of compacted or baled waste and recyclable materials facilities for recycling, recovery and disposal.

Construction/demolition waste recycling facilities to be sited close to source of waste and to potential markets for recycled product.

Recovery facilities (green waste composting, biological treatment, thermal treatment), to be located within the region pending result of feasibility studies.

11.0 ASSESSMENT:

Preamble:

- 11.1 E.P.A. Consultation:** The proposed development was the subject of an application for permission to Fingal County Council in November 2002: hence the provisions of the Planning and Development Act 2000 apply. In that regard I would refer the Board to Section 257 of the Act which amends Section 54 of the 1996 Waste Management Act. Under Section 54 (3B) (a) of the 1996 Waste Management Act An Bord Pleanála may request the E.P.A. to make observations in relation to the development, including observations in relation to the E.I.S. submitted in respect of that development, where such development comprises an activity for which a waste license has been granted or will be required.

Under Section 54 (3B) (b) the Board shall have regard to such observations when making its decision. In the current case the observations from the E.P.A. are attached.

E.I.S:

I have read the attached E.I.S. and consider that while informational deficiencies arise in the E.I.S. in relation to a number of items-for example alternative site locations, range of non organic constituents in the commercial and industrial waste stream likely to be accepted and handled at the site, existing and proposed markets for recyclables, landfill disposal location, traffic impacts as analysed by junction modelling programmes, I consider that the deficiencies are not of such a substantive nature either individually or on a cumulative basis to render the development non compliant with the requirements of the EC (EIA) Amendment Regulations 1989 – 1999 and Article 1994 of the Planning and Development Regulations 2001. In particular I note that although the E.I.S. does not provide details of alternative locations other than the existing waste recovery and transfer facility at St. Margaret's, I consider that (i) having regard to the zoning objective for the site, (ii) the nature and pattern of established and permitted landuses in the area (iii) the centralised location of the site within the Dublin region which accords therefore with the proximity principle as it applies to waste arisings. I do not consider that failure to identify alternative locations is in this instance grounds for additional information.

11.2 Assessment:

I consider that the issues which arise for assessment in the current case may be identified as follows.

- (i) Whether the proposed development is acceptable in principle by reference to National Policy and the Regional Waste Management Plan:

- (ii) Whether the proposed development is acceptable at its proposed location by reference to potential impacts on the area:
- (iii) Whether the restrictive conditions imposed by the Planning Authority are warranted.

11.3 Re (i) above national policy as set out in “Changin Our Ways” advocates decreasing reliance on landfill by reducing the portion of biodegradable waste and construction and demolition waste going to landfill; the policy also recommends that simultaneously a range of waste recovery facilities be developed as an alternative to landfill; such facilities include composting, biological treatment and recycling. The policy states that “with its high value/weight ratio the recovery of construction and demolition waste can make a very significant contribution to overall recycling targets as well as extending the life of existing landfills;” in relation to composting the policy states that “this is an aerobic treatment process which is well suited to dealing with the biodegradable fraction of household waste”...

In the subsequent policy statement Delivering Change the focus of the text is on waste prevention, reuse and recycling. The policy notes that if recycling performance is to be improved it will require “interalia” provision of inadequate infrastructure. As the proposed development therefore proposes to provide essentially waste recovery and recycling infrastructure it complies with national policy.

The Dublin Regional Waste Management Plan is based on the strategy of achieving maximum realistic levels of recycling and also bulk waste reduction through thermal treatment. Waste recycling and recovery policy is based essentially on the provision of new and additional recycling facilities including the provision of additional sorting and baling facilities and facilities for the biological treatment of organic waste. The provision of facilities for priority waste streams including facilities for the reception, sorting and recycling of construction/demolition waste as an urgent priority. The plan notes that the two largest fractions of the total waste stream in the Dublin region are construction and demolition waste (38%) and industrial/commercial waste (23%); it would therefore appear that having regard to the particular characteristics of waste arisings in the Dublin area and to the preferred strategy for Waste Management as set out in the Dublin Regional Waste Management Plan that the proposed development complies with the objectives of the Plan as it gives priority to the dominant waste streams and provides the necessary infrastructure to deal with same.

The proposed development is therefore I consider acceptable in principle in that it accords with national policy and with the policy and objectives of the Dublin Regional Waste Management Plan.

11.4 Re (ii) above – whether the proposed development is acceptable at its location – this requires to be assessed generally by reference to zoning objectives for the area in which the site is located and particularly by reference to the impacts likely to be generated by the development itself.

In relation to landuse zoning objectives for the site, the proposed development is located within an area which is zoned with the objective “to facilitate opportunities for general industrial employment and related uses in an established industrial areas (Objective E)”. The landuse zoning matrix attached to the current Fingal County Development Plan indicates that within areas so zoned recycling centres and refuse transfer stations are acceptable uses; the landuse zoning matrix however does not refer specifically to biological treatment facilities although I note that both general and light industrial facilities are acceptable within “E” zoned areas.

In the case of both the materials recovery and bio waste treatment facilities however their site suitability must also be assessed in regard to their potential impacts on the surrounding environment – I refer in particular to visual impacts, and impacts associated with emissions to air and water.

Regarding visual impacts the overall height, scale and bulk of the two major structures on site – the Materials Recovery Facility and the Bio Waste treatment facility are likely to make a significant visual statement within the area. However, in the current case there are a number of mitigating factors which will I consider significantly lessen the visual impact of the development; those are

- (a) The set back distances of the structures on site from the Cappagh Road and in particular the Materials Recovery Facility which lies at a minimum of 200 metres distant from the Cappagh Road.
- (b) To the screening of the B.T.F. afforded by the Millennium Business Park units and to the potential future screening of the Materials Recovery Facility by development on adjoining zoned development lands to the south.
- (c) To the height, scale and bulk of the industrial/Business Park development units and plant already located within the area; I refer in particular to the Millennium Business Park units, to the North West Business Park units which adjoin the western margin of the Cappagh Road opposite the appeal site and to the plant and machinery associated with asphalt and concrete production to the west of the Cappagh Road which is clearly visible from that road (confer Figure 1 site location map attached to the E.I.S.)
- (d) To the site screening afforded by retention of existing boundary hedgerows and trees and proposed future planting.

I therefore consider that the proposed structures on site while substantive in terms of height, scale and bulk will not be visually out of character with the existing development in the area nor given its surroundings, be visually unacceptable.

- 11.5** Re emissions to air, the E.I.S. states that dust is not expected to be a significant issue as the waste will be delivered to the site in sealed/covered containers, will be loaded and off loaded internally, that there will be no open storage of waste or compost within the site, that all delivery vehicles will be cleaned down prior to leaving the reception area and that all waste handling and processing in the MRF facility will be contained within that facility. Fresh biowaste in the composting facility which is relatively wet in nature will not give rise to dust emissions; furthermore the sieved compost will be conveyed from the trommel, straight into an articulated truck located within the building. Having regard therefore to the operational procedures employed at the site it is unlikely that the proposed development will give rise to excessive dust deposition levels over and above those measured at the four locations on the site boundaries, as set out at Table 10.6 of the E.I.S.
- 11.6** With regard to noise emissions I have noted the configuration of the noise contour map based upon sound data inputted into a noise model; of particular importance are the contours at the south western corner and north western boundary of the site where the proposed development lies in close proximity to residential and business park uses respectively. The model demonstrates that noise levels at the south western and north western boundaries of the site are likely to range between 45 and 55 dB(A) for the most part and do not therefore exceed measured noise levels for those locations detailed at Table 11.4 of the E.I.S. I therefore consider that the proposed development is unlikely to impact adversely on noise levels at sensitive locations adjacent to the site boundaries in respect of either plant or traffic generated noise.
- 11.7** Having regard to the nature and scale of the proposed development it is reasonable to assume that odour concentrations generated by the proposed development may have a potentially adverse impact on the area in terms of odour annoyance. Having regard however to the mitigation measures proposed by the developer and to the magnitude and spread of odour emissions likely to be generated from waste at the MRF and BTW facilities as illustrated by the odour contours shown at Figure 12.2 and 12.3 of the E.I.S. I am satisfied that on balance the proposed development is unlikely to result in odour annoyance off site to such an extent as to create a significant risk of disamenity. In coming to that conclusion I have had regard to the nature and spread of landuses in the area and in particular to the low level of uses for example such as residential/open space which may be particularly vulnerable to odour emissions. In the case of those residential uses which are located within the vicinity of the site I have had regard to their separation distance from the site (250 metres approximately to the nearest residence) and to their southerly orientation in relation to the site. (The major landuses in the area and their spatial distribution is accurately represented at Figure 14.1 of the E.I.S.)
- 11.8** Regarding discharges to its ground water, it is not foreseen that there will any direct or indirect discharges to ground water as run off from paved areas will be directed to an existing surface water drainage system serving the Millennium Business Park while run off from roof areas will be directed to underground attenuation tanks which will be regularly tested to confirm their structural integrity. During the construction period silt control measures will

be implemented to prevent silting of the municipal sewer. All sanitary waste water, sink water and floor wash will discharge to that sewer system. Finally I have noted the contingency measures proposed by the developer in the event of surplus waste water emanating from the bio-waste treatment process, both in regard to storage of leachate and off site tankering for treatment. I therefore conclude that the proposed development is unlikely to pose a significant risk to ground water in the area having regard to the existing and proposed drainage systems on site, to the preventative contaminating measures proposed during construction and operational phases of the development and to the fact that the bedrock aquifer does not appear to be a widely used source of local water supply.

11.9 Traffic Impacts: I consider that on balance having regard to existing landuses in the area, to the nature and volume of traffic associated with those uses (confer Appendix 4 of the E.I.S) it is unlikely that even when operating at maximum capacity that the proposed development would result in any significant increase in adverse air quality impacts, or give rise to unacceptable levels of noise emissions.

11.10 In conclusion I consider that the proposed development is unlikely to have any adverse visual impacts on the area despite the overall height, scale and bulk of the main structures on site; in coming to that conclusion I have had regard to the low landscape sensitivity of the area, to the dominant landuses in the area – quarrying and industrial/business park uses - to the scale and design of the buildings and plant associated with such uses - to the set back of the appeal site buildings from the public road and to the partial screening likely to be afforded to those buildings by existing Business Park units and by existing and proposed boundary treatment. In regard to potential impacts associated with emissions to air from the proposed development I have noted the results obtained from predicted models and conclude that in combination with the abatement and mitigation measures proposed for both the construction and operational phases of the proposed building and having regard also to the low level of landuses in the area which would be vulnerable to such emissions, I consider that on balance the proposed development is acceptable.

11.11 Re (iii) above – Planning Authority conditions, the appeal has been taken specifically against Condition No. 4 attached to the grant of permission by the Planning Authority. Condition No. 4 reads as follows:

The proposed development shall not become operational until the Cappagh Road realignment scheme has been constructed and is operational.

Reason: It is considered prudent for the Planning Authority to sequence development on the basis of the provision of the necessary road infrastructure.

The Planning Authority's observations clarify the condition by reference to the substandard nature of the roads infrastructure and the existing zoning on the land noting that in that context the attached condition is reasonable.

In response I consider that the condition is indefensible having regard to the following:

- (a) Of the 4.5 (approximately) length of haul route between the Blanchardstown interchange and the site entrance which is proposed for use until such time as the Cappagh Road upgrading has been completed only the last 1.5 kilometres are currently substandard; even then a 1 kilometre stretch of that route will be bypassed by a new Distributor Route (Mitchelstown Road) which is in the final stages of construction; this leaves only the last 500 metres approximately of the haul route between the Business Park entrance and the Cappagh/Cloghran road junction to the north substandard in terms of width, alignment and surface condition.
- (b) Traffic along the haul route to the site from the N2 will approach via a 1 kilometre westerly stretch of road which is of poor horizontal alignment and surface condition; the southerly portion of that route however - 1.2 kilometres approximately although it varies in width between 6 and 7.5 metres, is of reasonable alignment and surface condition.

I therefore consider that having regard to the minor stretches of haul route which could be considered as substandard, Condition No. 4 is unduly restrictive particularly in light of the following:

- (c) The existing traffic volumes along the road network in the area and the negligible increase in those volumes likely to be generated by the proposed development.
- (d) The timescale expressed in the Government policy document “Changing Our Ways” for the provision of waste infrastructure. I refer in particular to Chapter 10.3 of that policy statement which urges the coming on stream of waste infrastructure within a maximum period of 7 years. That timescale may not be achievable should Condition No. 4 remain attached to the grant of permission.
- (e) The priority status which the Dublin Regional Waste Management Plan accords to the provision of construction and demolition waste recycling facilities having regard to the percentage composition of such wastes in the overall waste stream for the region, and the positive impact which the diversion of large volumes of construction and demolition waste from landfill would have on the life of existing landfill facilities.
- (f) I also note the municipal waste which forms a significant factor in tonnages proposed for handling at the site will not be accepted at the site in its initial operational stages; as that time lag will have the effect of holding haulage traffic volumes below those associated with final operational levels at the site I consider that the imposition of condition no. 4 is unduly prescriptive.

- (g) I also note that the Waste Management Plan Strategy for the Dublin region is based on recycling and thermal treatment; however given the lack of thermal treatment facilities in the Dublin region now, some four years after plan adoption, it is imperative that the provision of recycling facilities be accorded maximum priority having regard also to their preferred ranking above thermal treatment in the Waste Management hierarchy. Having regard to the tonnages proposed for acceptance and treatment at the appeal site I consider that the facility will have a significant input into recycling rates for the region.
- (h) I note that the proposed development will replace an existing Waste Recovery Facility at St. Margaret's which the E.I.S states is licensed to accept 60,000 tonnes per annum of commercial and industrial non hazardous waste as well as construction and demolition waste. This is equivalent to proposed waste acceptance volumes for operational year 1 at the Millennium Business Park. Furthermore the proposed development will not as the E.I.S. has pointed out result in any net increase in traffic on the general road network in St. Margaret's/Ballycoolin area and will potentially result therefore in any net decrease in traffic volumes at the Kilshane Crossroads through increased use of the haul route between the site and the N3.
- (h) I would also draw the Board's attention to the fact that the Planning Authority has not, despite the opportunity to do so, provided any indication as to the proposed time scale for the Cappagh Road improvement/realignment works; neither does the Development Plan give any guidance in that regard. I consider therefore that the condition is unreasonable by way of uncertainty as the schedule for the undertaking and completion of the road works would appear not only to be open ended but may require to be preceded by a protracted acquisition procedure which could, effectively prevent the development being carried out within the permitted time period.
- (i) I would also point out that during the period of the Cappagh Road improvement/realignment works, access to existing premises including those already located at the Millenium Business Park along this road will require to be maintained; there is no reason why the proposed development cannot also be facilitated in that regard particularly as the site location lends itself to access from a number of directions; maintenance of access however during upgrading works is a matter for resolution between the developer and the Local Authority in the context of the phasing of such works.

11.12 In conclusion therefore I consider that the rationale for the imposition of Condition No. 4 by the Planning Authority cannot be justified having regard to the consideration set out at (a) - (j) above. I note in particular that national policy as set out in "Changing Our Ways" and "Delivering Change" and Regional Waste Management Plan Policy for the Dublin area emphasise the urgent need to comply with E.U. Directives and principles of sustainable

development by reducing reliance on landfill through the adoption and implementation of preferred alternative Waste Management Strategies. The proposed development does this by providing for greater penetration of recycling and composting facilities in the Dublin region which penetration is urgently required in the absence of any thermal treatment facilities there.

11.13 The appellant states in the appeal submission that “we would reasonably accept that some moderate level of control be exercised in regard to subsequent phasing of the development related to road infrastructure works on the Cappagh Road realignment scheme but would request further that the levies contributions be payable in such a way as to reflect this staged implementation of development.” I do not however see any need to phase the development in relation to the Cappagh Road realignment works and would in fact oppose such a phasing having regard to national and regional policy on waste management and having regard also to the fact that access to the Millennium Business Park requires to be provided for existing uses there during the realignment programme. On that basis therefore I am not recommending that contributions be phased. However given the final scale of the proposed development I consider it appropriate that a ten year permission for it be granted subject to compliance with conditions set out below.

12.0 CONCLUSION

12.1 I consider that the proposed development is acceptable in principle as it will provide for the practical implementation of Waste Management Policy as set out in National Policy Statements and in the Dublin Regional Waste Management Plan.

12.2 I note that the nature and scale of the proposed development however may give rise to potential impacts mainly in terms of environmental pollutants which could result in injury to off site amenities in the area. Although the E.P.A. has not provided any comment in this regard, I consider that on balance, given the surrounding landuses in the area and in particular the low level of landuses, such as residential and open space which I consider to be particularly vulnerable to environmental pollution I do not consider that on balance the proposed development would be likely to seriously injure the amenities of property in the vicinity of the site in that regard. I have also had regard to the general operational procedures and mitigation/abatement measures proposed by the developer at the site particularly in regard to noise and odour emissions and having regard also to the fact that the detail of such matters are a subject for regulation by the E.P.A.

12.3 In regard to Condition No. 4 which is the subject of appeal by the developer, I consider that this condition is indefensible having regard in particular to strategic Waste Management Policy as articulated in National Policy Statements and in the Dublin Regional Waste Management Plan, to the urgent need to provide greater penetration of recycling and recovery facilities given the absence of any thermal treatment facility in the Dublin region, and the need to reduce waste disposal volumes to landfill. In that regard and given the

reasonable condition of long stretches of the haul route both from the N2 and N3 I consider that the Planning Authority's argument in support of the retention of Condition No. 4 is indefensible.

The condition is also indefensible as the schedule for the implementation of the Cappagh Road realignment work would appear to be uncertain and open ended and potentially the works may not be completed in time to permit the developer to avail of the permission granted.

I therefore recommend that Condition No. 4 be omitted.

- 12.4** Neither do I consider in the content of 12.3 above that there is any justification for phasing later stages of the development in accordance with the realignment programme for the Cappagh Road. Any such realignment will require to incorporate access provisions for existing Millennium Business Park units which the proposed development I consider should also be able to avail of. Furthermore given that the Business Park can be accessed from the Cappagh Road in both northerly and southerly direction I consider that there are sufficient optional access routes available to avoid undue interference with road realignment works. On that basis therefore there is not any need to vary the contribution conditions for phased payments. I recommend that permission be granted for the proposed development based on the reasons, considerations and conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to Waste Management Policy as set out in (i) Government Policy statements "Changing Our Ways" and "Delivering Change" published in 1998 and 2002 respectively, (ii) the Dublin Regional Waste Management Plan, which policies seek as a priority to reduce reliance on landfill by promoting interalia recycling and recovery of waste, and having regard also to the zoning objective for the site as set out in the Fingal County Development Plan, to the nature of surrounding landuses, to the operational procedures and mitigation measures set out in the accompanying Environmental Impact Statement and having regard also to the proposed temporary haul route to the site and the overall length and condition of that haul route it is considered that the proposed development would, subject to compliance with the following conditions be acceptable in terms of traffic safety and convenience and would accord with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out in accordance with the plans, drawings and particulars lodged with the application as clarified and amended by the further information received by the Planning Authority on 17.02.03, except as may otherwise be required in order to comply with the following conditions.

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

2. This permission shall endure for a period of ten years from the date indicated on the accompanying order.

Reason: To enable the phased construction and operation of the proposed development to take place in accordance with the schedule set out in the E.I.S.

3. The maximum waste tonnages proposed for acceptance and handling at the site shall not exceed 270,000 tonnes per annum other than with a prior grant of planning permission from the Local Authority or An Bord Pleanála on appeal.

Reason: To regulate development at the site in the interest of the proper planning and sustainable development of the area.

4. All on-site water and drainage arrangements pertaining to the construction phases of the development shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

Reason: In the interests of public health and to provide a satisfactory standard of development.

5. The internal road network on site including turning bays, junctions, parking and hardstanding area, footpaths, kerbs and the entrance to the site itself shall be carried, out in accordance with the requirements of the Planning Authority for such works.

Reason: In the interest of amenity and public safety.

6. Lighting arrangements for the overall site shall be provided in accordance with a scheme details of which shall be submitted to the Planning Authority for agreement prior to the commencement of development.

Reason: In the interest of amenity and public safety.

7. Waste consignments accepted for recycling and recovery at the development site shall be accompanied by a Waste Certificate specifying the name and address of the waste collection contractor delivering the waste and the composition and nature of each waste consignment. The developer shall make available to the Planning Authority records of all waste consignments delivered to the site as and when requested to do so by the Planning Authority.

Reason: To enable a record of waste transfer movements within the Dublin Waste Management Plan region to be compiled.

8. The equivalent sound levels attributable to all on-site construction operations associated with the proposed development shall not exceed 55 dB(A) over a continuous 4 hour period between 0700 hours and 1900 hours Monday to Saturday inclusive when measured outside any dwelling house in the vicinity of the site and 44 dB(A) at any other time.

Reason: In the interest of residential amenity.

9. Prior to the commencement of development a landscaping scheme shall be submitted to the Planning Authority for agreement. The scheme shall include
- (i) Details of all existing trees and hedgerows on site, specifying those proposed for retention together with measures for their protection during the period in which the development is carried out.
 - (ii) A landscape management plan.
 - (iii) A timescale for the implementation of the scheme indicating details of phasing.

Reason: In the interest of visual amenity.

10. The proposed development shall be carried out in accordance with the phasing scheme as set out at Chapter 5 of the E.I.S.; any variations to that scheme within the permitted permission period shall only be undertaken with the written agreement of the Planning Authority for such variations.

Reason: To regulate development at the site in the context of proposed construction/improvement works on the surrounding road network.

11. Pending the carrying out of realignment works on the Cappagh Road construction and haulage traffic to the site shall access the site only from the north; traffic shall not access or exit the site from a southerly direction along the Cappagh Road unless expressly permitted to do so by the Planning Authority.

Reason: To regulate traffic flows on the surrounding road network, in the interests of public safety.

12. Prior to the commencement of development and for the duration of the development the developer shall consult with Aer Rianta on the following:
- (i) Measures for the prevention of bird attraction to the site.
 - (ii) The maximum height of plant at the site.

Reason: In the interest of public safety.

13. The developer shall facilitate the planning authority in preserving, recording or otherwise protecting archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide satisfactory arrangements for the recording and removal of any archaeological material which may be considered appropriate to remove.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation of any remains which may exist within the site.

14. The developer shall pay a sum of money 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 road improvements and traffic management proposals facilitating the proposed development. The amount of the contribution and the arrangements for payment shall be agreed between the developer and the planning authority or, in default of agreement, shall be determined by An Bord Pleanála.

In the case of expenditure that is proposed to be incurred, the requirement to pay this contribution is subject to the provisions of section 26(2)(h) of the Local Government (Planning and Development) Act, 1963 generally, and in particular, the specified period for the purposes of paragraph (h) shall be the period of seven years from the date of this order.

Reason: It is considered reasonable that the developer should contribute towards the expenditure that was and/or that is proposed to be incurred by the planning authority in respect of works facilitating the proposed development.

15. The developer shall pay a sum of money 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 services facilitating the proposed development. The amount of the contribution and the arrangements for payment shall be agreed between the developer and the planning authority or, in default of agreement, shall be determined by An Bord Pleanála.

In the case of expenditure that is proposed to be incurred, the requirement to pay this contribution is subject to the provisions of section 26(2)(h) of the Local Government (Planning and Development) Act, 1963 generally, and in particular, the specified period for the purposes of paragraph (h) shall be the period of seven years from the date of this order.

Reason: It is considered reasonable that the developer should contribute towards the expenditure that was and/or that is proposed to be incurred by the planning authority in respect of works facilitating the proposed development.

16. The developer shall pay a sum of money 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 piped services facilitating the proposed development. The amount of the contribution and the arrangements for payment shall be agreed between the developer and the planning authority or, in default of agreement, shall be determined by An Bord Pleanála.

In the case of expenditure that is proposed to be incurred, the requirement to pay this contribution is subject to the provisions of section 26(2)(h) of the Local Government (Planning and Development) Act, 1963 generally, and in particular, the specified period for the purposes of paragraph (h) shall be the period of seven years from the date of this order.

Reason: It is considered reasonable that the developer should contribute towards the expenditure that was and/or that is proposed to be incurred by the planning authority in respect of works facilitating the proposed development.

Mary Cunneen
Senior Planning Inspector

July, 2003

YM