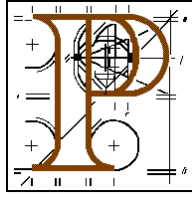


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS, 2000 TO 2002

Fingal County

Planning Register Reference Number: F02A/1474

An Bord Pleanála Reference Number: PL 06F.202468

APPEAL by Celtic Waste Limited care of Martin Murray of 1 The Mews, 19 Pembroke Road, Ballsbridge, Dublin against the decision made on the 13th day of March, 2003 by Fingal County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Phased development of a proposed waste materials recovery facility and biowaste treatment facility including inter alia recovery and transfer building, biowaste treatment building, administration building/staff amenity and changing facility, two number weighbridges and associated control rooms, biowaste office facility, plant and transformer rooms, vehicle maintenance facility, a moveable shed, all associated security and acoustic fencing to site boundaries, fuel tanks and bund walls, hard standings, skips storage, vehicle parking, vehicle wash area and all other associated site works at a site in the Millennium Business Park, Cappagh Road, Townland of Grange, Ballycoolin, Dublin.

DECISION

GRANT permission 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.

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 recycling and recovery of waste, and having regard also to the zoning objective for the site as set out in the current 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 (including environmental impact statement) lodged with the application as clarified and amended by the further information received by the planning authority on the 17th day of February, 2003, 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. (a) The period during which the development permitted by this order may be carried out shall be 10 years from the date of this order.

(b) A detailed phasing programme for the development, generally in accordance with the phasing scheme set out at Chapter 5 of the E.I.S., shall be submitted to the planning authority for agreement.

Reason: (a) Having regard to the nature and scale of development, the Board considers it appropriate in this case to specify a period of validity of the permission in excess of five years.

- (b) To enable the phased construction and operation of the proposed development to take place.

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

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

4. 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.

5. 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.

6. Prior to the commencement of development a landscaping scheme, generally in accordance with the landscaping proposals submitted with the application, 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, and
 - (iii) a timescale for the implementation of the scheme indicating details of phasing.

Reason: In the interest of visual amenity.

7. 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.

8. Prior to commencement of development, the developer shall pay the sum of €730,050 (seven hundred and thirty thousand and fifty euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index - Building and Construction (Capital Goods), published by the Central Statistics Office), 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 improvement works facilitating the proposed development.

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.

9. 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 other works 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.

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

Dated this day of 2003.