

Chief Executive Officer
South Dublin County Council
County Hall Tallaght
Dublin 24
D24 YNN5

Monday, 11 December 2023

Dear Madam

Re: STRATEGIC INFRASTRUCTURE DEVELOPMENT APPLICATION: PROPOSAL TO INCREASE WASTE INTAKE FROM 150,000 TO 350,000 TONNES PER YEAR AND DEVELOPMENT OF NEW INFRASTRUCTURE AT AN EXISTING WASTE FACILITY AT BALLYMOUNT ROAD UPPER, BALLYMOUNT, DUBLIN 24, D24 E097

1.0 INTRODUCTION

Starrus Eco Holdings Ltd¹ has retained Tom Phillips + Associates (Town Planning Consultants)², to issue to An Bord Pleanála copies of a Strategic Infrastructure Development (SID) application in respect of the proposed development of a new Materials Recovery Facility replacing an existing facility and for an increase in waste tonnage processed on site from 150,000 tonnes per year to 350,000 tonnes per year at Ballymount Road Upper, Ballymount, Dublin 24, D24 E097 in accordance with the provisions of section 37E of the *Planning and Development Acts 2000 (as amended)*.

This proposed increase would facilitate an expansion in the facility's recycling/recovery capacity to satisfy growing demand in the Greater Dublin Area.

The need to provide adequate resource recovery and processing facilities is accelerated by the recent publication of *A Waste Action Plan for a Circular Economy - Ireland's National Waste Policy 2020-2025*. This forward-looking document seeks to shift the focus from waste disposal and a linear economy to a circular economy where materials and products remain in productive use for longer.

Furthermore, there is significant concern that existing waste infrastructure is gradually being eroded through the rezoning of land in Local Authority Development Plans.

This letter is provided in accordance with ABP's direction to notify the prescribed bodies.

¹ Panda Waste Managements Solutions, Ballymount Road Upper, Dublin 24.

² 80 Harcourt Street, Dublin 2, D02 F449.



A full schedule of submitted information is enclosed. Two hard copy and two electronic copies of the submission is submitted to South Dublin County Council as agreed with An Bord Pleanála, copies have also been submitted to the fifteen other prescribed bodies referenced by ABP.

The full application can also be viewed at www.ballymountsid.ie once the application is lodged.

An Bord Pleanála may grant permission for the strategic infrastructure development as proposed; or may grant permission subject to such modifications as it specifies in its decision; or may grant permission in part only, with or without any other modifications it may specify in its decision; or may refuse to grant permission for the proposed development.

An Bord Pleanála may attach to a grant of permission such conditions as it considers appropriate. Submissions or observations may be made only to An Bord Pleanála (“the Board”), 64 Marlborough Street Dublin 1 during the six-week consultation period (commencing 15 December 2023) relating to:

- i. The implications of the proposed development for proper planning and sustainable development;
- ii. The likely effects on the environment of the Proposed Development; and
- iii. The likely significant effects of the proposed development on the integrity of a European Site if carried out.

Any submissions or observations must be accompanied by a fee of €50 (except for certain prescribed bodies). Such submissions/observations must also include the following:

- I. The name of the person making the submission/observation, the name of the person acting on his/her behalf, if any, and the address to which any correspondence relating to the application should be sent;
- II. The subject matter of the submission or observation; and
- III. The reasons, considerations and arguments on which the submission or observation is based in full. (Article 217 of the Planning and Development Regulations refers).

Any submissions or observations which do not comply with the above requirements cannot be considered by the Board. Any enquiries relating to the application process should be directed to the SID Section of An Bord Pleanála (Tel. 01-8588100).

We alert the Planning Authority to the Board’s requirement that the application documentation be made available for public inspection/purchase by the Planning Authority in accordance with the terms of the public notice.

It is the Board’s intention that all of the application documentation will remain available for public inspection during the currency of the application.

An Environmental Impact Assessment Report has been prepared to accompany the planning application.

Yours faithfully,



Brian Minogue
Associate
Tom Phillips + Associates

DOCUMENTS INCLUDED WITH THE APPLICATION

1 *Planning Application Form and Appendices*

Completed current *ABP SID Planning Application Form*.

2 *Cover Letter/Planning Report and Appendices*

This Cover Letter/Planning Report and Appendices, prepared by Tom Phillips + Associates.

3 *Letters to Prescribed Bodies and South Dublin Planning Authority*

16 No. Letters to the prescribed bodies (including 1 No. cover letter to South Dublin County Council Planning Authority) appended to this Cover letter/Planning Report.

4 *Planning Fee*

A payment has been made by EFT to An Bord Pleanála, dated 10 November 2023, in the amount of **€100,000.00** representing the Planning Application fee payable. Proof of this payment is appended to this Application.

5 *Notices*

Original page of the *Irish Daily Star* dated 7 December 2023.

Original page of the *Dublin Gazette*, dated 7 December 2023

Site Notice dated 7 December 2023, erected or fixed at the site.³

³ Through email correspondence with An Bord Pleanála, it was requested by An Bord Pleanála to allow 5 working days to validate and prepare the file to be available to the public before the period of public inspection begins; as such, An Bord Pleanála requested that the 6-week public consultation period begin c.5days post lodgement



6 Confirmation of publication of EIAR on EPA Website

Confirmation of publication of the EIAR for the proposed development on the EIA Portal, appended to this Cover Letter/Planning Report.

7 Civil Engineering Report

Civil Engineering Report, prepared by ORS.

8 Site Specific Flood Risk Assessment

Site Specific Flood Risk Assessment, prepared by ORS.

9 Transport Assessment

Transport Assessment, prepared by Systra.

10 Appropriate Assessment Screening Report

Appropriate Assessment Screening Report, prepared by Dixon Brosnan.

11 Note on SEHL's Sustainability Commitments

Note on SEHL's Sustainability Commitments, prepared by David Tobin and Carl Dixon.

12 Photomontages

Photomontages, prepared by Redline Studios.

13 Drawings

All plans and drawings prepared ORS Engineers and Hayes Ryan Landscape Architects.

Architecture	Drawing No.	Scale	Rev no.	Page Size
Site Location Plan 1:2500	221244-ORS-ZZ-00-DR-AR-100	1:1000	P01	A3

of the application. The public consultation period includes 9 days over Christmas disregarded as per Section 251 of the Planning and Development Act, 2000 (as amended) as well as St Brigid's Day Bank Holiday on 5 February 2023, which the last day of the period falls on.



Record Place Map	221244-ORS-ZZ-00-DR-AR-101	1:10560	P01	A3
Existing Site Layout	221244-ORS-ZZ-00-DR-AR-200	1:500	P02	A2
Existing Plans and Elevations	221244-ORS-ZZ-00-DR-AR-201	1:200	P02	A1
Proposed Site Layout	221244-ORS-ZZ-00-DR-AR-203	1:500	P06	A2
Proposed Ground Floor Plan	221244-ORS-ZZ-00-DR-AR-204	1:200	P06	A1
Proposed Roof Plan	221244-ORS-ZZ-00-DR-AR-205	1:200	P06	A1
Proposed Elavations, Acoustic Barrier, Weighbridge & Substation	221244-ORS-ZZ-00-DR-AR-206	1:200	P06	A1
Proposed Traffic Layout	221244-ORS-ZZ-00-DR-TR-700	1:250	P02	A1
Engineering				
Proposed Civils Services Drainage Layout	221244-ORS-ZZ-00-DR-C-400	1:250	P02	A1
Proposed Storm Water & Foul Sewer Longitudinal Sections	221244-ORS-ZZ-XX-DR-C-410	1:500	P02	A1
Typical Attenuation Tank & SuDS Drainage System Details	221244-ORS-ZZ-XX-DR-C-421	AS SHOWN	P02	A1
Autotrack Analysis	221244-ORS-ZZ-00-DR-TR-730	1:500	P02	A1
Visibility Sightlines at Proposed Entrance Junction	221244-ORS-ZZ-00-DR-TR-731	As Shown	P01	A1
Proposed Civils Service	221244-ORS-ZZ-00-DR-C-401	1:250	P01	A1



Watermain Layout				
Typical Manhole Details	221244-ORS-ZZ-XX-DR-C-420	1:20	P01	A1
Landscape Architecture				
Landscape Proposal Sheet 1	23/ORS/SEHL/001	1:250	-	A0
Landscape Proposal Sheet 2	23/ORS/SEHL/002	1:100	-	A0
Green Space Factor Calculation	23/ORS/SEHL/003	N/A	N/A	N/A

14 CAD file with site boundary

USB Stick with application site boundary, as shown in the submitted plans / drawings, as an ESRI shapefile in the Irish Transverse Mercator (ITM IRENET95) co-ordinate reference system (only submitted to ABP as required)

15 Environmental Impact Assessment Report (EIAR) and Appendices

EIAR prepared in respect of this Application, comprising: a Non-Technical Summary and 16 No. Chapters addressing the following topics:

CHAPTER	ASPECTS OF THE ENVIRONMENT CONSIDERED	CONTRIBUTOR
Non-Technical Summary	Non-Technical Summary of entire EIAR	Provided by contributors listed below – lead author OCM
1	Introduction	OCM
2	Site Description	OCM
3	Project Description	OCM
4	Alternatives	OCM
5	Climate	Katestone
6	Land & Geology	OCM
7	Water	OCM



8	Biodiversity	Dixon Brosnan
9	Air	Katestone
10	Population & Human Health	OCM
11	Landscape & Visual Impact	OCM
12	Cultural Heritage	OCM
13	Material Assets: Built Services	OCM
14	Materials Assets: Traffic & Transport	Systra
15	Interactions	OCM
16	Mitigation Measures	OCM

Table 8.1: EIAR Chapter Headings and Contributors.

The EIAR Appendices include the following:

- 1.1 Planning coorespondance with An Bord Pleanala
- 2.1 EPA Licence
- 2.2 Waste storage Plan
- 2.3 Odour Management Plan, prepared by Katestone
- 2.4 Emergency Response Plan
- 2.5 Firewater Retention Plan, prepared by O'Callaghan Moran
- 3.1 Civil Engineering Report, prepared by ORS
- 3.2 Construction and Environmental Management Plan, prepared by O'Callaghan Moran
- 3.3 Resource and Waste Management Plan, prepared by O'Callaghan Moran
- 4.1 B.R.E.F Assessment
- 7.1 Site Specific Flood Risk Assessment, prepared by ORS
- 8.1 NRA Guidelines
- 9.1 Air Quality Modelling
- 10.1 Noise Assessment, prepared by MKO
- 10.2 Glint & Glare Assessment, prepared by Macro Works
- 14.1 Transport Assessment, prepared by Systra (see standalone document)



Receipt of Payment

Bank of Ireland
BUSINESS ON LINE

Payment Details

Payment Reference No. 198478032

Printed On
Friday, December 01, 2023
03:30:26 PM

Pay From > PAYMENTS , BALLSBRIDGE DUBLIN 4 , 27842996

Pay To > AN BORD PLEANALA , IBANIE70AIBK93105500316067

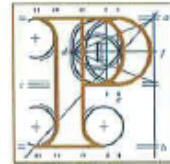
Payment Details > €100,000.00 on 10/11/2023, SEPA Payment

Payment Currency:	EUR
Payment Type:	Standard
Payment Amount:	100,000.00
Payment Date:	10/11/2023
End to End Reference:	STARRUS ECO HOLDINGS
Payment Message:	

Status > Payment Processed

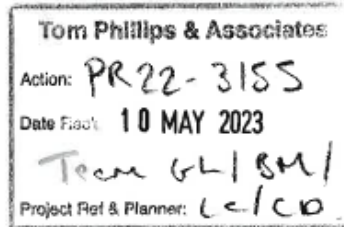
Notification of the Board's decision concerning whether the development is SID

Our Case Number: ABP-315276-22
Your Reference: Starrus Eco Holdings Ltd.



An
Bord
Pleanála

Tom Phillips Associates
80 Harcourt Street
Dublin 2
D02 F449



Date: 09 May 2023

Re: Demolition of all existing waste processing buildings on site and construction of a new modernised multi-processing facility.
Panda Waste, Ballymount Road Upper, Ballymount, Dublin 24

Dear Sir / Madam,

Please be advised that following consultations under section 37B of the Planning and Development Act, 2000 as amended, the Board hereby serves notice under section 37B(4)(a) that it is of the opinion that the proposed development falls within the scope of paragraphs 37A(2)(a), (b) and (c) of the Act. Accordingly, the Board has decided that the proposed development would be strategic infrastructure within the meaning of section 37A of the Planning and Development Act, 2000, as amended. Any application for permission for the proposed development must therefore be made directly to An Bord Pleanála under section 37E of the Act.

Please also be informed that the Board considers that the pre-application consultation process in respect of this proposed development is now closed.

Attached is a list of prescribed bodies to be notified of the application for the proposed development.

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. 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.

In accordance with the fees payable to the Board and where not more than one pre-application meeting is held in the determination of a case, a refund of €3,500 is payable to the person who submitted the pre-application consultation fee. As only one meeting was required in this case, a refund of €3,500 will be sent to you in due course.

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.

Teil	Tel	(01) 858 8100
Glaio Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2884
Láithreán Gréasáin	Website	www.pleanala.ie
Riomhphost	Email	bord@pleanala.ie

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



Yours faithfully,

Niamh Thornton
Executive Officer
Direct Line: 01-8737247

PC09

Tel
Glae Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel
LoCall
Fax
Website
Email

(01) 858 8100
1800 275 175
(01) 872 2664
www.pleanala.ie
bord@pleanala.ie

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



List of Prescribed Bodies

- Minister for Housing Local Government and Heritage
- Minister for the Environment, Climate Action and Communications.
- Fingal Co. Council
- South Dublin Co. Council
- Dublin City Council
- Dún Laoghaire Rathdown Co. Council
- Eastern Midlands Waste Regional Office
- Irish Water
- Transport Infrastructure Ireland
- Environmental Protection Agency
- The Heritage Council
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Irish Aviation Authority
- Health Service Executive

S.37A Application Procedures

- An application can only be lodged after formal notice has been received by the prospective applicant under section 37A(4)(a) of the Planning and Development Act, 2000 as amended.
- The application must be made by way of full completion of an application form to An Bord Pleanála.
- The sequencing of the application process and the content of the public notice is as set out at section 37E of the Planning and Development Act, 2000, as amended.
- The Board requires as a minimum that the public notice of the application would be in two newspapers circulating in the area to which the proposed development relates, one of which should be a national newspaper (A sample public notice is attached). A site notice in accordance with the protocols set out in the Planning and Development Regulations, 2001-2019 must also be erected. The date of the erection of the site notice is to be inserted; otherwise it should contain the same information as the newspaper notices and should remain in place for the duration of the period during which the public can make submissions to the Board.
- The documentation relating to the application is to be available for public inspection at the offices of the relevant planning authority and the offices of An Bord Pleanála. In this regard the requirements in terms of the number of copies of the documentation to be lodged with the relevant planning authority and the Board is as follows:
 - Planning Authority – 5 hard copies and 2 electronic copies.
 - An Bord Pleanála – 2 hard copies and 8 electronic copies.
- The Board also requires the prospective applicant to provide a stand- alone website containing all of the application documentation. The address of this website is to be included in the public notice.
- The public notice of the application is to indicate that the application documentation will be available for public inspection after a period of at least 5 working days has elapsed from the date of the publication of the notice so as to ensure that the documentation is in place for such inspection.
- The time period for the making of submissions by the public is to be at least seven weeks from the date the documents become available for inspection (not from the date of publication of the public notices). The Board requires that the public notice must indicate the deadline time and date for the making of submissions to the Board. The prospective applicant should advise the Board's administrative personnel in advance, of the details of its proposed public notice and further definitive advice on the notice including confirmation of dates/times can be communicated at that stage.
- The service of notice of the application on any prescribed bodies must include a clear statement that the person served can make a submission to the Board by the same deadline as specified in the public notice (Sample letter to prescribed bodies attached).
- The letter serving notice on the planning authority with the necessary copies of the documents should be addressed to the Chief Executive Officer and should also alert the authority to the Board's requirement that the application documentation be made available for public inspection/purchase by the planning authority in accordance with the terms of the public notice (copies of any newspaper/site notices should be provided to the planning authority). It is the Board's intention that all of the

application documentation will remain available for public inspection during the currency of the application.

- The deposition of the application documentation and the making of the application to the Board should take place immediately after the publication of the notice and the completion of the service requirements. It should not await the conclusion of the period for the public to make submissions. The application documentation should include a copy of all letters serving notice of the application on prescribed bodies and the local authority, copies of the actual newspaper notices as published and the site notice.
- **The fee for lodging an application is €100,000.** The fee for making a submission in respect of an application is €50 (except for certain prescribed bodies which are exempt from this fee). There is an existing provision enabling the Board to recover its costs for processing any application from the applicant. In addition, the legislation also enables the Board to direct payment of costs or a contribution towards costs incurred by the planning authority and third parties.

The sequencing of the making of the application is summarised as follows:

1. Publish newspaper notices.
2. Serve copy of relevant documents on bodies/persons required to be notified of the application. Deposit required number of copies with relevant planning authority.
3. Deposit required number of copies of application documentation with An Bord Pleanála and make an application to it.

Guidelines for Electronic Copies of Applications

(Standalone Website & CD Copies)

- Each document/drawing should be clearly labelled
- EIA and NIS chapters saved individually should be named with the number and title of the chapter e.g. Chapter 2: Ecology, Chapter 3: Human Beings etc., and not just the chapter number.
- Document names cannot begin or end with a dot, cannot contain consecutive dots and cannot contain any of the following characters: ~ " # % & * : < > ? / \ { | }.
- Drawings should be saved with the drawing title and/or number, not just the drawing number.
- Large documents to have 'contents' page e.g. EIA and to be paginated appropriately to allow ease of access to its various sections.
- Documents/drawings should not be compressed e.g. not Winzipped, and should open directly.
- Each document/drawing when opened should be clearly legible and any scaling of the drawing clearly and accurately indicated.
- Each document/drawing when opened should be oriented in the appropriate way (portrait/landscape). It should also be possible to rotate the document/drawing.
- The documents/drawings should be presented in the same sequence as they appear in the hard copy of the application, in order to make the electronic copy as accessible as possible.



- All photographs/photomontages shall be in colour, not blurred and clearly legible.
- All drawings/maps which rely on any colour interpretation e.g. red/blue edging, zoning etc. must be provided in colour.



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 amended, 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 any application for leave to apply for judicial review must be made within 8 weeks of the date of the decision of the Board, save for decisions made pursuant to a function transferred to the Board under Part XIV of the Planning and Development Act 2000, where any application for leave to apply for judicial review must, as set out in sub-section 50(7), be made within 8 weeks beginning on the date on which notice of the decision of the Board was first sent (or as may be the requirement under the relevant enactment, functions under which are transferred to the Board, was first published). These time periods are subject to any extension which may be allowed by the High Court in accordance with sub-section 50(8).

Section 50A(3) states that leave for judicial review shall not be granted unless the Court is satisfied that (a) there are substantial grounds for contending that the decision is invalid or ought to be quashed and (b) 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 costs of certain judicial review proceedings in the High Court; pursuant to Section 50B(1), Section 50B applies to the following proceedings:

- (a) proceedings in the High Court by way of judicial review, or of seeking leave to apply for judicial review, of—
 - (i) any decision or purported decision made or purportedly made,
 - (ii) any action taken or purportedly taken,



(iii) any failure to take any action, pursuant to a statutory provision that gives effect to

- (I) a provision of the EIA Directive 85/337/EEC as amended to which Article 10a (as inserted by Directive 2003/35/EC) of that Directive applies,
- (II) the SEA Directive 2001/42/EC, or
- (III) a provision of the IPPC Directive 2008/1/EC to which Article 16 of that Directive applies, or
- (IV) Article 6(3) or 6(4) of the Habitats Directive; or

(b) an appeal (including an appeal by way of case stated) to the Supreme Court from a decision of the High Court in a proceeding referred to in paragraph (a);

(c) proceedings in the High Court or the Supreme Court for interim or interlocutory relief in relation to a proceeding referred to in paragraph (a) or (b).

The general provision contained in section 50B(2) is that in proceedings to which the section applies each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant, to the extent that the applicant succeeds in obtaining relief, against a respondent or notice party, or both, to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website, www.citizensinformation.ie.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.