

The Secretary
Strategic Infrastructure Development Department
An Bord Pleanála
64 Marlborough Street
Dublin 1

Monday, 11 December 2023

Dear Sir/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

1.1 Introduction

Starrus Eco Holdings Ltd¹ (SEHL) has retained Tom Phillips + Associates, Town Planning Consultants² in addition to a project team including O'Callaghan Moran & Associates Environmental Consultants, ORS Building Consultants and Systra Group to apply to An Bord Pleanála ('the Board'/ABP) 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)*.

The application relates to development that comprises or is for the purposes of an activity requiring an Industrial Emissions Licence. In this regard, it should be noted that the subject site already operates under an IE licence (No. W0039-02) issued by the Environmental Protection Agency (EPA).

Payment of €100,000 has been made to An Bord Pleanála in accordance with the relevant SID Application Fee requirements. Please find enclosed as Appendix A, receipt of payment.

1.2 SDCC and ABP Consultation

SDCC Consultation

A consultation meeting took place with South Dublin County Council (SDCC) on 26 September 2022. The purpose of the meeting was to discuss with SDCC the principle from a planning and

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

² 80 Harcourt Street, Dublin 2.



traffic perspective of the lodgement of an SID Application for works including increasing the waste processed on site from 150,000 to 300,000 tonnes per year (has since been revised to 350,000 tonnes).

At that meeting, SDCC stated, in relation to the erosion of waste recovery capacity in Ballymount by the City Edge Project, that it “*makes sense [for waste recovery] to be continued to be located in the area*” and that they accept the principle of the development.³ SDCC further advised that SEHL *inter alia* should:

- Prepare an EIAR.
- Consider visual amenity (in particular appearance from road) and noise impacts.
- Consider cumulative impacts, including several live applications in the area.
- Consider SuDS, green infrastructure, and solar panels.
- Consider access and movement, including assessment of routes coming in, loads, and routes leaving.
- Consider car parking ratios and provision of EV parking.
- Consider significant watermains to the west of the site and engage with Irish Water (Uisce Éireann).
- Consider flood risk.
- Consider the protection of existing trees.
- Consider improving boundary treatment.
- Consider ‘green space factor’.

The Applicant has taken on board the Council’s advice, and as such consideration of all the above has been included in the design process, or, where not, justification for deviation is provided within this Planning Report.

ABP Consultation

A consultation meeting took place with An Bord Pleanála on 14 February 2023 in order to determine whether the proposed development, as summarised above and detailed in section 5, constitutes strategic infrastructure and falls within the criteria set out in section 37(A)(2) of the *Planning and Development Acts 2000* (as amended).

At that pre-planning meeting, An Bord Pleanála advised that SEHL *inter alia* should:

³ As recorded in internal TPA minutes from meeting with SDCC, 26 September 2022.



- Note that there will be an intensification in the traffic volumes from/to the facility and advised that the management of this should be clearly set out in the EIAR.

The Applicant has taken on board An Bord Pleanála's advice, and as such the above is included within this Application in the form of a Traffic Assessment by Systra Group as well as a detailed assessment of Traffic Impacts arising from the project as set out within Chapter 7 of the submitted EIAR.

Further to that consultation meeting, the Board subsequently decided, by letter dated 9 May 2023 (enclosed as Appendix B), that it is of the opinion that the proposed development falls within the scope of paragraphs 37A(2)(a) and (b) of the Acts, that the development would be strategic infrastructure and that any application for permission for the proposed development should therefore be made directly to An Bord Pleanála, as a Strategic Infrastructure Development (SID) under Section 37E of the Acts.

The Board also attached a list of 16 No. prescribed bodies for which SEHL was to notify of the Application's lodgement. It can be confirmed that the applicant has notified and issued a copy of the Application to all 16 No. of those prescribed bodies. Copies of said notices are included within Appendix E of this Report.

1.3 The Need for the Development – the problem, objective, and solution

The problem

There are major concerns emerging regarding the Greater Dublin Region's ability to meet the demands of the increasing amount of waste being produced in our cities, towns, and villages, which will have devastating effects on the economy, society and environment if not addressed swiftly and effectively. The primary effects could include negative impacts on water, soil and air contamination, the spread of deadly diseases, obstruction of strategic infrastructure, and the visual deterioration of our cities, towns, and countryside.

Municipal Solid Waste (MSW) production is growing, evidenced by the compounded annual increase in waste production in Ireland of 1.5% on average per year from 2010 (2.8 million tonnes of MSW) to 2020 (3.2 million tonnes of MSW; 3.17 million tonnes of MSW in 2021)⁴. If the same rate is applied for the next decade, Ireland would be producing 3.7 million tonnes of MSW annually by 2030. Furthermore, the latest EPA waste report published in November 2023 for 2021 reveals that there was 10% increase in construction and demolition waste between 2020 and 2021. Infrastructure to manage waste must grow alongside these increases.

A press release by the EPA, on 6 December 2022, stated that their 2020 report "*reveals a number of worrying trends*" and that "*Ireland is generating too much waste*"⁵.

As stated in that 2022 press release, Ireland's waste production is strongly correlated to its economic growth, evidenced by the sharp decline in waste production after the 2008

⁴ Source: EPA annual waste reports.

⁵ Source: *epa calls for urgent action to address Irelands municipal waste recycling*, Dec 2022.



economic crisis and a subsequent steady rise during the Nation's recovery through the 2010s. As increased spending and inward migration are heavily linked to economic growth, these trends are logical. SEHL predict that it will be shown that a large deficit in waste production to waste management capacity will have grown for 2022 and 2023 due to sustained economic activity and increased inward migration from Ukraine.

There is also strong pressure to increase recycling rates – due to the strategic move towards a circular economy and sustainable development – however, this requires more processing and, consequently, more processing capacity.

As Ireland's processing infrastructure for disposal/recovery/recycling is strained, Ireland must export large quantities of its waste, which includes requirements to pre-process the waste prior to export.⁶

The latest waste report from the EPA⁷ states that *"Ireland is heavily reliant on exporting our waste for final treatment overseas. **National capacity to treat residual nonhazardous and hazardous wastes need to be developed to build resilience and reduce our dependence on treatment facilities in Europe**". [Our emphasis.]*

Furthermore, the EU is moving towards requiring all waste to be pre-processed prior to incineration. In addition to this shortfall, waste generation within Ireland has grown steadily since 2012⁸ and more intense management is required for Ireland to achieve its circular economy goals and 2025 recycling targets.

There is currently such a shortfall in waste management capacity within the Greater Dublin Area that a Section 56 notice (Appendix D), under the Waste Management Act, was required to be issued by Fingal County Council and the EPA to provide emergency waste capacity in late 2021 at SEHL's Millennium Park facility, Cappagh Road. That facility can only legally process up to 270,000 tonnes per year (as per Condition 2 of FCC Reg. Ref. FW22A/0016) – however, in 2021 it was required to process 304,180 tonnes of waste.

In addition to the inability of existing facilities – with their conditioned annual tonnage intake restrictions – to meet current and future demand, there is significant concern that existing waste infrastructure is gradually being eroded through the rezoning of land in Local Authority Development Plans and the shortage of new zoned serviced and well-located land to accommodate new facilities.

The erosion of existing capacity is most clearly in evidence in the Dublin Region.

⁶ Additionally, exporting waste is widely considered to have damaging impacts on the environment, including through increased greenhouse gases released as a result of additional transportation, and due to poor waste management practices in the importing countries. Many of the countries to which the EU exports its plastic waste are still in their infancies with respect to developing waste management. Imported waste is often not processed in accordance with European standards and might even be dumped or burned in unregulated ways. (Source: <https://www.eea.europa.eu/publications/the-plastic-waste-trade-in>.)

⁷ *Circular Economy and Waste Statistics Highlights Report 2021*.

⁸ [EPA-Circular-Economy-and-Waste-Statistics-Highlights-Report-2021-Printable.pdf](#)



The Ballymount Industrial Park is home to facilities processing approximately 1,000,000 tonnes of waste per year. The City Edge project⁹ seeks to replace existing industrial development on former industrial zoned land, including waste processing units, with large numbers of housing units. Housing is a national priority, and we support the transition to compact development, however, waste processing is an essential service provided to homes, and other developments and activities, and provision must therefore be made to relocate essential waste processing operations.

As stated in section 1.2, above, SDCC stated at the pre-planning meeting of 26 September 2022, in relation to the erosion of waste recovery capacity in Ballymount by the City Edge Project, that it *“makes sense [for waste recovery] to be continued to be located in the area”* and that they accept the principle of the development.¹⁰

In addition to City Edge, the Applicant’s facility in Cookstown, within SDCC, has been rezoned as REGEN. This will result in the sterilisation of a 150,000 licensed waste facility.

A further example of a significant loss of strategically important waste processing capacity is the SDCC Baling Station and Civic Amenity Area. The SDCC Baling Station and Civic Amenity Area, is located 1.5km from the proposed development site, was constructed in 1996 and was designed as a transfer station for municipal solid waste collected by SDCC, where the incoming materials were compacted and baled and then sent to the SDCC landfill at Arthurstown in Kill, County Kildare. Since 2014, SEHL have leased the Baling Station from SDCC. The baling units were decommissioned, and processing plant was installed in the former waste reception hall. In 2022 it accepted 197,000 tonnes of waste, which included wastes delivered by waste collectors and wastes dropped off at the Civic Amenity Area. The SDCC Baling Station is located on lands which are zoned REGEN and as part of the City Edge Project will transition to a mix of more sensitive uses such as residential. As such, the SDCC Baling Station does not provide a long-term option for processing of waste in the area and the applicant is no longer able to enter into a secure long lease for the ongoing use of the Baling Station for waste management. Upon operation of the proposed development before ABP, all operations at the Baling station will be ceased.

It is clear that the current situation is untenable, and the likely outcome will be a severe waste build up in the streets of Ireland’s cities, towns, and villages with limited facilities available capable of managing the waste.

The Objective

The Applicant seeks to address the inevitable erosion of current capacity now rather than in the future when it may become too late. The proposed development will provide an increase in capacity to cater for immediate and future expected requirements within South Dublin and surrounding area. We believe that for a critical matter such as the management of the nation’s waste, it is sensible to have excess capacity rather than insufficient capacity.

⁹ <https://cityedge.ie/>.

¹⁰ As recorded in internal TPA minutes from meeting with SDCC, 26 September 2022.



As such, the proposal seeks to increase the maximum tonnage that can be handled on site to 350,000 tonnes.

The Solution

To achieve the above objective, the Applicant proposes a strategic and systematic increase in waste capacity at existing EPA licensed facilities across the Greater Dublin Area rather than through the establishment of new facilities that would eliminate space for other critical services such as housing or other forms of industry.

Furthermore, from review, it is clear that a number of the current facilities are underutilised and can accommodate an increase in capacity with no significant impact to the surrounding environment. In addition, it is noted that the Applicant applied for an increase in tonnage from 250,000 to 450,000 tonnes per year at their Cappagh Road facility (permitted on 18 July 2022; ABP Ref. 310332) and for an increase in tonnage from 270,000 to 450,000 tonnes per year at their Millennium Park facility (lodged 10 March 2023; ABP Ref. 316027) (both in Fingal County).

Through this planning application, it is proposed to increase the waste tonnage currently processed on site from 150,000 tonnes per year to 350,000 tonnes per year at the Ballymount Road Upper facility. Alongside the intensification of use, as the current material recovery building does not have the capability to process an increase of 200,000 tonnes per year, the development will also consist of demolition of all existing buildings, including the c. 1,648 sq m one-storey material recovery building and the c. 612 sq m two-storey administration office building, and the construction of a new 4,132 sq m one-storey material recovery building capable of managing such quantum of waste.

As a result of the development of this new larger material recovery building, access to and from the facility must be altered. As such, the development will include the redirection of the facility's refuse vehicle route resulting in the relocation of the facility's entrance some 25 m southeast. Other minor alterations to the site operation to accommodate the new layout include the relocation of weighbridges in line with the revised refuse vehicle route and the relocation of skip storage and trailer parking to the northeast of the site.

To help combat the increased waste on site, the new facility will include the installation of an odour control unit, located to the rear of the material recovery building, to combat odour produced.

The office element of the existing facility will be relocated to the Applicant's other facility at Fassaroe, Co. Wicklow. As such, there will be a reduction in car parking provision on site for the new facility from some 70 No. to 43 No. total car parking spaces. To encourage sustainable and equitable transport options for employees, the provision will include 9 No. EV car parking spaces and 3 No. disabled car parking spaces (1 No. being a disabled and EV car parking space) as well as the provision of 24 No. stands for bicycle commuting.

All trees will be retained on site except for some 14 No. of trees largely necessary to facilitate construction of the new site entrance. The trees to be removed are non-native, and do not hold any ecological significance as concluded in Chapter 8 of the EIAR. The existing entrance will be replaced with 4 No. of Acer platinoides Emerald Queen trees and 1 No. Malus



tsonozskii tree as well as a mix of *Corylus avellana*, *Ilex aquifolium*, *Rosa canina*, *Viburnum opulus*, and *Euonymus europaeus* planting. Please see the Landscape Plan drawings 23/ORS/SEHL/001 and 23/ORS/SEHL/02 accompanying this application for further detail on the existing and proposed landscaping. Overall, there will be a significant net increase of landscaping on site.

Lastly, the new facility includes the provision of a 20 kV substation due to the increased electricity demand associated with the additional processing capacity.

The outcome of the proposed development at Ballymount Road Upper, in combination with the increase in capacity at other facilities, will be the Greater Dublin Area's future waste demand being met more sustainably and pragmatically.

Significantly, the outcome in a do-nothing scenario is a plethora of damaging economic, social, and environmental effects.

It is acknowledged that the increased intake will result in additional traffic movements, with associated increases in vehicle exhaust gases and diesel consumption. Additional processing will also increase electricity consumption. However, the proposed development has been subject to an AA Screening Report and an Environmental Impact Assessment Report (including a Traffic Assessment by Systra), which conclude that there will be no significant negative impacts on the environment or Natura 2000 sites.

The following Sections detail the site and its context, the site's planning history, how the facility operates, the relevant planning policy objectives, and a description of the proposed development.

2.0 SITE CONTEXT AND DESCRIPTION

The site occupies 1.18 hectares of land located within the SDCC administrative area on Ballymount Road Upper within the Ballymount industrial Estate.

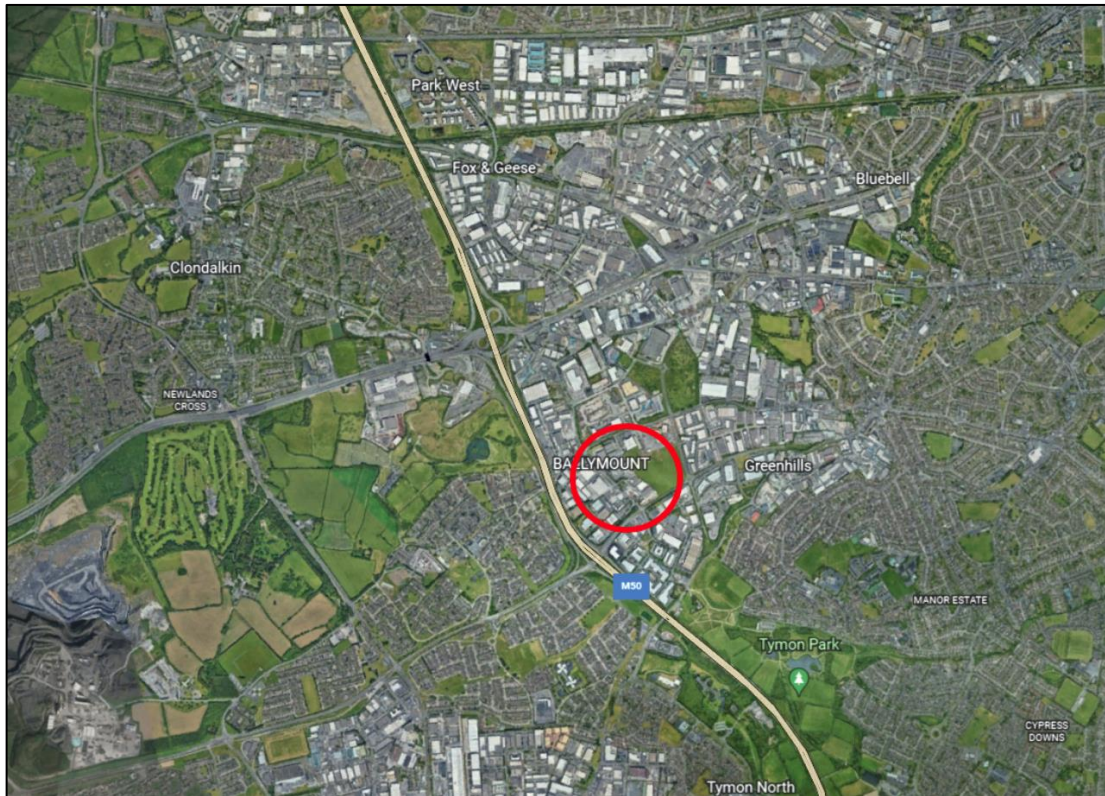


Figure 2.1: Location of Site. (Source: Google Earth; annotated by TPA.)

The site is zoned objective 'EE' ("To provide for enterprise and employment-related uses") within the South Dublin County Development Plan 2022-2028.

The surrounding uses are chiefly enterprise and employment uses.

The surrounding area is characterised by buildings of a similar form and appearance.

There are greenfield lands currently used for sheep grazing to the northeast and east of the site, which are zoned for enterprise and employment related uses. The South Dublin County Development Plan 2022-2028 designates a road proposal through those lands for development within 6 years. This road has been included within Reg. Ref. SD22A/0099, which permits the development of *inter alia* 5 No. Warehouse and ancillary office units. That permission was amended through Reg. Ref. SD23A/0127 which included *inter alia* car parking reconfiguration. The same applicant received permission under Reg. Ref. SD23A/0179 for 3 No. light industrial units, added to the overall site masterplan.

The nearest sensitive receptor to the subject site is a house located c. 40 m to the southeast of the site. Anticipatory mitigation measures have been included within the design of the proposed facility to ameliorate any impacts; this includes an acoustic wall, which will keep noise levels within acceptable decibel ranges.

The site is accessed from Ballymount Road Upper and has proximate connections to the M50 Motorway, accessed through Calmount Road to the south.



Figure 2.2: Location of Site. (Source: Google Earth; annotated by TPA.)

3.0 PLANNING HISTORY

We conducted a planning history search *inter alia* to determine whether the existing facility is compliant in terms of planning.

To ensure that we did a thorough search, we reviewed the planning registry maps in person at South Dublin County Hall on Tuesday, 16 August 2022.

Whilst every effort was made to carry out a detailed planning history search, it is important to note that our findings are only as accurate as the Planning Authority's available records.

The Planning Authority only had records of the Decisions and no records of the drawings or other submitted material.

We have found a total of 5 No. planning applications relating to the site.

They are as follows:

1. Reg. Ref. YA.1638 – Grant from August 1984 for “*retention of refuse transfer station*”.
2. Reg. Ref. S94A/0203 – Grant from August 1994 for “*upgrade [to] their existing waste handling facility*”.
3. Reg. Ref. S96A/0282 – Grant from August 1996 for “*alterations to previously approved ancillary office accommodation to waste handling facility (Reg. Ref. S94/0203) involving replacement of proposed single storey office building with two storey office building*”.
4. Reg. Ref. S98A/0288 – Grant from August 1998 for “*a two storey extension to existing office building and associated works*”.



5. Reg. Ref. SD20A/0076 – Grant from August 2020 for “*installation of roof mounted solar panels over an existing Waste Transfer/Recycling building and all associated site works and services; the proposed development relates to an activity covered by an existing Waste Licence issued by the Environmental Protection Agency*”.

From our review of the planning history, no conditions would appear to limit the number of tonnes processed on site or hours of operation.

In our preprofessional town planning opinion, we conclude that the existing facility including the ancillary office, is permitted by past permissions and complies with attached conditions.

4.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT

The development will consist of:

1. Demolition of all existing buildings, including a c. 1,648 sq m one-storey material recovery building (max height c. 10.9 m) and a c. 612 sq m two-storey administration office building (max height c. 8.2 m);
2. Construction of a 4,710 sq m one-storey material recovery building (max height 13.3 m) (the material recovery building will inter alia include an ancillary administration reception office, canteen, WCs, and storage); and a change of use (intensification) to increase the annual waste acceptance rate from 150,000 tonnes to 350,000 tonnes per year so as to expand the facility’s recycling/recovery capacity.

The development will also consist of:

- Relocation of the facility’s entrance some 20 m southeast;
- Redirection of refuse vehicle route;
- Relocation of weighbridges and waiting area in the path of the revised refuse vehicle route;
- Relocation of skip storage and trailer parking to the northeast of the site;
- Installation of an odour control unit to the rear (eastern corner) of the material recovery building (the unit will include an external flu 15.3 m in height above ground);
- Provision of ESB substation (max height 3.4 m);
- Reduction in, and rearrangement of, car parking provision (from some 70 No. to 43 No. total car parking spaces, including the provision of 9 No. EV car parking spaces and 3 No. disabled car parking spaces (1 No. being a disabled and EV car parking space));
- Provision of 24 No. bicycle stands;
- Provision of a 4 m high acoustic wall located along the eastern boundary of the site;
- Provision of hard and soft landscaping;
- Provision of SuDS;
- Boundary treatments;
- Removal of trees;
- Planting of trees;
- Provision of interim site hoarding;
- Provision of lighting;

- Provision of site services; and
- all ancillary works and services necessary to facilitate construction and operation.

5.0 THE EXISTING FACILITY AND EPA LICENCE

Existing Facility

In accordance with the permissions outlined above together with an IE licence issued by the EPA, the existing facility accepts 150,000 tonnes per year of non-hazardous household, commercial, industrial and construction and demolition wastes.

In addition to the demands of the market, waste facilities have evolved to become increasingly specialist and complex. As a result, certain waste streams are now processed at multiple facilities. An illustration example of this situation is as follows: waste is segregated into its constituent parts, and these component parts are further refined at other locations. The wood fraction is transported to Fassaroe (W0053-03) for processing into a product for the timber industry, and stone/concrete are dispatched to Slane (W0140-05).

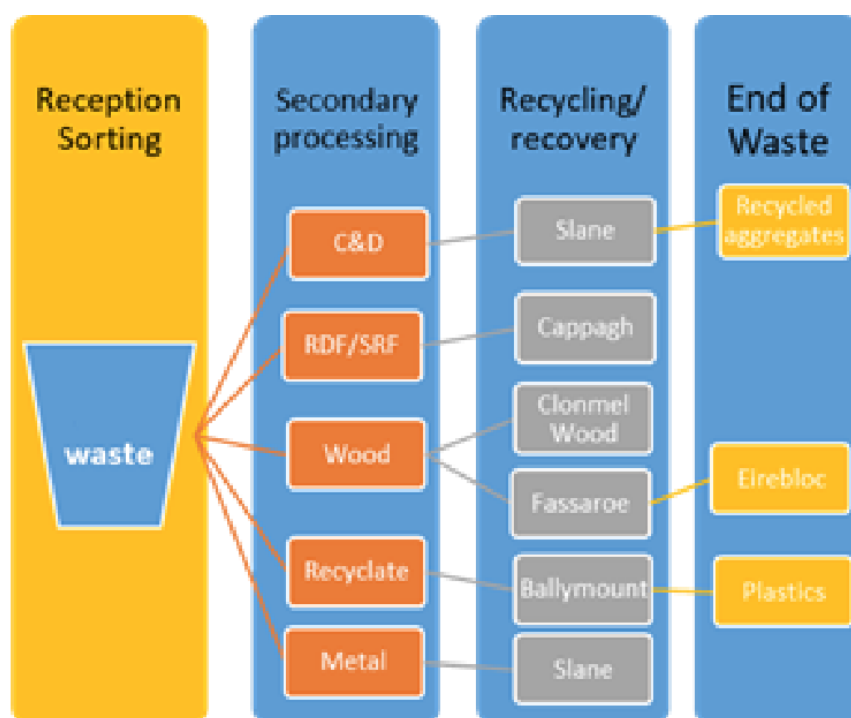


Figure 4.1: Framework example for how the waste process works. (Source: SEHL).

The highly complex, multi-stage processing, as illustrated in the above figure, results in the best environmental outcome by diverting biologically active waste from landfill, maximising recycling/recovery, and minimising disposal.

The existing facility comprises *inter alia* a:

1. One-storey waste processing building; and
2. Two-storey office building.



The waste processing building has a floor area of c. 1,648 sq m.

The office building has a floor area of c. 612 sq m.

The site operates 24 hours a day seven days a week. Wastes are delivered in Panda's waste collection trucks and those of other commercial waste companies, and wastes are not accepted from members of the public. All deliveries are weighed in and the trucks then enter the waste processing building where the wastes are off-loaded, inspected and processed.

The truck patterns are as follows:

- 5am-8am when collection trucks dispatch the site.
- 11am-1pm when trucks return and second dispatch.
- 3pm when the final delivery of collected waste returns.

Mixed dry recyclables are sorted into the different types, and these are then baled and stored before being sent for further treatment. Source-separated-wastes are baled and stored before being sent off-site.

Processed mixed solid wastes are accepted from other waste pre-treatment facilities and these are treated to remove recyclables, with the residues then further processed to produce an SRF. The SRF is sent to cement kilns where it is used as a replacement for fossil fuels.

Food waste (brown bin) and mixed household waste (black bin) that contains odorous materials are accepted and stored in a section of the building that is fitted with an odour control system. It is then sent to other waste management facilities for further treatment.

Out of date packaged food from commercial operators is accepted and stored pending transfer to other treatment plants where the packaging is removed. This activity is authorised by the Department of Agriculture, Food and Marine under the Animal By-Products Regulations.

EPA Licence

The site operates under an IE licence (No. W0039-02) issued by the Environmental Protection Agency (EPA).

The Licence was granted to Greenstar Environmental Services Limited on the 4 September 2000.

The Licence was transferred to Starrus Eco Holdings Limited on 22 June 2018.

The Licence includes conditions. Two relevant Conditions for the purposes of the proposed development are as follows:



Condition 5.4: The quantity of wastes to be accepted at the facility shall not exceed 150,000 tonnes per annum.

Condition 5.11: Hours of Operation. 5.11.1 Waste may be accepted 24 hours a day, 7 days a week. 5.11.2 Waste which is received at night-time, following its acceptance, shall only be deposited on the floor of the Transfer Station. Unless agreed otherwise by the Agency, cardboard baling and transferring of waste from the floor of the Transfer Station (unless it is unacceptable waste) or any other waste handling or processing shall be restricted to daytime hours.

'Night-time' is defined in the *interpretation* as 2200 to 0800 hours.

The facility operates in compliance with its IE licence. An application to the EPA to increase tonnage on site will be made subject to planning permission being obtained.

6.0 PLANNING POLICY CONTEXT

6.1 National Planning Framework (NPF)

Regarding the managing of waste, the NPF states that:

*"Ireland has actively improved its waste management systems, but we remain heavily reliant on export markets for the treatment of residual waste, recyclable wastes and hazardous waste. A **population increase of around one million people, alongside economic growth to 2040, will increase pressure on waste management capacity, as consumption is still a key driver of waste generation.***

*While the ultimate aim is to decouple, as much as possible, consumption from waste generation over time, **additional investment in waste management infrastructure, and in particular different types of waste treatment, will be required.***

*In managing our waste needs, the NPF **supports circular economy principles that minimise waste going to landfill and maximise waste as a resource. This means that prevention, preparation for reuse, recycling and recovery are prioritised in that order, over the disposal of waste.***

[Our emphasis.]

NPO 56 states that it is an objective to:

*"**Sustainably manage waste generation, invest in different types of waste treatment and support circular economy principles, prioritising prevention, reuse, recycling and recovery, to support a healthy environment, economy and society.**"*

[Our emphasis.]

The NPF seeks *"adequate capacity and systems to manage waste in an environmentally safe and sustainable manner"*.



NPO 53 states that it is an objective to:

*“Support the circular and bio economy including in particular through **greater efficiency in land management**, greater use of renewable resources and by **reducing the rate of land use change from urban sprawl and new development**”.*

[Our emphasis.]

The proposed development seeks to maximise operations on site so that efficiency of land use is optimised and urban sprawl is minimised.

Regarding resource efficiency and transition to a low carbon economy, the NPF states that:

*“The extent to which we **prioritise brownfield over greenfield use**, encourage the use and reuse of buildings in urban and rural areas, and **reduce sprawl**, will all help to **increase the efficiency of land use and the pace of soil sealing** i.e. the covering of the ground by an impermeable material which can result in soil degradation”.*

[Our emphasis.]

6.2 Waste Action Plan for a Circular Economy / Ireland’s National Waste Policy 2020-2025

The Waste Action Plan for a Circular Economy sets out a range of aims and targets for the State and the measures by which these will be achieved, including increased regulation and measures across various waste areas such as Circular Economy, Municipal Waste, Consumer Protection and Citizen Engagement, Plastics and Packaging, Construction and Demolition, Textiles, Green Public Procurement and Waste Enforcement.

The Waste Action Plan states that:

*“Based on EPA data each person living in Ireland generated an average of 577 kg of municipal waste in 2017. This places **pressure on our infrastructure to cope with the amount of waste we are generating**, again leaving us exposed to potential environmental damage and/or a potential slow-down in the development of our economy due to a **lack of outlets for managing waste**. The provision of **adequate contingency capacity to enable the State to withstand such shocks is a key priority**.”*

[Our emphasis.]

With the current unmet demand and the erosion of key waste management capacity planned around Dublin, it is considered necessary to address this future shortfall now than in the future. Furthermore, excess capacity is crucial for contingency purposes **“to enable the State to withstand such shocks”**.



6.3 Climate Action Plan (CAP) 2023

Climate Action Plan 2023 is the second annual update to Ireland’s Climate Action Plan 2019. This plan is the first to be prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021, and following the introduction, in 2022, of economy-wide carbon budgets and sectoral emissions ceilings. The plan implements the carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050.

It is envisaged that the implementation of the Climate Action Plan will create jobs, new economic opportunities, and protect people and the planet.

The Climate Action Plan further promotes movement towards a circular economy.

6.4 Regional Spatial Economic Strategy

The RSES states that

*“Alignment of growth with enabling infrastructure – To promote quality infrastructure provision and **capacity improvement**, in tandem with new development and aligned with national projects and improvements in water and waste water, sustainable energy, **waste management and resource efficiency**”*

[Our emphasis.]

RPO 10.25 states that:

*“Development plans shall identify how waste will be reduced, **in line with the principles of the circular economy**, facilitating the use of materials at their highest value for as long as possible and how remaining quantum’s of waste will be managed and shall promote the inclusion in developments of adequate and easily accessible storage space that supports the separate collection of dry recyclables and food and shall take account of the requirements of the Eastern and Midlands Region Waste Management Plan.”*

[Our emphasis.]

As such, the RSES reinforces the need for capacity improvement and a move towards a circular economy which the development proposals seeks to achieve.

6.5 Eastern - Midlands Region Waste Management Plan 2015 – 2021

Although elapsed – and with no revised edition published – the Eastern Midlands Region Waste Management Plan 2015-2021 is still recognised by the South Dublin County Development Plan 2022-2028. The Waste Management Plan recognises a clear need for increased waste management capacity on a contingency basis (see Policy Objective E10, below).



E10. The waste plan recognises the need for on-going disposal capacity to be available in response to events which pose a risk to the environment and/or health of humans & livestock. The local authorities of each region will monitor available contingency capacity annually.

Although, the Plan does not state a general need for increased waste management capacity, the Plan is significantly out of date and does not take account of the increased inward migration caused by the Ukrainian Crisis nor does it take account of the future erosion of waste capacity in South Dublin County caused by the adoption and implementation of the City Edge Project.

As such, it is considered that there is both a need for increased waste management capacity on a contingency basis as recognised by Objective E10 above and the need for increased waste capacity generally.

6.6 South Dublin County Development Plan 2022-2028

The South Dublin County Development Plan 2022-2028 sets out South Dublin County Council's overall strategy for the proper planning and sustainable development of the County to 2028 and beyond. It seeks to develop and improve, in a sustainable manner, the social, economic, cultural and environmental assets of the County.

The subject site is located in an area that is subject to the zoning designation 'EE' (Enterprise/Employment). The objective of this zoning category is to 'To provide for enterprise and employment-related uses'. 'Recycling Facility' and 'Refuse Transfer Station' are permitted in principle under this zoning objective.

Chapter 9 (Economic Development and Employment) states that it is policy to support sustainable enterprise and employment growth in South Dublin County recognising the County's role in the Dublin region as a driver of economic growth (Policy EDE1).

The importance of proper waste management to South Dublin is acknowledged in Section 11.6 of the Development Plan, which states that a main strategic aim (Policy IE7) of the Plan is to "Implement European Union, National and Regional waste and related environmental policy, legislation, guidance and codes of practice to improve management of material resources and wastes".

Specific Policy Objectives include:

"IE7 Objective 1 - To encourage a just transition from a waste management economy to a green circular economy to enhance employment and increase the value, recovery and recirculation of resources through compliance with the provisions of the Waste Action Plan for a Circular Economy 2020-2025 and to promote the use of, but not limited to, reverse vending machines and deposit return schemes or similar to ensure a wider and varying ways of recycling."



“IE7 Objective 2 - To support the implementation of the Eastern Midlands Region Waste Management Plan 2015-2021 or as amended by adhering to overarching performance targets, policies and policy actions.”

“IE7 Objective 3 - To provide for, promote and facilitate high quality sustainable waste recovery and disposal infrastructure / technology in keeping with the EU waste hierarchy and to adequately cater for a growing residential population and business sector.”

SDCC will have regard to the policies, actions, targets and provisions of the Eastern-Midlands Region Waste Management Plan (2015-2021) or any superseding document, and to planning legislation, the Development Plan and other relevant planning documents. Section 12.11.3 of the Development Plan states that the objectives of the Waste Management Plan are deemed to be included in the Development Plan.

6.7 City Edge Strategic Framework Plan

As described by the SDCC Planning Authority in the Chief Executive’s Report for the adjacent grant of permission (Reg. Ref. SD22A/0099), the City Edge Strategic Framework Plan is a non-statutory Strategic Framework Plan that has been prepared jointly between South Dublin County Council and Dublin City Council with a Steering Group that includes the DoHLGH, the Land Development Agency, Transport Infrastructure Ireland, the National Transport Agency, the Chief Executive of South Dublin County Council and the Deputy Chief Executive of Dublin City Council.

Following detailed analysis of the area and public consultation on an Emerging Preferred Concept, the City Edge Strategic Framework Plan was noted by the Elected Members of South Dublin County Council and Dublin City Council in May and June 2022 respectively and is now available to view since August 2022, but still remains non-statutory.

The purpose of the Strategic Framework Plan is:

- To set out a high-level strategy for the regeneration of the City Edge area including an overarching vision, strategic objectives and spatial framework;
- To plan for the delivery of strategic infrastructure including streets, parks, public transport and utilities;
- To outline a series of priority actions in the areas of legislation, policy, funding and infrastructure to facilitate the future development of the City Edge area;
- To seek the support of government departments and state agencies including alignment of relevant policies and programmes and allocation of funding in order to deliver the City Edge vision;
- To provide a context for the preparation of a statutory plan which will set out more detailed guidance for the future development of the area.

While the Framework Plan is a non-statutory document, the contents reflect the policies and objectives of the current South Dublin County Development Plan 2022-2028. The Framework Plan will at some point be followed by a statutory plan, which is likely to comprise a transboundary plan prepared jointly with Dublin City Council.



Further to the purpose of the Strategic Framework Plan to inform a statutory plan at the next stage of the City Edge Project, The Planning Authority has stated that the non-statutory Strategic Framework Plan does not comprise a framework for development consent and should not be treated as such. The Planning Authority has stated that it is vitally important, however, that development is not deemed to be premature pending the preparation and adoption of such a statutory plan particularly with reference to the objectives and provisions contained in the South Dublin County Council Development Plan that are relevant to the City Edge Project as well as relevant regional transport policy and projects.

Notwithstanding the non-statutory status of the Framework Plan, it has been considered as part of this application as per Policy QDP16 Objective 2¹¹ of the Development Plan. The Proposed development is not considered premature as the lands remain zoned 'urban industry' in the City Edge Framework Plan and 'Enterprise and Employment' in the SDCC Development Plan 2022-2028, which both permit industrial uses. The Development Plan, which takes precedence over the City Edge Project, permits in principle 'refuse transfer station'.

The City Edge Framework Plan seeks to replace a substantial amount of existing industrial development, including waste processing units, with large numbers of housing units. However, the Framework Plan does not address in any meaningful way the erosion of critical waste infrastructure in the area.

One of the guiding principles of the City Edge Framework Plan is compact growth and consolidation. At present, the area is made up of many extensive use industrial and enterprise sites, which are planned to be redeveloped into housing/mixed-use. As such, it is considered that if the City Edge Project plans to replace existing industrial uses in the area with compact residential redevelopment, the remaining industrial uses must also consolidate and intensify their use. This is what the proposed development seeks to achieve. Furthermore, this is reinforced by Policy EDE1 Objective 5, which states that there must be ***"intensification of industrial lands and mixed-use development at the City Edge / City Edge Strategic Framework area and in Tallaght Town Centre / Cookstown while ensuring, to the greatest extent possible, the sustainability of existing businesses and employment."*** (Our emphasis.)

7.0 ASSESSMENT OF THE PROPOSED DEVELOPMENT

7.1 SDCC Development Plan 2022-2028 Development Management and Policy Objectives

We have reviewed the SDCC Development Plan 2022-2028 and respond, below, to the relevant development management standards and policy objectives relating to the proposed development.

Waste Facilities

¹¹ "To support the City Edge Strategic Framework and any future framework for the area in delivering urban growth and regeneration for the County and the wider Region, recognising its significant potential as the largest regeneration area in the country."



Section 12.11.3(iii) of the Development Plan states that Development proposals for waste recovery and disposal facilities, should have regard to the following:

- Avoid siting waste infrastructure or related infrastructure in Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and proposed Natural Heritage Areas (pNHAs or NHAs) or areas protected for landscape amenity, visual amenity, geology, heritage or cultural value or areas of flood risk;
- Undertake Appropriate Assessment Screening for all waste-related activities requiring development consent;
- Ensure a Sustainable Drainage System (SuDS) is applied to any development and that site-specific solutions to surface water drainage systems are developed, which meet the requirements of the Water Framework Directive and associated River Basin Management Plans;
- The impact from a transport perspective should be assessed including road access, network, safety, and traffic patterns to and from the proposed facility in accordance with road design guidelines and / or relevant guidelines in relation to roads. Proposals will require a Traffic Impact Assessment (TIA);
- Impact on residential and visual amenity of the area: - In general, no new waste disposal facility or Refuse Transfer Station shall be located within 200 metres of a residence.

We set out a response to the above, below.

The site is not situated in Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and proposed Natural Heritage Areas (pNHAs or NHAs) or areas protected for landscape amenity, visual amenity, geology, heritage or cultural value or areas of flood risk (see Flood Risk Assessment prepared by ORS contained within this application).

An AA Screening has been prepared and submitted with the application and concludes that the proposed development either alone or in-combination with other plans and/or projects, does not have the potential to significantly affect any European Site, in light of their conservation objectives.

Regarding SuDS, the proposed scheme includes as much as possible while also adhering to EPA waste facility requirements (which restricts *inter alia* the use of permeable paving to areas where waste collection trucks will not traverse). As such, the proposed scheme provides permeable paving at car parking spaces, rainwater harvesting, swale, and a soakaway.

Regarding transport, the proposed development has been assessed and this application contains a Traffic Impact Assessment prepared by Systra. It concludes that there will be no significant impacts on any roads or junctions as a result of the increased number of waste trucks from the increased tonnage to be processed on site. Regarding traffic design guidelines, guidance has been taken from DMURS for the engineering design of streets and footpaths in the development. Sightlines of 49m will be achieved at the site entrance in accordance with DMURS given the 50kph speed limit and use of the road by public buses. Internal road markings are proposed to be limited to the approach to internal junctions and STOP lines. A STOP sign will be provided at each internal junction where a STOP line is proposed. Appropriate dropped kerbs and line marking will be used at the site entrance to allow for pedestrian desire lines across the entrance. Proposed internal pedestrian pathways will be linked via dropped kerbs and tactile paving. A number of raised uncontrolled, pedestrian



crossings are proposed throughout the site also. All turning areas have been checked by swept path analysis (Autotrack) to ensure sufficient space to allow for emergency vehicles.

Regarding impact on residential amenity, the development is located within a large industrial estate making the surrounding uses predominately non-residential. However, there is a residential house located c. 40 m to the southwest of the site. However, the proposed development is not a 'new'¹² waste facility, rather an expansion of an existing facility, thus, this policy does not apply. Notwithstanding this, the proposal includes an 4m high wall along the eastern site boundary to mitigate potential noise impacts on the residence. Furthermore, the house is screened by existing trees on the Applicant's land and the land of the neighbouring property, which will mitigate potential visual impacts.

In conclusion, it is considered that the proposed development complies with all the above waste facility development standards outlined in the SDCC Development Plan 2022-2028.

Enterprise and Employment

Policy EDE1 Objective 6 states that:

“To ensure that economic and enterprise related development is provided in a manner which facilitates a reduction in greenhouse gas emissions by supporting and promoting the following measures:

- *An increase in employment densities within walkable distances of communities and on public transport routes;*
- *Promotion of walking and cycling and use of public transport through increased permeability and mobility management measures within and outside employment areas;*
- *The sourcing of power from district heating and renewables including wind, hydro and solar;*
- *Additional native tree planting and landscaping on existing and proposed enterprise zones and development sites to aid with carbon sequestration, contribute to the green infrastructure network of the County and promote quality placemaking.”*

The proposed development includes the relocation of the office element of the existing facility to SEHL, which will result in a net increase in the number of employees at the company as a result of the proposed development but a decrease on site due to the relocation/consolidation of the office element of the existing facility to SEHL's Fassaroo facility, Co. Wicklow.

There was no scope to improve permeability due all landholdings surrounding the site not being in the ownership of the applicant. Regardless, sustainable transport has been promoted through the net reduction in car parking spaces from 70 to 43 and the provision of 24 No. bicycle stands. Furthermore, the Bus Connects project has planned for the D Spine which will

¹² The policy states “no **new** waste disposal facility or Refuse Transfer Station shall be located within 200 metres of a residence”. (**Emphasis added.**)



be a walkable 10–15-minute distance from the site on Greenhills Road. Additionally, there is the proposed 71 bus route which will directly pass the site on Ballymount Road Upper.

The proposed development includes the provision of renewables through the provision of solar PV panels on the large roof span of the building. It is expected that one quarter to one third of the facility's electricity demand will be met through the proposed panels.

There has been a c. 63% increase in the number of trees on site. The proposed trees are native and are considered to positively contribute to the green infrastructure network, visual impact screening, and carbon sequestration.

Green Infrastructure

Chapter 4 of the Development Plan addresses Green Infrastructure; developments should have regard *inter alia* to the following:

G11 Objective 4: *To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.*

As outlined in Chapter 8 of the EIAR, there are no identified environmental assets on site other than the existing trees to the front of the site. GI has been maximised as much as possible through a c. 63% increase in the number of trees. The species of trees/planting are native and will *inter alia* provide nesting and foraging habitat for bird and bat species. As such, the scheme will positively contribute to the M50 Primary GI Corridor and the L17 Ballymount-Grand Canal Secondary GI Link, which the site straddles. In the wider context, the closest designated landscapes are the Grand Canal pNHA (c. 2km north) and Dodder Valley pNHA (c. 3km south). There are no direct connections to these landscapes and there is no likelihood of any impact arising from the proposed development.

G14 Objective 1: *To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.*

As outlined in the section above, the proposed scheme includes as many SuDS measures as possible while also adhering to EPA waste facility requirements (which restricts *inter alia* the use of permeable paving to areas where waste collection trucks will not traverse). As such, the proposed scheme provides permeable paving on car parking spaces, rainwater harvesting, swale, and a soakaway.

G15 Objective 7: *To require the provision of green roofs and green walls, providing benefits for biodiversity and as an integrated part of Sustainable Drainage Systems (SuDS) and Green Infrastructure, in apartment, commercial, leisure and educational*



buildings, wherever possible and develop an evidence base for specific green roof requirements as part of the Council's ongoing SuDS strategy development.

We note that 'industrial' buildings are not referenced in the above objective; the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) clearly distinguish between 'commercial' and 'industrial' developments, referencing both as separate uses throughout. Industrial is defined as the following:

"Industrial process" means any process which is carried on in the course of trade or business, other than agriculture, and which is-

(a) for or incidental to the making of any article or part of an article, or

*for or incidental to the **altering**, repairing, ornamenting, finishing, cleaning, washing, **packing**, canning, adapting for sale, **breaking up** or demolition of any article, including the getting, dressing or treatment of minerals"*

Clearly waste processing falls within this definition as it is the process of altering and/or packing and/or breaking up of an article (waste) carried out in the course of trade or business.

'Commercial' is not defined in planning legislation, but the Merriam-Webster Dictionary defines it as "concerned with or engaged in commerce", with no mention of the requirement of an 'article' being present nor an adaptation of said article in some shape or form. An example of a commercial building would be an office, not a waste processing facility.

However, notwithstanding this, SDCC have asked, during pre-planning consultation, for the installation of a green roof to be considered.

Our response to G15 Objective 7 is set out in the accompanying *Ballymount SID Proposal & SDCC Policy 'G15 Objective 7' Note*, prepared by David Tobin (Director of Sustainability), of Beauparc Utilities Limited and Carl Dixon (ecologist with 25 years' experience), of Dixon Brosnan Environmental Consultants.

In summary, as part of the design process an opportunity for the provision of green roofs and green walls was explored. Given the current stress on the national electricity grid and the commitments to achieve national greenhouse gas emission reductions, SEHL considers that the environmental benefits of the proposed roof mounted solar panels outweighs the sustainable drainage and climate resilience benefits associated with a Green Roof. SEHL/Panda has wider sustainability commitments, which include the use of renewable and sustainable energy and electricity wherever possible. As such, it is an objective of SEHL/Panda to install solar PV panels on all their buildings, where possible. Cumulatively, the installation of solar panels at every Panda facility, results in c. one quarter of Panda's electricity requirements being met through renewable/sustainable energy, which is considered a greater environmental outcome than that of a green roof at one individual facility. There is also the South Dublin County Council E7 Objective 1, which needs to be considered:

To encourage and support the development of solar energy infrastructure for on-site energy use at appropriate locations in the County.



Furthermore, it is well understood that large industrial buildings require significant reinforcing due to the weight of soil and water associated with green roof installation. This was made clear in the adjacent Reg. Ref. SD22A/0099 and was accepted by SDCC as a valid reason for omitting green roofs from the scheme design.

Early consideration of a green wall was also ruled out due to strict EPA drainage requirements.

GI5 Objective 4: *To implement the Green Space Factor (GSF) for all qualifying development comprising 2 or more residential units and any development with a floor area in excess of 500 sq m. Developers will be required to demonstrate how they can achieve a minimum Green Space Factor (GSF) scoring requirement based on best international standards and the unique features of the County's GI network. Compliance will be demonstrated through the submission of a Green Space Factor (GSF) Worksheet (see Chapter 12: Implementation and Monitoring, Section 12.4.2).*

The development is over 500 sq m and is zoned 'EE', which results in a minimum green space factor of 0.5 for the proposed site. The proposed scheme achieves a score of 0.12, which does not meet the appropriate factor; however, due to the substantial increase in net tree cover proposed, Beauparc's wider sustainability commitments, and the strict EPA requirements for the facility. As such, it is considered that the green space factor is appropriate as all reasonable measures have been proposed.

Section 12.4.2 states that:

*"All development proposals shall be accompanied by a **Green Infrastructure Plan**, which will normally be submitted as part of the suite of Landscape Plans that are required for a development. Plans shall include the following:*

- *Site location plan showing the development site in the context of the wider GI as shown on the Council's GI Plan for the County;*
- *Site survey and analysis, identifying existing GI Infrastructure and key assets within the site;*
- *Indicate how the development proposals link to and enhance the wider GI Network of the County;*
- *Proposed GI protection, enhancement and restoration proposals as part of the landscape plan, where appropriate, for the site;*
- *Proposals for identification and control of invasive species.*

Regardless of development size or type, applicants must submit an overall site summary quantifying and detailing the following:

- *tree and hedgerow removal;*
- *tree and hedgerow retention;*
- *new tree and hedgerow planting."*

The Green Infrastructure Plan includes the *Landscape Plans* prepared by Hayes Ryan Landscape Architects, which accompany this application. The Landscape Architect has surveyed the site and identified the existing trees to the front of the site as the only GI assets of the site. As per the Landscape Plan, the proposed development includes a c. 63% increase



in the number of trees on site: some 14 No. trees are required to be removed; some 25 No. are being retained; and some 37 No. are proposed to be planted as well as significant amount of planting.

Regarding invasive species, the ecologist surveyed the site and has concluded in Chapter 8 of the EIAR that, following the implementation of mitigation measures, there will be no residual impact from the spread of invasive species. .

Infrastructure

Policy IE2: Water Supply and Wastewater

Ensure that water supply and wastewater infrastructure is sufficient to meet the growing needs of the population and to support growth in jobs over the lifetime of the Development Plan facilitating environmental protection and sustainable growth.

IE2 Objective 5: *To prohibit the connection of surface water outflows to the foul drainage network where separation systems are available.*

IE2 Objective 9: *To ensure that all new developments in areas served by a public foul sewerage network connect to the public sewerage system.*

IE2 Objective 10: *To require all development proposals to provide a separate foul and surface water drainage system - where practicable.*

Policy IE3: Surface Water and Groundwater

Manage surface water and protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

IE3 Objective 2: *To maintain and enhance existing surface water drainage systems in the County and to require Sustainable Drainage Systems (SuDS) in new development in accordance with objectives set out in section 4.2.2 of this Plan including, where feasible, integrated constructed wetlands, at a local, district and County level, to control surface water outfall and protect water quality.*

IE3 Objective 8: *Integrate Surface Water and Groundwater systems as an essential component of all new developments, in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.*

Policy IE4: Flood Risk

Ensure the continued incorporation of Flood Risk Management into the spatial planning of the County, to meet the requirements of the EU Floods Directive and the EU Water Framework Directive and to promote a climate resilient County.

Please see the accompanying *Engineering Services Report* prepared by ORS which details the potable water, foul wastewater and surface water strategy for the site. The excess surface water runoff will be attenuated prior to discharging to the existing 300mm diameter surface water pipe located to the southwest of the site. The proposed development will connect to the public foul network on Ballymount Road Upper. The surface water and foul pipes will be



separate. The proposed scheme includes as many SuDS measures as possible while also adhering to EPA waste facility requirements (which restricts *inter alia* the use of permeable paving to areas where waste collection trucks will not traverse). As such, the proposed scheme provides permeable paving on car parking spaces, rainwater harvesting, swale, and a soakaway. The development will present no significant increase in risk of flooding either within the site or downstream of the site. Surface water runoff will be limited to greenfield runoff rates via flow control measures.

Scale and Building Height

The building floor area on site is proposed to increase by 110% while the max height is proposed to increase from 10.9 m to 13.3 m. Regarding scale and height, **section 12.5.3** of the Development Plan states that:

“In line with the provisions of the South Dublin Building Heights and Density Guide, development proposals for increased building heights and densities shall be accompanied by a contextual analysis by which the suitability or otherwise of different density and height levels can be assessed with reference to the receiving environment of the proposed development (see Section 5.2.7 and Appendix 10).

Proposals are required to demonstrate to the satisfaction of the Planning Authority that the overall positive benefits of the development justify the scale of increased height being proposed.

In order to demonstrate the overall positive benefits and justify the scale of increased height being proposed a detailed analysis of the existing context and a demonstration that the proposed height increase is contextually appropriate will be required.”

Photomontage visuals have been prepared by Redline Studios showing the proposed development from a number of key angles in the surrounding area. Those Photomontages have assisted in O’Callaghan Moran’s Landscape and Visual Impact Assessment undertaken as part of the EIAR. It concludes that a combination of the topography and existing vegetation effectively screens the proposed development from the majority of public view points. The new building will be visible all year round from view points on Ballymount Road Upper. The development will not alter the existing landscape character, will have a slight impact on the existing boundary hedgerows and will have no impact amenities and cultural heritage.

Car and Bicycle Parking

As per **section 12.7.4** of the Development Plan, the site is within Zone 1 regarding car parking standards due to the sites zoning and the fact that it is further than 800 metres and 500 metres away from a Luas station and high-quality bus service. Enterprise and Employment Zone 1 lands under ‘warehousing’ (the closest land use to the proposed development) states that a maximum of 1 space per 100 sq m of GFA is allowed. The GFA proposed is 4,710 sq m meaning that 47 No. spaces are allowed. The proposed development includes 43 No. units, a reduction from 70 No. spaces and includes the provision of 9 No. EV car parking spaces and 3 No. disabled car parking spaces (1 No. being a disabled and EV car parking space). The 9 No. EV parking spaces meets the Council’s requirements to have 20% EV parking spaces.



Regarding bicycle parking, **section 12.7.1** of the Development Plan outlines that a minimum of 1 space per 200 sq m of GFA is required for developments meaning that at least 23 No. spaces are required: the proposed development include 24 No. long-stay bicycle parking spaces.

Mobility Management Plan

A Mobility Mnaagemnt Plan has been provided within Section 8 the Traffic and Transport Assessment prepad by Systra as per the requiremnt outlined in 12.7.3 of the County Development Plan.

Seveso Sites

Section 12.9.8 of the Development Plan requires that Seveso sites in the surrounding area be considered in regard to risk. The nearest Seveso site (Irish Distillers Ltd.) has a 300 m consultation distance and the subject site is c. 800 m away; as such, it is considered that the risk of significant human health impacts due to a major accident at a Seveso site, at the proposed development, is low.

Solar PV Panels

Section 12.10.4 of the Development Plan states that:

“Development proposals for solar energy development on buildings must, unless feasibility is otherwise demonstrated:

- *Prioritise south facing aspects and have an inclination of between approximately 35 and 50 degrees depending on the use of solar PV or solar thermal technologies;*
- *Be designed to take account of over-shadowing from other solar installations on site, from existing elements of the built environment such as chimneys, parapets, roof plant equipment and taller buildings and structures in the immediate vicinity;*
- *Ensure sufficient space for access, installation and maintenance;*
- *Ensure that the siting and design of proposals have regard to the visual amenities of the surrounding area;*
- *Consider the provisions of the Water Framework Directive, Habitats Directive and other environmental and built heritage issues and glint and glare near airports.”*

The building is southeast and northwest facing with a 6–10-degree tilt to match the slope of the building’s roof; however, a further tilt can be added if SEHL considers it beneficial and feasible. It is not considered that there will be any significant overshadowing from any element of the built environment. Due to the nature of the surrounding area (industrial estate) and the low tilt of the proposed panels, it is considered unlikely that there will be any signifcnat visual impacts on amenities in the surrounding area.

The site is within the Tallaght Hospital Solar Safeguard Zone. As such, Macroworks undertook a Glint and Glare Assessment, which accompanies this planning application, which concludes



that none of the thirteen Observation Points have the theoretical potential to receive glare as a result of the proposed PV panels. For this reason, it is deemed highly unlikely for there to be any potential for hazardous impacts on helicopters in relation to the helipad in Tallaght Hospital.

Lighting

The proposal includes the provision of 8 m tall flood lighting pylons providing lighting to the yard after sunset.

All lighting systems will be designed to minimise nuisance through light spillage. Shielded, downward directed lighting will be used wherever possible, and all non-essential lighting will be switched off during the hours of darkness. Where possible all light fittings will be LED, have asymmetrical projection i.e. directional, and with colour temperature of 2700K (warm spectrum preferred by bats). The radiation will be above 500nm to avoid the blue or UV light, most disturbing to bats.

7.2 Environmental Impact Assessment

The proposed development is a project of the type described at paragraph 3 – Environmental Infrastructure in the Seventh Schedule of the Planning and Development Act, 2000 (as amended) being an installation for the disposal, treatment, or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes.

Furthermore, given the importance of the proposed development in serving the regions waste processing needs, the development is of strategic importance to the Greater Dublin Region, it would clearly contribute to the substantial fulfilment of objectives within the NPF and RSES, and the development would have a significant effect on the servicing of waste processing needs in local authorities beyond the boundary of SDCC.

The increased intake will, however, result in additional traffic movements, with associated increases in vehicle exhaust gases and diesel consumption. Additional processing will also increase electricity consumption. A detailed Environmental Impact Assessment Report (EIAR) has been undertaken in respect of the proposed development and is submitted as part of the planning application.

The EIAR assesses the impacts of the proposed development on climate, land & soils, water, biodiversity, air, noise, population & human health, landscape and visual impact, cultural heritage and archaeology, and material assets, including traffic, waste, and site services.

Regarding traffic, it is noted that the proposed development will result in an increase in the number of trucks accessing the facility; in Dublin City, waste collections are restricted to outside peak hours by byelaws. As such, the peak times will not align with the peak business hours associated with the operation of the facility.

The proposed development would therefore not give rise to traffic surges at normal peak times. It is noted that the Traffic and Transport Assessment by OCM and Systra finds that the proposed development will have no significant impacts on traffic. The Systra TTA concludes



that the junction capacity assessment demonstrates that the proposed development will have a very marginal impact on traffic flows and junction performance, and no mitigation measures are required.

An assessment of the capacity of the access roads to the facility has been included in the submitted EIAR. A cumulative assessment, including those applications in the local area planned but not yet built, was also undertaken within the submitted EIAR. Furthermore, the cumulative assessment included the South Dublin County Development Plan 2022-2028 and City Edge Strategic Framework Plan.

The proposed development has the potential to impact on human beings from traffic movements, air quality, odour, noise, and glint and glare. The local road network has the capacity to accommodate the additional traffic and the air quality assessment has established that the development will not result in any breaches of ambient air quality limits.

The resulting increase in noise level from increased traffic movements will be 4 dB, which represents a not significant to slight negative impact. Waste management operations will be confined internally within the proposed building. Access for HGVs will be provided by fast acting roller shutter doors which will be opened to allow HGV entry and exit. The doors will be closed during normal operations. This constitutes one of the two main noise mitigation measures.

The second measure, identified during the preliminary noise modelling stage, is the requirement for an acoustic barrier along the southeast boundary in order to attenuate noise emissions propagated towards the nearest dwelling. This is particularly relevant with respect to HGV movements during evening and night-time hours. The proposed barrier, extending to a height of 4 m, has been incorporated into the project design, and is shown in project drawing No. 221244-ORS-Z1-ZZ-DR-AR-206. The barrier has been incorporated into the predictive noise modelling. The barrier will be entirely solid without panel gaps, and will most likely be constructed using insulated cladding on a steel framework to provide a minimum of 10 dB transmission loss.

The proposed development will not result in any breach of noise criteria. It is therefore considered that there will be no adverse noise impact on the local population or on human health.

Regarding odour, all processing of waste will occur within the building. The building will be fitted with an odour control unit as part of the proposed development to remediate the impacts waste processed.

We note that the existing development operates within all relevant environmental limits imposed by its EPA Licence, including noise, odour, dust etc. It is proposed to continue to operate within the noise and odour limit levels set by the EPA Licence and as such it is not considered that the proposed development would exacerbate or create emissions beyond that permitted and would not be likely to adversely impact residential amenity in the area by way of noise or air disturbances.

The EIAR concludes that the proposed development, overall, in the presence of mitigation measures, will result in no significant negative impacts on the environment.



An AA Screening has been undertaken by O'Callaghan Moran and concludes that the proposed development either alone or in-combination with other plans and/or projects, does not have the potential to significantly affect any European Site, in light of their conservation objectives.

As such, the proposal will accord with European, national, regional, and local planning policies and it is acceptable in respect of its likely effects on the environment and the proper planning and sustainable development of the area.

8.0 DOCUMENTS INCLUDED WITH THIS APPLICATION

The documentation outlined in the following sections forms part, and is in support of, the subject planning application.

As agreed with ABP case officers 2 No. hard copies and 8 No. soft copies of all documents are provided to the Board.

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.¹³

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.

¹³ 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 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.



| Architecture | Drawing No. | Scale | Rev no. | Page Size |
|---|----------------------------|--------------|----------------|------------------|
| Site Location Plan 1:2500 | 221244-ORS-ZZ-00-DR-AR-100 | 1:1000 | P01 | A3 |
| 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 | 221244-ORS-ZZ-00-DR-TR-731 | As Shown | P01 | A1 |



| | | | | |
|--|---------------------------|-------|-----|-----|
| Entrance Junction | | | | |
| Proposed Civils Service Watermain Layout | 221244-ORS-ZZ-00-DR-C-401 | 1:250 | P01 | A1 |
| 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 corespondance 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)



9.0 CONCLUSION

I trust that the above is in order. Since there is a need to progress the delivery of the proposed development as soon as possible, the Applicant would appreciate a rapid advancement of this Application.

If you have any queries in relation to any aspect of this letter, please do not hesitate to contact me.

Yours sincerely


Brian Minogue
Associate
Tom Phillips + Associates

Encl.

- APPENDIX A – RECEIPT OF PAYMENT**
- APPENDIX B – ABP NOTICE SID**
- APPENDIX C – EIAR PORTAL CONFIRMATION**
- APPENDIX D – SECTION 56 NOTICE**
- APPENDIX E – LETTERS TO PRESCRIBED BODIES**



Appendix A - Receipt of Payment

Bank of Ireland 
BUSINESS ON LINE

Payment Details

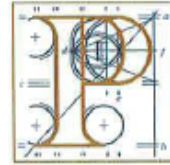
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Friday, December 01, 2023
03:30:26 PM

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| 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 |

Page 1 / 1

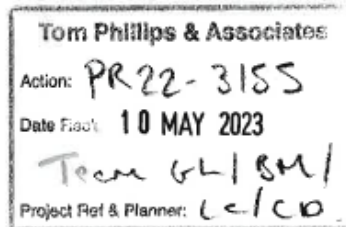
Appendix B - Notification of the Board's decision concerning whether the development is SID

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 |
| Glaao Áitiúil | LoCall | 1800 275 175 |
| Facs | Fax | (01) 872 2684 |
| 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

Teil
Glaos Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel
LoCall
Fax
Website
Email

(01) 858 8100
1800 275 175
(01) 872 2684
www.pleanala.ie
bord@pleanala.ie

64 Sráid Maoilbhride 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.



Appendix C – EIA Portal Confirmation

From: Housing Eiaportal [<mailto:EIAportal@housing.gov.ie>]
Sent: Wednesday 6 December 2023 08:02
To: jim@ocallaghanmoran.com
Subject: EIA Portal Confirmation Notice Portal ID 2023193

Dear Jim,

An EIA Portal notification was received on 06/12/2023 in respect of this proposed application. The information provided has been uploaded to the EIA Portal on 06/12/2023 under EIA Portal ID number 2023193 and is available to view at <http://housinggov.ie/maps.arcgis.com/apps/webappviewer/index.html?id=d7d5a3d48f104ecbb206e7e5f84b71f1>.

Portal ID: 2023193

Competent Authority: An Bord Pleanála

Applicant Name: Starrus Eco Holdings Ltd

Location: Ballymount Road Upper, Dublin 24 D24 E097

Description: Re-development of an existing waste management facility, comprising the demolition of a waste processing building and office, the construction of a new waste processing building and increasing the annual waste intake from 150,000 tonnes to 350,000 tonnes.

Linear Development: No

Date Uploaded to Portal: 06/12/2023

Kindest Regards,

Hugh Wogan,

EIA Portal team



Appendix D – Section 56 Notice



Environmental Protection Agency
Headquarters
Johnstown Castle Estate
County Wexford, Ireland

Phone: +353-53-9160600

Waste Management Act 1996, as amended

DECISION PURSUANT TO SECTION 56 OF THE WASTE MANAGEMENT ACT, 1996, (AS AMENDED)

Licence Register No.: W0183-01

Licensee: Starrus Eco Holdings Ltd

Facility: Millennium Business Park, Grange, Ballycoolin, Dublin 11

21st December 2021

The Agency has decided that measures are required to be taken in order to prevent or limit environmental pollution in the Eastern Region and Greater Dublin Area caused, or likely to be caused, by the holding, recovery or disposal of waste at licensed/permitted facilities which is in excess of the waste capacity for the Eastern Region and Greater Dublin Area. The Agency exercises its powers pursuant to Sections 56 and 56A of the Waste Management Act, 1996 (as amended), as it considers this measure necessary to prevent or limit environmental pollution or to mitigate or remedy the effects on the environment from waste activities resulting from a shortfall in waste capacity in the Eastern Region and Greater Dublin Area:

The Agency hereby permits the specified waste facility licensed by the Agency under the EPA Industrial Emissions Licence Number set out in the Schedule hereto, to accept certain additional waste types in excess of the maximum quantity (tonnes per annum) of the specified waste types permitted to be accepted at the said facility for the year 2021, in accordance with the particulars set out in the Schedule hereto.

This will have immediate effect from the date of the making of this Decision up to and including 31 December 2021.

This Decision does not vary, modify or otherwise affect the operation of any conditions to the specified Licence other than in respect of the maximum quantity (tonnes per annum) of the specified waste types permitted to be accepted at the said facility.



SCHEDULE

Industrial Emissions Licence Register Number: W0183-01
Licensee: Starrus Eco Holdings Ltd
Location of Facility: Millennium Business Park, Grange,
Ballycoolin, Dublin 11.

| | |
|---|---|
| Maximum permitted volume in excess of annual maximum quantity (tonnes per annum) waste acceptance | Waste type |
| 12,007 t | Municipal waste Industrial and commercial waste Construction and demolition waste |

Signed:

Dr. Tom Ryan
Director
Office of Environmental Enforcement



Report by Regional Waste Management Offices

10th November 2021

National Waste Pre Treatment Capacity

Recommendation to Invoke Section 56 of the Waste Management Act, 1996

A Chara,

The following letter sets out the position with regard to the current national shortfall in the availability of pre-treatment capacity for municipal solid waste and construction and demolition waste together with a proposed response.

The shortfall in pre-treatment capacity is due primarily to a fire at the Thornton's Waste Processing facility, Dublin, earlier this year which necessitated Beauparc Group (Panda Waste) providing alternative capacity to the market.

As a result Panda Waste have now reached their annual planning limits. Panda Waste and a number of collectors may potentially have no outlets to pre-treat their collected waste. This may consequently result in Municipal Solid Waste (MSW) & Construction & Demolition Waste (C&D) being left uncollected, leading to pollution and public health threats.

1.0 Background

In Jan 2021 the Thornton's facility on Killeen Road was completely destroyed by fire. The facility had an annual capacity of 250,000 tonnes and processed Municipal Solid Waste (MSW) and Construction & Demolition Waste (C&D). In order to avoid significant disruption to the market for pre-treatment of waste Thornton's secured alternative capacity with a number of waste operators. The main operator in the Region with sufficient operational capacity for the relevant waste streams was Panda Waste.

Panda Waste made available their facilities at Millennium Park & Cappagh in North Dublin. At the time there was engagement with the Regional Waste Management Planning Offices (RWMPO's) and the RWMPO's undertook to monitor the situation during the year to ensure business continuity for the pre-treatment of waste.



2.0 Current Position

The RWMPO's have continued to monitor the situation in relation to MSW & C & D pre-treatment capacity and have engaged with relevant stakeholders.

The RWMPO's reviewed the situation in October and concluded that, as a direct result of Panda Waste providing capacity for the Thornton's material throughout 2021 there is now a shortfall of capacity at their facilities in the region of 100,000 tonnes relative to their planning consent.

There has been engagement with the waste industry and it is clear from those discussions that there is no other available pre-treatment capacity in the Region within **their** control to alleviate the emerging situation.

The real and immediate risk arising from the loss of this capacity in the market is the potential non collection of household waste in particular giving rise to an obvious threat to the environment and human health.

It should be noted that Thornton's have completed a new facility at the Killeen Road site where the original fire occurred but they have just commenced commissioning and will only process circa 20/25kt to year end.

Therefore the only available facilities available to provide additional pre-treatment capacity of 100,000 tonnes are Cappagh & Millennium Park.

3.0 Proposal

In order to mitigate the risk to the environment and human health arising as a result of this situation it is proposed that Fingal County Council exercise its powers under Section 56 of the Waste Management Act, specifically in relation to the arrangements for the activation of the required pre-treatment capacity for the requisite period.

The issuing of the Section 56 Notice by Fingal County Council is necessary to ensure that available pre-treatment capacity at Cappagh & Millennium Park operated by Panda Waste is activated for a defined time period until **31st December 2021**.

This proposal has been endorsed by the Local Authority Waste Programme Manager, Mr Sean Scott.



The RWMPO's will continue to monitor this situation closely to the end of the year to ensure that this measure is having the desired effect on the market and is mitigating the threat to the environment and human health.

Any queries please contact the co-ordinators as per the details below.

Mise Le Meas,

Hugh Coughlan

Philippa King,
Southern Waste Region,
Lissanalta House,
Dooradoyle,
Limerick.
On behalf
Tel: 061 496842
087 9160228
Email:
philippa.king@limerick.ie

Kevin Swift,
Connacht-Ulster ~
Waste Region
Mayo County
Council,
Aras an an Chontae
The Mall
Castlebar,
Co Mayo
Tel: 094 9038130
Email:
kswift@mayococo.ie

Hugh Coughlan
Eastern Midlands Waste
Region,
Dublin City Council
Environment & Transportation
Department
Motor Tax Offices, Smithfield,
Dublin 7.
Tel 01 222 2023/086 6011463
Email
: hugh.coughlan@dublincity.ie



Appendix E – Letters to Prescribed Bodies (see following pages)



9.0 CONCLUSION

I trust that the above is in order. Since there is a need to progress the delivery of the proposed development as soon as possible, the Applicant would appreciate a rapid advancement of this Application.

If you have any queries in relation to any aspect of this letter, please do not hesitate to contact me.

Yours sincerely


Brian Minogue
Associate
Tom Phillips + Associates

Encl.

- APPENDIX A – RECEIPT OF PAYMENT**
- APPENDIX B – ABP NOTICE SID**
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- APPENDIX E – LETTERS TO PRESCRIBED BODIES**



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Bank of Ireland 
BUSINESS ON LINE

Payment Details

Payment Reference No. 198478032 Printed On
Friday, December 01, 2023
03:30:26 PM

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| 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 |
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Page 1 / 1

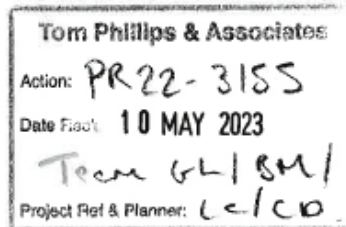
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Our Case Number: ABP-315276-22
Your Reference: Starrus Eco Holdings Ltd.



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.

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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 (01) 858 8100
Glaio Áitiúil 1800 275 175
Facs (01) 872 2684
Láithreán Gréasáin www.pleanala.ie
Riomhphost 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

Teil
Glaos Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel
LoCall
Fax
Website
Email

(01) 858 8100
1800 275 175
(01) 872 2684
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.



Appendix C – EIA Portal Confirmation

From: Housing Eiaportal [<mailto:EIAportal@housing.gov.ie>]
Sent: Wednesday 6 December 2023 08:02
To: jim@ocallaghanmoran.com
Subject: EIA Portal Confirmation Notice Portal ID 2023193

Dear Jim,

An EIA Portal notification was received on 06/12/2023 in respect of this proposed application. The information provided has been uploaded to the EIA Portal on 06/12/2023 under EIA Portal ID number 2023193 and is available to view at <http://housinggovie.maps.arcgis.com/apps/webappviewer/index.html?id=d7d5a3d48f104ecbb206e7e5f84b71f1>.

Portal ID: 2023193

Competent Authority: An Bord Pleanála

Applicant Name: Starrus Eco Holdings Ltd

Location: Ballymount Road Upper, Dublin 24 D24 E097

Description: Re-development of an existing waste management facility, comprising the demolition of a waste processing building and office, the construction of a new waste processing building and increasing the annual waste intake from 150,000 tonnes to 350,000 tonnes.

Linear Development: No

Date Uploaded to Portal: 06/12/2023

Kindest Regards,

Hugh Wogan,

EIA Portal team



Appendix D – Section 56 Notice



Environmental Protection Agency
Headquarters
Johnstown Castle Estate
County Wexford, Ireland

Phone: +353-53-9160600

Waste Management Act 1996, as amended

DECISION PURSUANT TO SECTION 56 OF THE WASTE MANAGEMENT ACT, 1996, (AS AMENDED)

Licence Register No.: W0183-01

Licensee: Starrus Eco Holdings Ltd

Facility: Millennium Business Park, Grange, Ballycoolin, Dublin 11

21st December 2021

The Agency has decided that measures are required to be taken in order to prevent or limit environmental pollution in the Eastern Region and Greater Dublin Area caused, or likely to be caused, by the holding, recovery or disposal of waste at licensed/permitted facilities which is in excess of the waste capacity for the Eastern Region and Greater Dublin Area. The Agency exercises its powers pursuant to Sections 56 and 56A of the Waste Management Act, 1996 (as amended), as it considers this measure necessary to prevent or limit environmental pollution or to mitigate or remedy the effects on the environment from waste activities resulting from a shortfall in waste capacity in the Eastern Region and Greater Dublin Area:

The Agency hereby permits the specified waste facility licensed by the Agency under the EPA Industrial Emissions Licence Number set out in the Schedule hereto, to accept certain additional waste types in excess of the maximum quantity (tonnes per annum) of the specified waste types permitted to be accepted at the said facility for the year 2021, in accordance with the particulars set out in the Schedule hereto.

This will have immediate effect from the date of the making of this Decision up to and including 31 December 2021.

This Decision does not vary, modify or otherwise affect the operation of any conditions to the specified Licence other than in respect of the maximum quantity (tonnes per annum) of the specified waste types permitted to be accepted at the said facility.



SCHEDULE

Industrial Emissions Licence Register Number: W0183-01
Licensee: Starrus Eco Holdings Ltd
Location of Facility: Millennium Business Park, Grange,
Ballycoolin, Dublin 11.

| | |
|---|---|
| Maximum permitted volume in excess of annual maximum quantity (tonnes per annum) waste acceptance | Waste type |
| 12,007 t | Municipal waste Industrial and commercial waste Construction and demolition waste |

Signed:

Dr. Tom Ryan
Director
Office of Environmental Enforcement



Report by Regional Waste Management Offices

10th November 2021

National Waste Pre Treatment Capacity

Recommendation to Invoke Section 56 of the Waste Management Act, 1996

A Chara,

The following letter sets out the position with regard to the current national shortfall in the availability of pre-treatment capacity for municipal solid waste and construction and demolition waste together with a proposed response.

The shortfall in pre-treatment capacity is due primarily to a fire at the Thornton's Waste Processing facility, Dublin, earlier this year which necessitated Beauparc Group (Panda Waste) providing alternative capacity to the market.

As a result Panda Waste have now reached their annual planning limits. Panda Waste and a number of collectors may potentially have no outlets to pre-treat their collected waste. This may consequently result in Municipal Solid Waste (MSW) & Construction & Demolition Waste (C&D) being left uncollected, leading to pollution and public health threats.

1.0 Background

In Jan 2021 the Thornton's facility on Killeen Road was completely destroyed by fire. The facility had an annual capacity of 250,000 tonnes and processed Municipal Solid Waste (MSW) and Construction & Demolition Waste (C&D). In order to avoid significant disruption to the market for pre-treatment of waste Thornton's secured alternative capacity with a number of waste operators. The main operator in the Region with sufficient operational capacity for the relevant waste streams was Panda Waste.

Panda Waste made available their facilities at Millennium Park & Cappagh in North Dublin. At the time there was engagement with the Regional Waste Management Planning Offices (RWMPO's) and the RWMPO's undertook to monitor the situation during the year to ensure business continuity for the pre-treatment of waste.



2.0 Current Position

The RWMPO's have continued to monitor the situation in relation to MSW & C & D pre-treatment capacity and have engaged with relevant stakeholders.

The RWMPO's reviewed the situation in October and concluded that, as a direct result of Panda Waste providing capacity for the Thornton's material throughout 2021 there is now a shortfall of capacity at their facilities in the region of 100,000 tonnes relative to their planning consent.

There has been engagement with the waste industry and it is clear from those discussions that there is no other available pre-treatment capacity in the Region within **their** control to alleviate the emerging situation.

The real and immediate risk arising from the loss of this capacity in the market is the potential non collection of household waste in particular giving rise to an obvious threat to the environment and human health.

It should be noted that Thornton's have completed a new facility at the Killeen Road site where the original fire occurred but they have just commenced commissioning and will only process circa 20/25kt to year end.

Therefore the only available facilities available to provide additional pre-treatment capacity of 100,000 tonnes are Cappagh & Millennium Park.

3.0 Proposal

In order to mitigate the risk to the environment and human health arising as a result of this situation it is proposed that Fingal County Council exercise its powers under Section 56 of the Waste Management Act, specifically in relation to the arrangements for the activation of the required pre-treatment capacity for the requisite period.

The issuing of the Section 56 Notice by Fingal County Council is necessary to ensure that available pre-treatment capacity at Cappagh & Millennium Park operated by Panda Waste is activated for a defined time period until **31st December 2021**.

This proposal has been endorsed by the Local Authority Waste Programme Manager, Mr Sean Scott.



The RWMPO's will continue to monitor this situation closely to the end of the year to ensure that this measure is having the desired effect on the market and is mitigating the threat to the environment and human health.

Any queries please contact the co-ordinators as per the details below.

Mise Le Meas,

Hugh Coughlan

Philippa King,
Southern Waste Region,
Lissanalta House,
Dooradoyle,
Limerick.
On behalf
Tel: 061 496842
087 9160228
Email:
philippa.king@limerick.ie

Kevin Swift,
Connacht-Ulster ~
Waste Region
Mayo County
Council,
Aras an an Chontae
The Mall
Castlebar,
Co Mayo
Tel: 094 9038130
Email:
kswift@mayococo.ie

Hugh Coughlan
Eastern Midlands Waste
Region,
Dublin City Council
Environment & Transportation
Department
Motor Tax Offices, Smithfield,
Dublin 7.
Tel 01 222 2023/086 6011463
Email
: hugh.coughlan@dublincity.ie



Appendix E – Letters to Prescribed Bodies (see following pages)

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

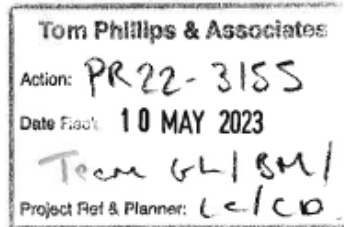
Notification of the Board's decision concerning whether the development is SID

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
Glaó 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
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- 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.

An Taisce,
Tailors Hall,
Back Lane,
Dublin,
D08 X2A3

Monday, 11 December 2023

Dear Sir / 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.

TOWN PLANNING CONSULTANTS



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



2.0 CONCLUSION AND PLANNING PROCEDURE

The application comprises, *inter alia*:

- Statutory particulars including cover letter, application form, copies of notices, lists of prescribed bodies.
- Environmental Impact Assessment Report.
- AA Screening.
- Planning Report/Cover Letter.
- Traffic & Transport Assessment.
- Planning Application drawings.

Please find attached one digital copy of the above information. In addition, the application contents can be accessed at the following website: www.ballymountsid.ie

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).

Yours sincerely

Brian Minogue
Associate



Tom Phillips + Associates

The Arts Council
70 Merrion Square
Dublin 2
D02 NY52

Monday, 11 December 2023

Dear Sir / 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

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Yours sincerely



Brian Minogue
Associate
Tom Phillips + Associates

Dublin City Council
Civic Offices
Wood Quay
Dublin 8
D08 RF3F

Monday, 11 December 2023

Dear Sir / 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

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Brian Minogue
Associate
Tom Phillips + Associates

Minister for Environment, Climate Action and Communications
29-31 Adelaide Road
Dublin 2
D02 X285

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Brian Minogue
Associate
Tom Phillips + Associates

Minister for Housing Local Government and Heritage
Custom House
Dublin
D01 W6X0

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Yours sincerely





Brian Minogue
Associate
Tom Phillips + Associates

Dun Laoghaire Rathdown County Council
2 Marine Rd
Dún Laoghaire
Co. Dublin
A96 K6C9

Monday, 11 December 2023

Dear Sir / 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.

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- An Taisce
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Yours sincerely



Brian Minogue
Associate
Tom Phillips + Associates

Eastern-Midlands Regional Waste Office
c/o Dublin City Council | Motor Tax Office |
Floor 2
Blackhall Place
Queens Street
Smithfield
Dublin 7

Monday, 11 December 2023

Dear Sir / 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

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Yours sincerely





Brian Minogue
Associate
Tom Phillips + Associates

Environmental Protection Agency
Johnstown Castle
Wexford
Y35 W821

Monday, 11 December 2023

Dear Sir / 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

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Brian Minogue
Associate
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Failte Ireland
Amiens Street
Dublin 1
Ireland

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Associate
Tom Phillips + Associates

Fingal County Council
County Hall
Main Street
Swords
County Dublin
K67 X8Y2

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Tom Phillips + Associates

The Heritage Council
Church Ln
Gardens
Kilkenny
R95 X264

Monday, 11 December 2023

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Brian Minogue
Associate
Tom Phillips + Associates

Health Services Executive
Dr Steevens' Hospital
Dublin 8

Monday, 11 December 2023

Dear Sir / Madam

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Brian Minogue
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Irish Aviation Authority
The Times Building
11-12 D'Olier Street
Dublin 2
D02 T449

Monday, 11 December 2023

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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.



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

2.0 CONCLUSION AND PLANNING PROCEDURE

The application comprises, *inter alia*:

- Statutory particulars including cover letter, application form, copies of notices, lists of prescribed bodies.
- Environmental Impact Assessment Report.
- AA Screening.
- Planning Report/Cover Letter.
- Traffic & Transport Assessment.
- Planning Application drawings.

Please find attached one digital copy of the above information. In addition, the application contents can be accessed at the following website: www.ballymountsid.ie

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).

Yours sincerely





Brian Minogue
Associate
Tom Phillips + Associates

Irish Water
Colvill House,
24-26 Talbot Street,
Dublin 1
D01 NP86

Monday, 11 December 2023

Dear Sir / 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

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Yours sincerely



Brian Minogue
Associate
Tom Phillips + Associates

Transport Infrastructure Ireland
Parkgate Business Centre
Parkgate St
Dublin 8

Monday, 11 December 2023

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TOWN PLANNING CONSULTANTS



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