

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

Friday, 10 March 2023

Dear Sir/Madam

**Re: STRATEGIC INFRASTRUCTURE DEVELOPMENT APPLICATION: PROPOSAL TO INCREASE WASTE INTAKE FROM 270,000 TO 450,000 TONNES PER YEAR AND ASSOCIATED WORKS AT AN EXISTING WASTE FACILITY AT MILLENIUM BUSINESS PARK, CAPPAGH ROAD, DUBLIN 11**

## 1.0 INTRODUCTION

### 1.1 Introduction

Starrus Eco Holdings Ltd<sup>1</sup> (SEHL) has retained Tom Phillips + Associates, Town Planning Consultants<sup>2</sup> to apply to An Bord Pleanála ('the Board') in respect of the proposed development for an increase in waste tonnage processed on site from 270,000 tonnes per year to 450,000 tonnes per year at their facility at Millennium Business Park, Cappagh Road, Dublin 11, in accordance with the provisions of section 37E of the *Planning and Development Acts 2000 (as amended)*. Minor works are also proposed.

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. W0183-01) 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 ABP Consultation

A consultation meeting took place with An Bord Pleanála on 6 October 2022 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)*.

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<sup>1</sup> Panda Waste Managements Solutions, Ballymount Road Upper, Dublin 24.

<sup>2</sup> 80 Harcourt Street, Dublin 2.



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

- Take into consideration the Cappagh Rd – Mitchelstown Road – Kilshane Road Roundabout to the northwest of the site, which was identified as nearing capacity within the nearby Cappagh Rd SID (Reg. Ref. 310332) planning application.
- Provide a robust reasoning for the need for the development and demonstrate how it complies with government policy.
- Refer to the most up to date regional waste reports in the application documentation.

The Applicant has taken on board the Board's advice, and as such all the above is included within this Application.

Further to that consultation meeting, the Board subsequently decided, by letter dated 2 November 2022 (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.

### **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% per year from 2010 (2.8 million tonnes of MSW) to 2020 (3.2 million tonnes of MSW)<sup>3</sup>. If the same rate is applied for the next decade, Ireland would be producing 3.7 million tonnes of MWS annually by 2030. Infrastructure to manage waste must grow alongside this increase.

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<sup>3</sup> Source: EPA annual waste reports.



The Waste Management Planning Regional Co-ordinators in their Q2/Q3 2022 reports documented that there was annual increase of c. 11% in residual municipal solid waste (black bin) processed year over year.

A press release by the EPA, on 6 December 2022, stated that their recently published 2020 report “reveals a number of worrying trends” and that “Ireland is generating too much waste”<sup>4</sup>.

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 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 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. Furthermore, the EU is moving towards requiring all waste to be pre-processed prior to incineration.

There is currently such a shortfall in waste management capacity within the Greater Dublin Area that a Section 56 notice (Appendix E), 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 the Millennium Park facility (subject of this Application). The 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.

The Ballymount Industrial Park in South Dublin is home to facilities processing approximately 1,000,000 tonnes of waste. The City Edge project<sup>5</sup> 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,

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<sup>4</sup> Source: *epa calls for urgent action to address Irelands municipal waste recycling*, Dec 2022.

<sup>5</sup> <https://cityedge.ie/>



and other developments and activities, and provision must therefore be made to relocate essential waste processing operations.

In addition to City Edge, the Applicant's facility in Cookstown, within SDCC, has been rezoned as REGEN. This has resulted 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 Ballyogan Bailing Station, which is currently being used for emergency accommodation, despite being an EPA licensed waste site.

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 Fingal and surrounding area. We believe that for such a critical matter such as the management of the nation's waste, it is sensible to have excess capacity rather than insufficient capacity.

As such, the proposal seeks to increase the maximum tonnage that can be handled on site to 450,000 tonnes. As per the submitted EIA, it is noted that 50,000 tonnes (of the 450,000 tonnes sought) will provide for contingency. The site will generally operate to a maximum of 400,000 tonnes; however, the worst-case scenario is sought so to avoid future restrictions should an emergency situation arise.

### ***The Solution***

To achieve the above objective, the Applicant proposes a strategic and systematic increase in waste capacity at existing facilities across the Greater Dublin Area rather than through the construction of new facilities that would *inter alia* take time to construct, use raw materials in its construction, and eliminate space for other critical services such as housing and 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 tonnes per year to 450,000 tonnes per year at their neighbouring Cappagh Road facility (permitted on 18 July 2022 (ABP Ref. 310332)).

Significantly, the Millennium Park site has the capability to process considerably more waste than it is currently restricted to by planning conditions, without the need for any significant works or upgrade of infrastructure.

Through this planning application, it is proposed to increase the waste tonnage processed on site from 270,000 tonnes per year (Condition 2 of Reg. Ref. FW22A/0016 (and by consequence



Condition 5 of Reg. Ref. FW18A/0079)), to 450,000 tonnes per year at the Millennium Business Park facility. The site and current infrastructure's ability to accommodate an increase in tonnage is evidenced by the fact that it processed almost 305,000 tonnes in 2021. The applicant's review suggests that the site can accommodate up to 450,000 tonnes without the need for new infrastructure on site. As noted above, the site will generally operate to a maximum of 400,000 tonnes; however, the worst-case scenario is sought so to avoid future restrictions should an emergency situation arise.

The only works required for the proposed increase is the installation of an odour control unit, located to the east of Material Recovery Building 1, to alleviate odour resulting from the increased waste on site.

A separate, future application is also planned to increase the tonnage processed on site at the SEHL's facility on Ballymount Road Upper. The Applicant has lodged a pre-planning consultation request with the Board regarding that proposed development (ABP Ref. 315276).

The outcome of the proposed development at Millennium Park, 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, which conclude that there will be no significant 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 subject site is located to the immediate east of Cappagh Road in an industrial/commercial area within Ballycoolin in the Dublin 15 Enterprise Zone.

The site is located next to Huntstown Quarry on the northern and eastern boundaries, and the remaining elements of the Millennium Business Park, which accommodate small scale industrial unit, to the southern and western boundaries.

The majority of uses in the area surrounding the subject site are industrial/commercial.

The subject site measures c. 4.43 ha in size and accommodates *inter alia* 2 no. waste recovery and transfer buildings – 1 No. to the south and 1 No. to the north of the site. Additional ancillary infrastructure on site includes *inter alia* a weighbridge, fuel tanks, vehicle wash and drainage systems.

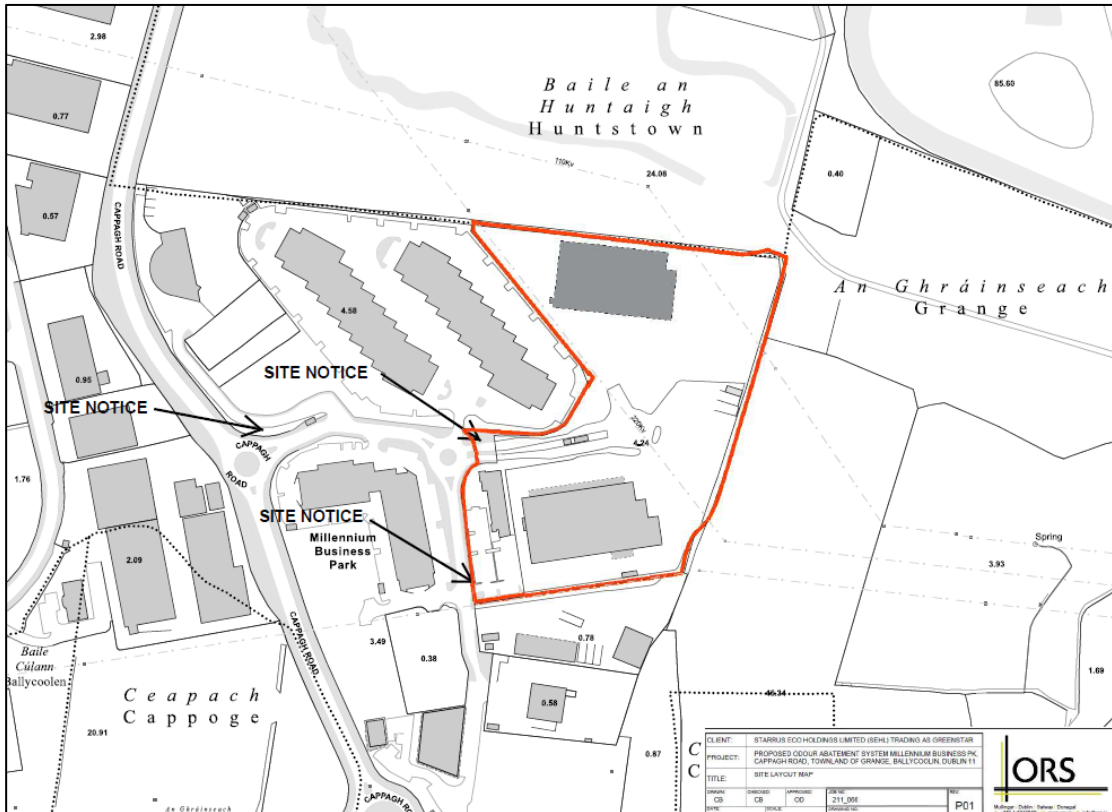


Figure 2.1: Site Location Plan – Subject Site Outlined in Red. (Source: ORS).

### 3.0 PLANNING HISTORY

Development at the existing facility is permitted under several permissions granted by Fingal County Council<sup>6</sup>.

The relevant planning history is outlined below.

- FCC granted permission on 13 March 2003 (Reg. Ref. F02A/1474) (granted by ABP on 12 August 2003, on appeal) for development *inter alia* of 2 No. buildings for use as a waste recovery and transfer building and biowaste treatment building, respectively. The waste recovery and transfer building was constructed; the biowaste treatment building was not.
- FCC granted permission on 20 September 2018 (Reg. Ref. FW18A/0079) (Final Grant 31 October 2018) for development consisting of *inter alia* a second waste recovery and transfer building on the site approximately where the 2003 permission permitted the biowaste treatment building. The proposed development related to an activity covered by an existing Waste Licence No. W0183-01 issued by the Environmental Protection Agency.

<sup>6</sup> FCC Reg. Refs. F02A/1474 (ABP Ref. PL 06F.202468), F05A/1764, FW18A/0079, FW21A/0064 (deemed withdrawn), and FW22A/0016.



- FCC granted retention permission on 31 March 2022 (Reg. Ref. FW22A/0016) (Final Grant 10 May 2022) for development *inter alia* of a waste recovery and transfer building on the site, different to that, in terms of size and orientation, permitted under Reg. Ref. FW18A/0079.

Condition 2 of Reg. Ref. FW22A/0016 states that:

*“The terms and conditions of the grant of permission made by Fingal County Council under Reg. Ref. FW18A/0079, shall be complied with in full in the course of the development herein permitted, save for the changes to plans submitted for this application.*

*Reasons: In the interest of the proper planning and sustainable development of the area.”*

[Our emphasis.]

Condition 5 of Reg. Ref. FW18A/0079 states that:

*“This permission permits the actual amounts of waste to be accepted to the overall premises at **an overall limit of 270,000 tonnes per annum** which shall not be exceeded. No hazardous waste or liquid shall be permitted.*

*Reason: To clarify the extent of the permission.”*

[Our emphasis.]

#### 4.0 CAPPAGH ROAD SID (ABP REF. 310332)

SEHL was granted permission in 2022 for an increase to the annual waste intake limit from 250,000 tonnes to 450,000 tonnes at their neighbouring Cappagh Rd facility.

The Inspector acknowledged the need for increased waste capacity in the current climate and concluded that:

*“Having regard to the foregoing assessment it is clear that the proposed increase in waste is supported in terms of policy at all levels from local to national. Additionally given the location of the development site within an established industrial / commercially developed area and given the limited magnitude of environmental effects expected I am satisfied that the proposed development is acceptable and in accordance with the sustainable development of the area.”*

Regarding Traffic and ORS’s assessment of Traffic (which included a cumulative assessment of the subject Millennium Park increased tonnage development), the Inspector stated:

*“Whilst I acknowledge that the proposed development will give rise to increases in traffic movements, I note waste collections are required under bylaws to be collected before morning peak traffic which would ensure that lorries are on route to the development site and unloaded prior to the 8am peak traffic flow. The proposed development would therefore not give rise to traffic surges at normal morning peak times.”*

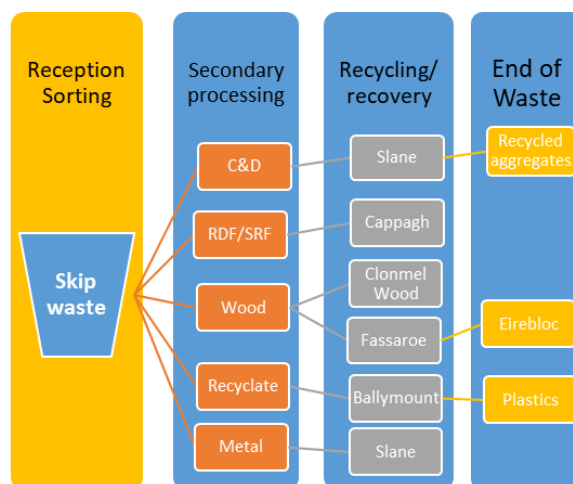
ORS have updated their traffic assessment to include up-to-date traffic counts. That assessment concludes that the proposed development (including cumulative developments) will not have a significant impact on the traffic network in the area.

## 5.0 THE EXISTING FACILITY

In accordance with the permissions outlined above together with an IE licence issued by the EPA, the existing facility accepts 270,000 tonnes per year<sup>7</sup> 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 of this situation is as follows: skip waste received initially at Millennium Park 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).

In addition, the combustible fraction from the Millennium Park waste is taken to Cappagh road (W0261-02) facility for further processing into Solid Recovered Fuels (SRF) and Refuse Derived Fuels (RDF). Likewise, residual waste at Cappagh is processed into RDF, by removing some putrescibles, plastic and metal and these are sent on to other sites for further specialist processing.



**Figure 5.1:** Framework for how the waste process. (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.

<sup>7</sup> A Section 56 notice, under the Waste Management Act, was issued by Fingal County Council and the EPA to provide emergency waste capacity in late 2021. As such the facility processed 304,180 tonnes of waste in 2021.





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 appropriate 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 also 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 one of the buildings 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.

## 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 / Irelands 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.]

## 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 *Fingal Development Plan 2027-2023 and the Draft Fingal Development Plan 2023-2029*. 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 Council 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 Fingal County Development Plan 2017-2023

The *Fingal County Development Plan 2017-2023* sets out Fingal County Council's overall strategy for the proper planning and sustainable development of the County to 2023 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 'GE' (General Employment). The objective of this zoning category is to *'provide opportunities for general enterprise and employment'*. *'Waste Disposal and Recovery Facilities'* are permitted in principle under this zoning objective.

The importance of proper waste management to Fingal is acknowledged in Section 1.6 of the development plan which states that a main strategic aim of the Plan is to *"secure the timely provision of infrastructure essential to the sustainable development of the county, in particular in areas of resource and waste management..."*

Section 7.5 of the *County Development Plan* also stresses the importance of proper waste management. It is noted that a waste hierarchy should apply across the county, which prioritises prevention in the first instance, followed by reuse, recycling, recovery of value e.g. energy and finally disposal if no other alternative is available.



The subject facility accords with this waste management policy by ensuring that priority is given to the recycling and recovery of waste materials thereby guaranteeing that the amount of waste sent to landfill is minimised.

Further support for the facility is contained in the *County Development Plan* by the following objectives.

**Objective RF93**

*Encourage the recycling of construction and demolition waste to reduce the need for extraction*

**Objective WM02**

*Facilitate the implementation of national legislation and national and regional waste management policy having regard to the waste hierarchy.*

**Objective WM09**

*Promote increased recycling of waste in accordance with the Eastern Midlands Region Waste Management Plan 2015 -2021 (or any subsequent plan).*

**Objective WM12**

*Promote developments to manage food waste in accordance with the requirements of the Waste Management (Food Waste) Regulations.*

**Objective WM14**

*Promote the recovery (including recovery of energy) from waste in accordance with the Eastern Midlands Region Waste Management Plan 2015 -2021 (or any subsequent plan).*

The expansion of the existing waste recovery facility accords with the above objectives by ensuring that the waste hierarchy plan is adhered to through the prioritisation of recycling and recovery of waste.

## 6.7 Adopted Fingal County Development Plan 2023-2029

The Adopted *Fingal County Development Plan 2023-2029* continues to promote the circular economy and adherence to National Policy.

Objective IUO28 of the Draft Plan states that:

*“Implement the provisions of the Eastern Midlands Region Waste Management Plan 2015–2021 or any subsequent Waste Management Plan applicable within the lifetime of the Development Plan. All prospective developments in the County will be expected to take account of the provisions of the Regional Waste Management Plan and adhere to the requirements of that Plan.”*

As outlined above, meets the needs of Objective E10 of the *Eastern Midlands Region Waste Management Plan 2015–2021* as well as the needs of waste management capacity needs



generally as a result of increased inward migration and the erosion of existing facility in the Dublin Region.

## 7.0 ASSESSMENT OF THE PROPOSED DEVELOPMENT

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 FCC.

The development will consist of: an amendment of Condition 5 of Reg. Ref. FW18A/0079 to increase to the annual waste acceptance rate from 270,000 tonnes to 450,000 tonnes per year so as to expand the recycling/recovery capacity of the facility; and the installation of odour control unit some 18 m in height at Material Recovery Building 1.

The increased intake does not require new buildings, or extensions to existing buildings.

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, visual impact, cultural heritage and archaeology, and material assets.

Regarding traffic, it is noted that the proposed development will result in an increase in the number of trucks accessing the facility; however, waste collections are required under bylaws to be collected before peak traffic. As such, the peak times do not align with the peak business hours associated with the operation of the facility which are:

- 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.

Traffic patterns will remain unchanged albeit in higher volumes as outlined above. 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 ORS finds that the proposed expansion in capacity will not be a significant traffic generator and will not adversely impact on the operation on the regional road to which they connect. The ORS TTA concludes that capacity



issues identified are pre-existing and require attention irrespective of the proposed expansions, which will have minimal impact.

An assessment of the capacity of the access roads to the facility has been included in the submitted EIAR. An assessment was also included in the Cappagh Rd application (ABP Ref. 310332) and included both that development and the subject development in its cumulative assessment.

The proposed development will increase the annual waste intake from 270,000 to no more than 450,000 tonnes per annum. This will result in a c. 67% increase in the number of heavy goods vehicles (HGV) accessing the facility. The assessment concludes that most of the access roads currently operate below capacity and will continue to do so should the development proceed.

The roundabout between the Cappagh Road and Mitchelstown Road (to the northwest of the site) is already under pressure from existing traffic flows, and will be above capacity in future regardless of the expansion.

As that roundabout was of some concern to the Inspector assessing the Cappagh Rd Application (ABP Ref. 310332) and was raised as a potential issue at this application's pre-planning meeting with the Board, ORS have updated their assessment of this Junction with traffic counts taken in November 2022.

The assessment included a worst-case scenario at peak times; however, as mentioned above, the trucks patterns associated with the facility are not at those peak times.

The proposed development has the potential to impact on human beings from traffic movements, air quality, and noise. The local road network has the capacity to accommodate the additional traffic (where any capacity issues are identified they are pre-existing and require attention irrespective of the proposal) and the air quality assessment has established that the development will not result in any breaches of ambient air quality limits.

Regarding odour, all processing of waste occurs within existing buildings. The southern Materials Recovery Building 1 will be fitted with an odour control unit as part of the proposed development to remediate the impacts of food waste processed at that building.

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 impact residential amenity in the area by way of noise or air disturbances.

The EIAR concludes that the proposed development overall will result in no significant negative impacts on the environment.

An AA Screening has been undertaken by OCM and concludes the proposed changes will have no direct or indirect effects on a Natura 2002 Site. Furthermore, the proposed development does not present a risk of significant effects on the Qualifying Interests and Conservation Objectives of any Natura 2000 Sites.



The Cappagh Rd SID Application (permitted on 18 July 2022 (ABP Ref. 310332)) assessed the cumulative impacts on the environment, including the subject Millennium Park development, and concluded that there will be no significant impacts on the environment. Since then, additional modelling has taken place and the impacts on the environment remain not significant.

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 7 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*

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

### 3 *Letters to Prescribed Bodies and FCC Planning Authority*

16 No. Letters to the prescribed bodies (including 1 No. cover letter to Fingal County Council Planning Authority)

### 4 *Planning Fee*

A payment has been made by EFT to An Bord Pleanála, dated Friday, 3 March 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 10 March 2023.

Original page of the *Dublin Gazette*, dated 9 March 2023





Site Notice dated 10 March 2023, erected or fixed at the site.

**6 Confirmation of publication of EIAR on EPA Website**

Confirmation of publication of the EIAR for the proposed development on the EIA Portal, attached to this Cover Letter.

**7 Traffic and Transport Assessment**

*Traffic and Transport Assessment*, prepared by ORS.

**8 Appropriate Assessment Screening**

*Appropriate Assessment Screening*, prepared by O’Callaghan Moran.

**9 Drawings**

All plans and drawings prepared ORS.

**10 Environmental Impact Assessment Report (EIAR)**

EIAR prepared in respect of this Application, comprising: a Non-Technical Summary and 17 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
1	Introduction	OCM
2	Site Description	OCM
3	Development Description	OCM
4	Alternatives	OCM
5	Climate	OCM
6	Land & Geology	OCM
7	Water	OCM
8	Biodiversity	Dixon Brosnan
9	Air	OCM
10	Population & Human Health	OCM
11	Landscape & Visual Impact	OCM
12	Archaeology, Architecture & Cultural Heritage	OCM



13	Material Assets: Built Assets	OCM
14	Materials Assets: Traffic & Transport	OCM/ ORS
15	Interactions	OCM
16	Summary of Mitigation	OCM

**Table 8.1: EIAR Chapter Headings and Contributors.**

## 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 – ABP CAPPAGH RD**
- APPENDIX D – EIAR PORTAL CONFIRMATION**
- APPENDIX E – SECTION 56 NOTICE**



## Appendix A - Receipt of Payment

**Bank of Ireland**   
BUSINESS ON LINE

Payment Details

Payment Reference No. 186446307

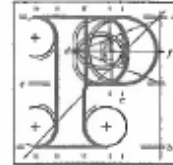
Printed On  
Friday, March 03, 2023  
04:43:03 PM

Pay From >	PAYMENTS , BALLSBRIDGE DUBLIN 4 , 27842996
Pay To >	AN BORD PLEANALA , IBANIE70AIBK93105500316067
Payment Details >	€100,000.00 on 03/03/2023, SEPA Payment
Status >	Payment Processed



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

**Our Case Number:** ABP-314052-22  
**Your Reference:** Starrus Eco Holdings Ltd.



An  
Bord  
Pleanála

Tom Phillips & Associates  
80 Harcourt Street  
Dublin 2  
D02 F449

**Date:** 02 November 2022

**Re:** Increase waste intake limit from 270,000 tonnes per year to 450,000 tonnes per year.  
Millenium Business Park, Cappagh Road, Dublin 11

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.

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

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

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

**Tel** (01) 858 8100  
**Glaos Áitidil** **LoCall** 1890 275 175  
**Facs** (01) 872 2684  
**Láithreán Gréasáin** **Website** [www.pleanala.ie](http://www.pleanala.ie)  
**Riomphost** **Email** [bord@pleanala.ie](mailto:bord@pleanala.ie)

64 Sráid Maoilbhride 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  
Glaos Áitiúil  
Facs  
Láithreán Gréasáin  
Ríomhphost

Tel  
LeCall  
Facs  
Websites  
Email

(01) 858 8100  
1890 275 175  
(01) 872 2684  
[www.pleanala.ie](http://www.pleanala.ie)  
[bord@pleanala.ie](mailto:bord@pleanala.ie)

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

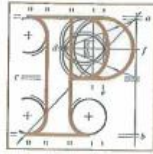


### List of Prescribed Bodies

- 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
- Dun 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

Further notifications should also be made where deemed appropriate.

## Appendix C - Cappagh Rd SID



An  
Bord  
Pleanála

### Board Order ABP-310332-21

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#### Planning and Development Acts, 2000 to 2021

#### Planning Authority: Fingal County Council

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

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

The proposed development relates to an activity covered by an existing Industrial Emissions Licence (W0260-02) issued by the Environmental Protection Agency.

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

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#### Decision

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

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



## Appendix D – EIA Portal Confirmation

**From:** Housing EIAportal [<mailto:EIAPortal@housing.gov.ie>]  
**Sent:** Monday 6 March 2023 16:21  
**To:** [jim@ocallaghanmoran.com](mailto:jim@ocallaghanmoran.com)  
**Subject:** EIA Portal Confirmation Notice Portal ID 2023031

Dear Jim,

An EIA Portal notification was received on 06/03/2023 in respect of this proposed application. The information provided has been uploaded to the EIA Portal on 06/03/2023 under EIA Portal ID number 2023031 and is available to view at <http://housinggovie.maps.arcgis.com/apps/webappviewer/index.html?id=d7d5a3d48f104ecbb206e7e5f84b71f1>.

**Portal ID:** 2023031

**Competent Authority:** An Bord Pleanála

**Applicant Name:** Starrus Eco Holdings Ltd

**Location:** Millennium Business Park, Cappagh Road, Dublin 11 D11  
PN52

**Description:** Increase the permitted annual waste intake from 270,000 tonnes to 450,000 tonnes and install an odour control unit with an 18m high stack.

**Linear Development:** No

**Date Uploaded to Portal:** 06/03/2023

Regards

Hugh Wogan,

EIA Portal team

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An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta  
Department of Housing, Local Government and Heritage





## **Appendix E – 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

**21<sup>st</sup> 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



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.:** W0261-02

**Licensee:** Starrus Eco Holdings Ltd

**Facility:** Cappagh Road, Finglas, Dublin 11

**21<sup>st</sup> 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: W0261-02

Licensee: Starrus Eco Holdings Ltd

Location of Facility: Cappagh Road, Finglas, Dublin 11.

Maximum permitted volume in excess of annual maximum quantity (tonnes per annum) waste acceptance	Waste type
12,735 t	Non- hazardous waste

Signed:



---

Dr. Tom Ryan

Director

Office of Environmental Enforcement



# Report by Regional Waste Management Offices

10<sup>th</sup> 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 Beuparc 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 **31<sup>st</sup> 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](mailto: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](mailto: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](mailto:hugh.coughlan@dublincity.ie)