

Comhairle Chontae Atha Cliath Theas

PR/1130/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0301 **Application Date:** 12-Jul-2022
Submission Type: New Application **Registration Date:** 12-Jul-2022

Correspondence Name and Address: Ellen Reville, BIGbin Waste Tech Ltd Unit BO,
Confederation House, Waterford Business Park, Cork
Road, Co Waterford, X91 T449

Proposed Development: The development will consist of a pay to use portable
waste compactor for the acceptance of residual and
food waste and a

pay to use compactor for mixed dry recyclables.
This activity requires the developers to process a
waste collection permit/certificate

of registration.

Location: Newcastle Service Station, Main Street,
Ballynakelly, Newcastle, Co Dublin, D22 E7N6

Applicant Name: BIGbin Waste Tech Ltd

Application Type: Permission

(AOCM)

Description of Site and Surroundings:

Site Area: stated as 0.033 hectares.

Site Description:

The application site is located in Newcastle village and contains a petrol station with two-storey shop with first floor office use. The petrol station provides petrol pumps and car washing facilities and is entirely hard surfaced. The surrounding area is primarily residential in nature.

Proposal:

Permission is sought for the following:

- Pay To Use (PTU) Portable waste compactor for residual and food waste
- PTU Portable compactor for mixed dry recyclables

Zoning:

The site is subject to zoning objective 'RES' - *'To protect and/or improve residential amenity'*.

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Consultations:

Public Realm – No Objection

Roads – No Objection

Water Services – No objection

Irish Water – No objection, **conditions** recommended

Environmental Health Officer (EHO) – **Additional information** recommended

SEA Sensitivity Screening

SEA monitoring indicates overlap with Sites of Geological Interest 2016

Submissions/Observations /Representations

Submission expiry date – 15 August 2022

No submissions or observations received.

Relevant Planning History

S01A/0668: (1) Demolish existing workshop building. (2) Demolish and rebuild existing service station to include two storey building (with ground floor Retail Area, ATM facility, Post Office, and Ancillary Area, and first floor Apartments), Pump islands, Forecourt Canopy, Service area, care wash pads and associated signage. 3. To instal two additional 20,000 litre underground tanks. **Refused by SDCC, approved on appeal by ABP.**

SD07A/0827: (1) Change of use of first floor apartment from residential to office use and associated reduction to private open space; (2) increase site area size with subsequent increase in car parking and circulation area; (3) construct new storage shed and trash compound with associated site works; (4) relocate existing service area; (5) install steam wash pad. **Grant permission.**

SD08A/0691: Alterations and extensions to existing retail unit to include: (1) extension to rear of retail unit of 44.6 sq.m for ancillary retail storage area / facilities and extension of existing ancillary off - license use to include this additional area; (2) increase in retail area from 177.97 sq.m to 212.50 sq.m; (3) relocation of deli food bar area and increase in area from 24.86 sq.m to 49.80 sq.m; (4) relocation of post office and increase in area from 19.94 sq.m to 22.00 sq.m; (5) associated ancillary site works. Significant Further Information: (1) revised parking, traffic circulation and pedestrian access arrangements; (2) an increase in retail sales area to 216sq.m; (3) relocation of Post Office and increase in area to 21.3sq.m. and proposed relocation of off-licence area and increase to 12.2sq.m. **Permission granted by SDCC.**

Relevant Enforcement History

No recent enforcement recorded for subject site.

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Pre-Planning Consultation

PP020/22: Report issued 28/04/2022

Relevant Policy in South Dublin County Council Development Plan 2022-2028

Policy GII: Overarching Protect, enhance and further develop a multifunctional GI network, using an ecosystem services approach, protecting, enhancing and further developing the identified interconnected network of parks, open spaces, natural features, protected areas, and rivers and streams that provide a shared space for amenity and recreation, biodiversity protection, water quality, flood management and adaptation to climate change.

Policy GI4: Sustainable Drainage Systems Require the provision of Sustainable Drainage Systems (SuDS) in the County and maximise the amenity and biodiversity value of these systems.

5.2.1 The Delivery of Sustainable Neighbourhoods 'The Plan Approach'

- *Consider existing natural, cultural and built heritage features and green infrastructure elements as well as social, economic and environmental factors that impact on an area.*
- *Promote good urban design, which seeks to create public spaces that are vibrant, distinctive, safe and accessible and which promote and facilitate social interaction.*
- *Promote public transport and other transport facilities that mitigate dependence on cars, promote safe walking and cycling, while assisting with internal movements within neighbourhoods.*
- *Ease of access to and availability of good jobs and a good quality of life for the community at large.*
- *High quality services, community infrastructure and open spaces accessible to all.*
- *A real sense of place, positive purpose and local distinctiveness, where buildings are not only attractive but also safe and useful with lots of green and open spaces for people to spend time, relax and play.*
- *Promotes a mix of uses with appropriate increases in density and building heights in the right locations maximising the existing transport network and existing infrastructure.*
- *High quality design, materials and finishes and good quality landscaping with robust maintenance protocols for all large residential, commercial and employment developments.*

12.11.3 Waste Management

12.11.3 (i) Bring Banks and Recycling Facilities

- *In conjunction with new waste infrastructure facilities, proposals should include bring facilities for the acceptance of non-hazardous and hazardous wastes from members of the public and small businesses*

12.11.3 (iii) Waste Recovery and Waste Disposal Facilities

- *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*

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Section 12.4.2 Development Management and Green Infrastructure

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: à 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.*

This information will be submitted in a digital format agreed with the Council to allow amalgamation and reporting on tree and hedgerow cover within the County over time.

Relevant Government Guidelines

Project Ireland 2040 National Planning Framework, Government of Ireland (2018)

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government (2009)

The Eastern-Midlands Region Waste Management Plan 2015-2021 (2015)

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031, Eastern and Midland Regional Assembly (2019)

Assessment

The main issues for assessment concern the following:

- Zoning and Council Policy
- Residential and Visual Amenity
- Roads
- Green Infrastructure
- Water Supply and Waste Water
- Environmental Health
- Appropriate Assessment
- Environmental Impact Assessment

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Zoning and Council Policy

The site is subject to zoning objective 'RES' - *'To protect and/or improve residential amenity'*.

PTU waste compactor is not a specific use listed under the 'RES' zoning objective. Section 12.2.1(v) of the Development Plan states that *'Uses that have not been listed under the land use zoning tables will be considered on a case-by-case basis in relation to conformity with the relevant policies, objectives and standards contained within the Plan, particularly in relation to the zoning objective of the subject site and its impact on the development of the County at a strategic and local level.'*

A 'Recycling Facility' is **open for consideration** under this zoning objective. A Recycling Facility is defined in Appendix 6 of the Development Plan as follows, *'Recycling facilities include facilities such as bring bank/bring centres and provide **for the disposal of items** such as glass, cans, plastic, textiles, paper and other items **that can be recycled.**'* [Emphasis added].

A 'Refuse Transfer Station' is **not permitted** under this zoning objective. Refuse Transfer Station is defined in Appendix 6 of the Development Plan as being *'A **structure** or land usually **enclosed** and screened, and which is **used for the temporary storage of waste materials pending transfer to a final disposal facility, or for re-use.** The definition includes a baling station, recycling facility, civic amenity facility, materials recovery facility, and materials recycling facility.'* [Emphasis added].

Notwithstanding the above, there is an established petrol station use at the site. 'Petrol Station' is **open for consideration** under this zoning objective. It is considered that **the PTU waste compactors would be ancillary to the use of the site as a 'Petrol Station'** and should be assessed on this basis, rather than under separate non-conforming use classes.

On this basis, the use of the PTU compactors at the site would be acceptable in principle.

Elsewhere in SDCC

It is noted that very few applications have been lodged for similar works within South Dublin County. Of the two examples found, the PTU compactor use has been assessed differently.

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SD22A/0291: Placement of a pay-to-use portable waste compactor for the acceptance of residual and food waste and a pay-to-use portable compactor for mixed dry recyclables. This activity requires the developers to possess a waste collection permit/certificate of registration. **Additional information has been requested.**

- Assessed PTU compactors as a 'Recycling Facility'

SD19A/0323: Pay-to-use waste portable compactor for dry recyclables and pay-to-use portable waste compactor for residual waste and food waste. **Permission granted.**

- Assessed PTU compactors as a 'Refuse Transfer Station'. It is noted that this assessment incorrectly stated that Refuse Transfer Station was an open for consideration use under the 'RES' zoning objective.

It is noted that under Pre-Planning Ref. **PP020/22** the use was considered likely to fall under the definition of a Refuse Transfer Station.

Residential and Visual Amenity

Given the existing use of the site and the size and location of the proposed compactors, it is not considered that there would be any significant impacts in terms of visual amenity on the surrounding area. The compactors are suitably located within the site to minimise the impact on the existing uses, and it is not considered that they would give rise to significant additional visitors to the site. To minimise the impact of the compactors on neighbouring residential units, the compactors should only be used during the operational hours of the petrol station, and this should be ensured by **condition**.

It is noted that the compactors are secured to ensure dust and smells are contained. The applicant has provided information on how the compactors are designed to minimise the use of compactors for disposing of inappropriate items. No information has been provided on how compactors ensure there is no disposal of hazardous waste. A **condition** should be applied in the event of a grant requiring satisfactory submission of information in this regard.

The applicant has not indicated if any signage would be included to indicate the availability of the PTU waste compactors. In the event of a grant, a **condition** would be required stating that any associated signage would require planning permission.

Roads

The Roads department have reviewed the application and have stated no objection to the development, not recommending any conditions in the event of a grant of permission.

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Green Infrastructure

The subject site is not located within a Core Area, Primary GI Corridor or Secondary GI Link as identified in the Green Infrastructure Strategy Map (Figure 4.4 of the County Development Plan 2022 – 2028). The development would not increase the area of hardstanding at the site and would not reduce any green infrastructure assets, such as trees or hedgerows already present. In this regard, no further assessment in relation to green infrastructure is required.

Water Supply and Wastewater

Water Services and Irish Water have reviewed the application and stated no objection to the development. Irish Water have recommended the following **conditions** in the event of a grant of permission:

1. *Water*

All development shall be carried out in compliance with Irish Water Standards codes and practices.

2. *Foul*

All development shall be carried out in compliance with Irish Water Standards codes and practices.

These **conditions** are considered appropriate to ensure public health.

Environmental Health

The Environmental Health Officer (EHO) has reviewed the application and had the following comments:

Noise

*The applicant states that the units will be available for public use once the garage is in operation. The hours of operation of the garage would include evening (19:00 to 23:00hrs) and night time noise periods (23:00 to 07:00hrs). While the applicant states that they don't foresee prolonged use of the units there is still the potential for early morning use and late evening use in a residential area. Further information is required regarding the exact hours the equipment will be usable and accessible by the public and further controls to be put in place to ensure noise from the operation of the units does not impact on noise sensitive locations in the vicinity. A standard noise **condition** commonly used is as follows -*

- 1. Clearly audible and impulsive tones at noise sensitive locations during the evening and night shall be avoided irrespective of the noise level.*

*The applicant must be able to demonstrate that a **condition** of this nature can be complied with.*

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Odour

*Whilst the bins are sealed there is still a potential for odour and possible flies to be present especially from the food waste unit and its incorrect use. **Further information** is requested regarding the controls to be used to control both odour and the potential for flies.*

Some of the control measures indicate that checks will be carried out by the operators of the garage. Documented procedures agreed by both parties should be submitted regarding the operating procedures for the units and the role for onsite cleaning and monitoring. [Emphasis added]

It is considered appropriate to include a standard noise **condition** to ensure the impact on neighbouring residences is managed. **Additional information** relating to odour control is not considered necessary to request as the residual and food waste PTU compactor is not permitted under the zoning objective, and it is not considered that there would be significant odours as a result of the mixed dry recyclables unit.

Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established residential area and comprises of the provision of PTU portable waste compactors.

Having regard to:

- the small scale and nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

Environmental Impact Assessment

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

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Other Considerations

Development Contributions

The proposal is for PTU portable waste compactors.

Assessable area: NIL

SEA Monitoring Information

Building Use Type Proposed: PTU waste compactor

Floor Area: 16 sq.m

Land Type: Existing petrol station

Site Area: 0.033 Hectares.

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028 and the overall design and scale of the development proposed it is considered that, subject to conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Recommendation

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2022 - 2028 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons

1. Development in accordance with submitted plans and details.

The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.

REASON: To ensure that the development shall be in accordance with the permission and

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that effective control be maintained.

2. Signage.

No advertising sign(s) or structure(s), banners, canopies, flags, or other projecting elements shall be erected except those, which are exempted development, without the prior approval of the Planning Authority or An Bord Pleanála on appeal.

REASON: In the interest of visual amenity, compliance with development plan policies and the proper planning and sustainable development of the area.

3. Hours of Operation / Noise

The proposed development shall be operated only during the opening hours of the existing petrol station shop. Clearly audible and impulsive tones at noise sensitive locations during the evening and night shall be avoided irrespective of the noise level.

REASON: In the interest of residential amenity, and the proper planning and sustainable development of the area.

4. Additional Structures.

The pay to use (PTU) portable waste compactors hereby granted permission is for 1 no. waste compactor for dry recyclables and 1 no. waste compactor for residual and food waste only. No further structures shall be put in place except without the prior approval of the Planning Authority or An Bord Pleanála on appeal.

REASON: In the interest of visual and residential amenity, compliance with development plan policies and the proper planning and sustainable development of the area.

5. Public Health

(a) The development shall be so operated that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, which would give reasonable cause for annoyance to any person in any residence, adjoining premises or public place in the vicinity.

(b) The development shall be so operated that there is no possibility of accumulations of refuse occurring in or around the vicinity of the development.

REASON: In the interests of public health and to prevent nuisance being caused to occupiers of buildings in the vicinity.

6. Hazardous Waste

The applicant has not provided any information on how they shall prevent hazardous waste materials being deposited in the Waste Compactors. Prior to the commencement of development, the applicant is requested to provide information on mitigation and screening measures in place to prevent possible hazardous waste being inserted into the compactors.

REASON: To ensure the proper planning and sustainable development of the area and to protect public health and residential amenity

7. Drainage - Irish Water.

(a) The water supply and drainage infrastructure, shall comply with the requirements of

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Irish Water.

(b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The requirements of the HSE Environmental Health Officer shall be ascertained prior to the commencement of development in the interest of public health.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

Waste Collection Licence

Prior to the commencement of development, the applicant shall obtain a valid waste collection licence

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REG. REF. SD22A/0301

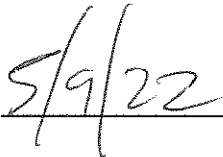
**LOCATION: Newcastle Service Station, Main Street, Ballynakelly, Newcastle, Co Dublin,
D22 E7N6**



**Jim Johnston,
Senior Executive Planner**

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

Date:





Eoin Burke, Senior Planner