



An
Bord
Pleanála

Board Direction
BD-007652-21
ABP-306845-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/03/2021.

The Board decided to refuse permission by a margin of 2:1 for the following reasons and considerations.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- The Waste Framework Directive (2008/98/EC)
- Waste Management: Changing Our Ways (DELG 1998)
- A Resource Opportunity – Waste Management Policy in Ireland
- The National Planning Framework
- The Waste Management Plan for the Southern Region 2015-2021
- Regional Planning for the Southwest Region 2010-2022
- The Cork County Development Plan 2014 and Little Islands identification as a Strategic Employment Area
- That the provision of strategic large-scale waste treatment facilities will be considered in 'Industrial Areas' designated as Strategic Employment Areas
- Objective EE 4-1 "to promote the development of SEAs for large scale development where such development is compatible with relevant environment, nature and landscape protection policies as they apply around Cork Harbour. Lands in such areas must also be protected from inappropriate development which may undermine their suitability as Strategic Employment Centres.

- Objective EE 4-4 Industry
- Objective WS 7-1 - Waste Management
- Objective ZU 3-7 (b) – Appropriate Uses in Industrial Areas –
- ZU 3-7(b) which states that the provision of strategic large-scale waste treatment facilities in industrial areas will be considered in Strategic Employment Areas designated in LAPs subject to the requirements of national policy, regional waste management policy and the objectives set out in local area plans.
- Objective GI 6-1 Landscape –
- The Cobh Municipal District Local Area Plan 2017 which designates Little Island as a "Main Town" in this Municipal District, and has an objective inter alia to establish main towns as the principal location for future investment in housing, jobs, infrastructure, social and community facilities
- The planning history of the site
- The decision of the Planning Authority
- The submissions and observations and documentation on file
- The submitted EIAR
- The report of the planning inspector

The Board decided to refuse permission for the following reasons

- 1 The proposed development would materially contravene objective ZU 3-7 (b) of the Cork County Development Plan 2014 which precludes the location of such facilities as proposed in infill sites within areas already developed for small to medium sized industry warehousing and distribution. The proposed development of 95,000 tonnes of would materially contravene this zoning objective given its scale and intensity of operations, proximity and traffic impacts which is significantly larger than the previously permitted 20,000 tonnes. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.

- 2 The proposed development would conflict with and undermine the objectives of the Cobh Municipal District Local Area Plan 2017 Section 3.1.5 and 3.1.6 which establish Little Island as a principal location for future investment in housing, jobs, infrastructure, social and community facilities and would seriously injure the residential amenities of existing properties in the area by reason of traffic hazard and would seriously injure the visual and residential amenities of future residential properties on mixed use zoned lands to the north and west by reason of its scale and intensity of operation and associated traffic movements. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.
- 3 The EIAR accompanying the submitted application does not comply with the requirements of article 94 and Schedule 9 of the Planning and Development Regulations 2001, due to a failure to adequately consider alternative sites and also the inadequacy of the environmental criteria used to determine the selection of the proposed site. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.
- 4 The proposed development, notwithstanding the proposed 20 m buffer zone , would prejudice the achievement of the objectives of the LAP for lands zoned LI-X-02 *"for medium density residential and mixed-use development, which is intended to accommodate up to 250 residential units and a hotel"*. The proposed development of 95,000 tonnes of would conflict with this zoning objective given its scale and intensity of operations, proximity and traffic impacts which is significantly larger than the previously permitted 20,000 tonnes. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.

- 5 The proposed development would, having regard to its scale, bulk and mass and to the limited size and topography of the site, represent a significant overdevelopment of a restricted site with limited on site parking. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board concluded that the proposed development would materially contravene objective ZU 3-7 (b) of the Cork County Development Plan 2014 which precludes the location of such facilities as proposed in infill sites within areas already developed for small to medium sized industry warehousing and distribution notwithstanding its location within the LI-I-2 zone. Furthermore, the Board did not accept the Inspector's conclusion with regard to the consideration of alternative sites and considered that the proposed development did not comply with the requirements of article 94 and Schedule 9 of the Planning and Development Regulations 2001, due to a failure to adequately consider alternative sites and also the inadequacy of the environmental criteria used to determine the selection of the proposed site. In addition, the Board did not accept the Inspector's conclusions with regard to suitability of the site for an upscaling of the site for an additional 75,000 tonnes per annum of waste given the site's size, location and context.

Board Member



Paul Hyde

Date: 26/03/2021