

Planning and Development Acts 2000 to 2020

Planning Authority: Cork County Council

Planning Register Reference Number: 18/07200

APPEAL by Rachel and Eamonn Crowley of Clash Road, Little Island, County Cork and by others and by Country Clean Recycling Unlimited Company care of RKA Consulting Engineers of 2 Clogheen Business Park, Blarney, Cork against the decision made on the 13th day of February 2020 by Cork County Council to grant subject to conditions a permission to the said County Clean Recycling Unlimited Company.

Proposed Development: Construction of a building (6,625 square metres) containing a waste transfer and recycling facility. The proposed development also includes the construction of a separate two storey Administration Block (178 square metres), ESB Sub-Station (36 square metres), three number weighbridges, two number access ramps, new exit gate and signage to eastern site boundary, new boundary treatments, supplementary planting inside western site boundary, underground firewater containment tank, underground diesel storage tank, service yard, 23 number car parking spaces, new drainage works including three number oil interceptors and four number silt traps along with all associated site works all on a site measuring 1.49 hectares at Courtstown Industrial Estate, Courtstown, Little Island, County Cork. The proposed development will require a Waste Licence and an Industrial Emissions Directive Licence issued by the Environmental Protection Agency (EPA).

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

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

- (a) the Waste Framework Directive (2008/98/EC on waste),
- (b) the Waste Management: Changing Our Ways issued by the Department of the Environment, Local Government in September, 1998,
- (c) A Resource Opportunity – Waste Management Policy in Ireland issued by the Department of the Environment, Community and Local Government in July, 2012,
- (d) the National Planning Framework Project Ireland 2040 issued by the Government of Ireland,
- (e) the Waste Management Plan for the Southern Region 2015-2021, the Regional Planning for the Southwest Region 2010-2022,

- (f) the Cork County Development Plan 2014 and Little Island's identification as a Strategic Employment Area,
- (g) that the provision of strategic large scale waste treatment facilities will be considered in 'Industrial Areas' designated as Strategic Employment Areas,
- (h) Objective EE 4-1 of the Cork County Development Plan 2014 - "to promote the development of Strategic Employment Areas 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 Centre,
- (i) Objective EE 4-4 - Industry of the Cork County Development Plan 2014 which seeks "to promote the development of 'industry' at appropriate locations through the Local Area Plans with good access to the National Road Network",
- (j) Objective WS 7-1 - Waste Management of the Cork County Development Plan 2014 – which seeks "to support the policy measures and actions outlined in 'A Resource Opportunity 2012' and to encourage the delivery of an effective and efficient waste management service in line with Waste Management Acts and the relevant Waste Management Plan for the County/Region",
- (k) Objective ZU 3-7 (b) – Appropriate Uses in Industrial Areas – which states that the provision of strategic large scale waste treatment facilities in industrial areas will be considered in Strategic Employment Areas designated in Local Area Plans subject to the requirements of national policy, regional waste management policy and the objectives set out in local area plans,

- (l) Objective GI 6-1 - Landscape of the Cork County Development Plan 2014 which “seeks to protect the scenic amenities of Cork’s built and natural environment and to ensure that new development meets high standards of siting and design”,
 - (m) 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,
 - (n) the planning history of the site,
 - (o) the decision of the planning authority,
 - (p) the submissions and observations and documentation on file,
 - (q) the submitted Environmental Impact Assessment Report, and
 - (r) the report of the Planning Inspector.
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, which is significantly larger than the previously permitted 20,000 tonnes, would materially contravene this zoning objective given its scale and intensity of operations, proximity to existing properties, and traffic impacts. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.

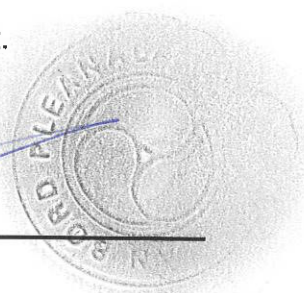
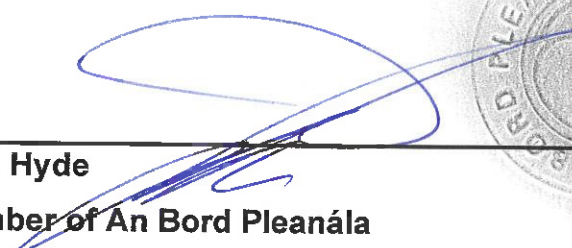
2. The proposed development would conflict with and undermine the objectives of the Cobh Municipal District Local Area Plan 2017 Section 3.1.5 and 3.1.6 which establish Little Island as a principal location for future investment in housing, jobs, infrastructure, and social and community facilities, would 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 Environmental Impact Assessment Report accompanying the submitted application does not comply with the requirements of Article 94 and Schedule 6 of the Planning and Development Regulations 2001, as amended, 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 metres buffer zone, would prejudice the achievement of the objectives of the Cobh Municipal District Local Area Plan 2017 for lands zoned LI-X-02 *“for medium density residential and mixed-use development, which is intended to accommodate up to 250 residential units”*. The proposed development of 95,000 tonnes, which is significantly larger than the previously permitted 20,000 tonnes, would conflict with this zoning objective given its scale and intensity of operations, proximity to properties, and traffic impacts. 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 6 of the Planning and Development Regulations 2001, as amended, 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 Inspectors 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 sites size, location and context.



Paul Hyde
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this *28th* day of *April* 2021.