



Planning and Development Acts 2000 to 2019

Planning Authority: Cork City Council

Planning Register Reference Number: R560/19

WHEREAS a question has arisen as to whether construction works at the existing permitted waste recycling and transfer station at Units 1 to 3 Churchfield Industrial Estate, John F Connolly Road, Churchfield, Cork is or is not development or is or is not exempted development:

AND WHEREAS Elmwick Limited trading as Red Fox Recycling care of Coakley O'Neill of NSC Campus, Mahon, Cork requested a declaration on the question from Cork City Council and the Council issued a declaration on the 19th day of February, 2020 stating that the said matter is development and is not exempted development:

AND WHEREAS Elmwick Limited trading as Red Fox Recycling referred the declaration for review to An Bord Pleanála on the 18th day of March, 2020:

AND WHEREAS the said question is limited solely to the following construction works:

- The improvement of the existing drainage on site by means of the installation of surface water drainage,
- the concreting of the existing yard,
- provision of wash down area,
- marking out of car and truck parking spaces:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) sections 2(1), 3(1), and 4(1)(h) of the Planning and Development Act 2000, as amended,
- (b) Articles 5 to 11 of the Planning and Development Regulations 2001, as amended,
- (c) Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended,
- (d) the location of the proposed construction works within an authorised waste recycling and transfer station,
- (e) the planning history of the site, and
- (f) the report of the Planning Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the construction works constitute 'development' for the purposes of the Planning and Development Act, and
- (b) the proposed works come within the scope of section 4(1)(h) of the Planning and Development Act 2000, as amended, being works for the maintenance, improvement or other alteration of Units 1 to 3 Churchfield Industrial Estate which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that construction works comprising the improvement of the existing drainage on site by means of the installation of surface water drainage, the concreting of the existing yard, provision of a wash down area and the marking out of car and truck parking spaces at the existing permitted waste recycling and transfer station at Units 1 to 3 Churchfield Industrial Estate, John F Connolly Road, Churchfield, Cork is development and is exempted development.

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.

Paul Hyde

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

Dated this day of 2020