

An
Bord
Pleanála

Board Order
ABP-320580-24

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 187200

Appeal by Rachel and Eamonn Crowley of Clash Road, Little Island, County Cork and by Country Clean Recycling Unlimited Company care of Ray Keane and Associates Consulting Engineers of 2 Clogheen Business Park, Blarney Road, Cork, and by Others against the decision made on the 13th day of February 2020 by, Cork County Council, to grant, subject to conditions. a permission to Country Clean Recycling Unlimited Company in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construct a building (6625 square metres) containing a waste transfer and recycling facility. The proposed development also includes the construction of a separate two storey Administration Block (178square metres), ESB Sub-Station (36 square metres), three number weighbridges, two number access ramps, new exist 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 3 number oil interceptors and four number silt traps along with all associated site works all on a site measuring 1.49 hectares, all 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). An Environmental Impact Assessment Report (EIAR) will be submitted to the planning authority with the planning application.

Decision

GRANT permission 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.

Reasons and Considerations

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

- (a) national policy and legislative provisions with regard to the sustainable management of waste for a Circular Economy,
- (b) the national Climate Action Plan 2024 and 2025,
- (c) the policies and objectives of the Regional Spatial and Economic Strategy for the Southern Region 2019-2031,
- (d) the policies of the planning authority as set out in the Cork County Development Plan 2022-2028,
- (e) the location of the proposed development, in an area which is zoned industrial and is designated as a Strategic Employment Location, and Objective ZU 18-16 which provides for waste transfer stations in

industrial sites with warehousing and distribution,

- (f) the LI-X-01 zoning objective for the adjoining lands requiring the provision of an appropriate landscape buffer between new residential development and adjoining industrial uses,
- (g) the characteristics of the site and of the general vicinity,
- (h) the distance to dwellings and sensitive receptors from the proposed development,
- (i) the Environmental Impact Assessment Report submitted,
- (j) the Natura Impact Statement submitted,
- (k) the submissions made in conjunction with the planning application, planning appeal and the responses to the Section 131 notices served on the 8th day of November 2024, and
- (l) the Inspector's report, Addendum report and recommendation

The Board was satisfied that the information before it was adequate to undertake an appropriate assessment and an environmental impact assessment in respect of the proposed development. The Board made its decision in a manner consistent with Section 15 of the Climate Action and Low Carbon Act 2015, as amended.

Appropriate Assessment: Stage I

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Natura Impact Statement (including an Appropriate Assessment screening statement) submitted with the application, and submissions made in connection with the application and appeal including those made by the appellants and observers and in the Inspector's report and Addendum report. In completing the screening exercise, the Board accepted and adopted the Report and Addendum Report of the Inspector in respect of the identification of the European sites which could potentially be affected and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the sites' conservation objectives with the exception of Great Island Channel Special Area of Conservation (Site Code 001058) and Cork Harbour Special Protection Area (Site Code 004030) and that these were the only two sites requiring a Stage 2 Appropriate Assessment.

Appropriate Assessment Stage 2

The Board agreed with the screening assessment and conclusions carried out in the Inspector's report and Addendum report that Great Island Channel Special Area of Conservation (Site Code 001058) and Cork Harbour Special Protection Area (Site Code 004030) are the European sites for which there is potential for significant effects. The Board considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for nearby European Sites in view of the sites' Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying

ESK

out of an Appropriate Assessment. In completing the assessment, the Board considered, in particular, the:

- (i) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans and projects,
- (ii) mitigation measures which are included as part of the current proposal and
- (iii) conservation objectives for these European sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report and Addendum report in respect of the potential effects of the proposed development on the aforementioned European sites. In the overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European sites in view of the sites' conservation objectives.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment of the proposed development, taking into account:

- (a) the nature, scale and location of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions from the applicant, the planning authority, the observers and the prescribed bodies in the course of the application and appeal, and
- (d) the Inspector's report and Addendum report.

It is considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board completed an environmental impact assessment in relation to the proposed development and concluded that, by itself and in combination with other existing and proposed development in the vicinity, and, subject to the implementation of the mitigation measures proposed, the effects of the proposed development on the environment would be acceptable. In doing so, the Board adopted the report, Addendum report and conclusions of the Inspector.

Reasoned Conclusion of the Significant Effects

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below.

The Board completed an Environmental Impact assessment in relation to the proposed development and concluded that, subject to the implementation of the proposed mitigation measures, as set out in the Environmental Impact Assessment Report "Mitigation Measures" section of the various chapters and, subject to compliance with the conditions set out herein, the effects on the

environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting Inspector.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- (a) Emission of dust and odours from the development will be mitigated by the conducting of all waste handling activities within the building which will operate under negative pressure and will include the installation of an odour abatement system within the building;
- (b) Emission of noise that will be mitigated by the undertaking of activities within the buildings, by the significant separation between the site and the nearest noise sensitive locations, by the proposed hours of operation and by the attenuation resulting from the nature of the site boundaries and surrounding buildings;
- (c) Landscape and visual impacts in terms of the upper sections of buildings which may remain visible above screen planting which will be mitigated by the context of the industrial/business park environment, the distance from the development and the existing and proposed landscape screening; and
- (d) Traffic and transport impacts on peak hour congestion on the local road network which will be mitigated by the developer's scheduling and logistics arrangements and will be avoided by the restriction on HGV traffic during the morning and evening peaks for the construction and operational phases of the development.

The Board is satisfied that the reasoned conclusion is up to date at the time of making the decision.

Conclusion on Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development constitutes a sustainable development location on appropriately zoned lands for a waste processing and transfer facility that will serve the local needs of the area delivering upon the policy objectives set out in the Cork County Development Plan 2022-2028 including, amongst other things, to support circular and climate resilient principles by enabling increased rates of resource recovery and recycling thereby supporting the National Waste Management Plan for a Circular Economy 2024-2030 and Climate Action Plan. It is further considered that the development would not seriously injure the amenities of the area or the amenity of the local environment, would not be prejudicial to public health, would not result in adverse significant environmental impacts, and would be acceptable in respect of transport and road safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 5th day of November 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the Environmental Impact Assessment Report shall be implemented.

Reason: To protect the environment.

3. The mitigation measures contained in the Natura Impact Statement shall be implemented.

Reason: To protect European Sites.

4. The waste transfer and recycling facility shall be limited to the handling of 95,000 tonnes of waste or recyclable materials annually on this site, which shall not be exceeded unless authorised by a prior grant of permission. No waste shall be brought to this site other than those types indicated in the submissions by the applicant in connection with the planning application and appeal.

Reason: In the interest of the protection of the environment and the amenities of the area.

5. All segregation, handling and processing of waste material shall take place within the main building on the site. No waste shall be stored outdoors and there shall be no unloading or depositing of waste materials outside the building. Any organic material shall be transported to and from the site in sealed containers.

Reason: In the interest of amenity and of public health.

6. Waste shall only be received at the facility between the hours of 0600 and 2000, Monday to Saturday including on Bank Holidays, and not at all on Sundays. Waste shall only be dispatched between the hours of 0500 and 2000, Monday to Saturday and not at all on Sundays or Bank Holidays. Deviations from these times shall only be permitted in exceptional circumstances and where prior written agreement has been received from the planning authority.

Reason: In the interest of the protection of the environment and the amenities of the area.

7. Heavy Goods Vehicles shall not be permitted to access the development during the peak hours of 0730 to 0900 or to leave during the peak hours of 1600 to 1730. Staff starting and finishing times shall be such that access to the development by staff shall be outside of the hours 0800 to 0900 and 1630 to 1730.

Reason: In the interest of traffic management.

8. Prior to the opening of the development, a Mobility Management Plan shall be submitted to, and agreed in writing with, the planning authority. This shall:

- (a) fully detail internal vehicle movements, parking and delivery areas and
- (b) provide for incentives to encourage the use of public transport, cycling and walking by staff employed in the development.

Reason: In the interests of traffic management and encouraging the use of sustainable modes of transport.

9. Details of the materials, colours and textures of all the external finishes, signage, and external hard surfaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

10. (a) The signage scheme for the facility shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This shall arrive at an attractive, consistent and coherent signage scheme with appropriately dimensioned signs.
- (b) With the exception of the signage scheme agreed under (a) above, no advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001 (as amended), or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

11. The landscaping scheme shown on Drawing number 16498-2100, as submitted to the planning authority on the 5th day of November 2019, shall be carried out within the first planting season following the substantial completion of the external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of the protection of visual, residential and environmental amenities.

12. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) the location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) the location of areas for construction site offices and staff facilities;
- (c) details of site security fencing and hoardings;
- (d) details of on-site car parking facilities for site workers during the course of construction;

- (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) measures to obviate queuing of construction traffic on the adjoining road network;
- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) the containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) the means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains; and
- (m) a record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety and environmental protection.

13. Prior to commencement of development, a Construction Environmental Management Plan (CEMP) relating to noise and vibration shall be submitted to and agreed in writing with the planning authority. The CEMP shall include a site location map showing the nearest noise sensitive locations, give details of the predicted noise and vibration impact in addition to proposed mitigation measures. The CEMP and noise abatement measures shall comply with the recommendations of BS 5228, 'Code of Practice for Noise and Vibration Control on Construction and Open Sites'. The noise sensitive locations shall be taken to be the nearest residential buildings unless otherwise agreed in writing with the planning authority.

Reason: In order to protect the residential amenities of property in the vicinity.

14. Prior to the commencement of development on site, a detailed invasive species management plan shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of the proper planning and sustainable development of the area.

15. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

16. Hours of site development works shall be between the hours of 0700 and 1900 Monday to Friday, 0800 and 1400 hours on a Saturday and not at all on Sundays or Bank Holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

17. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

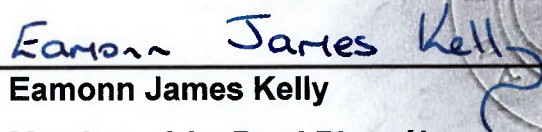
- (a) notify the planning authority and the Department of Heritage, Regional, Rural and Gaeltacht Affairs in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) submit a copy of the geophysical survey report to the Department of Heritage, Regional, Rural and Gaeltacht Affairs,
- (c) agree in writing details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

EJK

18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.


Eamonn James Kelly

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

Dated this 20th day of May, 2025.