



An
Bord
Pleanála

Board Order 04.PA0045

Planning and Development Acts, 2000 to 2017

Planning Authority: Cork County Council

Application for permission under section 37E of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including an environmental impact statement and a Natura impact statement, lodged with An Bord Pleanála on the 13th day of January, 2016 by Indaver Ireland Limited of 4th Floor, Block 1, West Pier Business Campus, Old Dunleary Road, Dun Laoghaire, County Dublin.

Proposed Development: A 10-year planning permission and a 30-year operational life from the completion of the construction of the proposed development, is sought for a Waste to Energy Facility (waste incinerator with energy recovery) for the treatment of non-hazardous and hazardous waste on a 13.55-hectare site at Ringaskiddy, County Cork.

In addition, the proposed development will include an upgrade to a section of the L2545 road, coastal protection measures on Gobby Beach, a connection to the national electricity distribution grid, the raising of ground levels in part of the site; and the provision of an amenity walkway along the eastern and part southern boundary of the site.

The proposed development (which includes 13,369 square metres of buildings) will consist of the following elements:

(i) Waste to Energy Facility consisting of:

- eight storey process building (including warehouse, workshop and administration area) up to 11,255 square metres total floor area, up to 45.7 metres maximum height above ground;
- stack, up to 70 metres high above ground;

- two storey administration building (including gate house) up to 998 square metres total floor area, up to 8.2 metres high above ground;
 - single storey aero-condenser up to 482 square metres plan area, up to 16 metres high;
 - single storey turbine hall up to 375 square metres floor area, up to 16 metres high;
 - single storey pump house up to 157 square metres floor area, up to 6 metres high;
 - firewater storage tank, 2,200 cubic metres volume, up to 11 metres high;
 - single storey 38-kilovolt ESB substation and compound up to 102 square metres, up to 5 metres high;
 - two number weigh-bridges, pipe racking, light fuel oil storage tank, packaged sewage treatment plant, ancillary site development works consisting of 57 number car parking spaces, underground surface water attenuation tank and firewater retention tank;
 - aqueous ammonia storage tank and unloading area;
 - site services;
 - two number site entrances, and
 - all landscaping, boundary fences and changes to site levels to facilitate the above.
- (ii) Upgrade to L2545 road consisting of:
- raising of a 185-metre length of the road by a maximum height of up to 1 metre between Gobby Beach car park and the entrance to the National Maritime College of Ireland (NMCI), and
 - upgrade of surface water drainage network in the L2545 road from the western end of the Indaver site to the eastern end of Gobby Beach car park.
- (iii) Grid connection consisting of a 38-kilovolt underground connection to the adjacent ESB Networks Loughbeg substation located to the east of The Hammond Lane Metal Company Limited premises.
- (iv) Increase in ground levels in western section of the site consisting of raising a 10,000 cubic metre area by a maximum height of up to 2.5 metres above ground level.
- (v) Coastal protection measures on Gobby Beach consisting of the placement of 1100 cubic metres of shingle above the foreshore along the eastern boundary of the Indaver site to be repeated every two to five years.
- (vi) Amenity walkway along the eastern and part southern boundary of the site.

The proposed development relates to development which comprises an activity requiring an Industrial Emissions Licence.

Decision

Grant permission under section 37G of the Planning and Development Act 2000, as amended, 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.

Determine under section 37H(2)(c) the sum to be paid by the applicant in respect of costs associated with the application as set out in the Schedule of Costs 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

Having regard to:

- the European policy framework for waste management in particular:
 - the Waste Framework Directive 2008/98/EC,
 - the Communication from the Commission to the European Parliament, The Council, The European Economic and Social Committee and The Committee of the Regions: "The role of waste-to-energy in the circular economy"(2017),

- National and Regional waste policy in particular:
 - A Resource Opportunity – Waste Management Policy in Ireland published by the Department of the Environment, Community and Local Government in July 2012,
 - the National Hazardous Waste Management Plan 2014-2020, and
 - the Southern Region Waste Management Plan 2015-2021,
- National and Regional spatial planning policy in particular:
 - the National Planning Framework, Project Ireland 2040, and
 - the South West Regional Planning Guidelines 2010-2022,
- the provisions of the Cork County Development Plan 2014-2020 including Objective 3-7 that enables the location of large scale waste treatment facilities, including waste to energy facilities in industrial areas designated as 'Strategic Employment Areas', which is the land use objective applying to Ringaskiddy in policy EE 4-1 of the development plan,
- the pattern of existing and permitted development in the area, including the proximity to existing large-scale industrial, transport and utility infrastructure,
- the planning history of the site,
- the fact that an Industrial Emissions licence from the Environmental Protection Agency, which will be subject to ongoing review, will be required for the activity and the operator will be required to comply with any conditions imposed in such a licence,
- the advice given by the Health and Safety Authority,
- the mitigation measures proposed to prevent and to minimise environmental impacts likely to arise from the proposed development,
- the written submissions made in respect of the planning application and the submissions made at the oral hearing, and
- the reports and recommendation of the Inspector, including the consultant report.

Environmental Impact Assessment:

The Board completed an environmental impact assessment of the proposed development, taking into account:

- the nature, scale and location of the proposed development (including existing and permitted development and future land-use planning objectives for the area),
- the environmental impact statement and associated documentation submitted with the planning application, including the proposed environmental mitigation measures,
- the written submissions from the planning authority, the observers and the prescribed bodies in the course of the planning application, including the submission from the Environmental Protection Agency,
- the submissions made by the parties to the oral hearing,
- the Inspector's initial report and recommendation (January 2017), including the consultant report,
- the response by the applicant to the further information request issued by An Bord Pleanála in March 2017, and the subsequent written submissions from the parties, and
- the Inspector's Addendum Report (March 2018).

It is considered that the environmental impact statement, supported by the further documentation submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. While the Inspector's initial report identified concerns relating to certain baseline information (with respect to modelling of dioxin uptake in humans) and air navigation safety, his Addendum Report (March 2018), completed following receipt of further information, expresses satisfaction with the information available on these topics.

In completing the environmental impact assessment, the Board accepted and adopted the report and conclusions of the Inspector with respect to flora and fauna, soil, water, climate and cultural heritage (in full) and in relation to air and material assets in part (see below).

The Board's assessment of environmental impacts diverged from those of the Inspector in a number of areas, as outlined below:

Alternatives: The consideration of alternatives (Chapter 3 of the environmental impact statement) sets out a comprehensive record of the project's origin and evolution. It documents site selection processes followed in 1999/2000, but then goes on to update the site selection to take into account changes in circumstances in the intervening period including:

- changes to the development plan,
- the guidance in relation to site selection included in the Southern Region Waste Management Plan 2015-2021 (the subject site is tested against the relevant criteria), and
- changes in physical and planning circumstances in the area.

The Board did not agree with the Inspector that the environmental impact statement analysis lacked robustness or is deficient in relation to site selection. The changes in the vicinity of the site (such as the education/research campuses, the investment in heritage/ tourism assets, and increase in cruise tourism) are considered in the environmental impact statement. Other changes in the area (such as the erection of tall wind turbines, the expansion of Port of Cork facilities, and proposed improvements to the N28 road) are also considered.

The Board was satisfied that the consideration of alternatives as set out in the environmental impact statement complied with the legal requirements of the EIA Directive (2011/92/EU) and the Planning and Development Regulations 2001 (as amended), had regard to relevant guidance, took into account environmental factors, and was robust. Therefore, notwithstanding that a 'de-novo' site selection exercise was not carried out for the purpose of this planning application, the Board was satisfied

that it could complete its environmental impact assessment and make an informed decision in relation to the site suitability.

Human Beings: Having considered the information listed above, the Board did not consider that the proposed development would impair residential property values or impair opportunities for employment creation. The Board did not consider that the proposed development would be incompatible with continued development of the adjacent educational/research campuses, taking into account the facility design, the modern technology proposed and strong regulatory regime applying. Furthermore, a comprehensive report dealing with risk of accidents is included in the environmental impact statement, and is considered satisfactory. The Board did not share the Inspector's concern that the proposed development could significantly impact on the population and on future economic and community investment.

Health/Air Quality: The Inspector did not consider that any significant risk is posed to human health by the proposed development. The Board shared this view. In reaching this conclusion, the Board drew in particular on the following aspects:

- the use of modern technology in the design and operation of the facility, including in relation to cleaning of flue gases, and
- the Industrial Emissions regulatory regime under which waste-to-energy plants must operate, whereby the Environmental Protection Agency will require compliance with relevant EU and national emission standards.

The environmental impact statement contains a modelling exercise to predict the theoretical maximum level of dioxin intake for a resident of the area, which relies on detailed baseline information on the level of dioxins in air and soil, as well as on air dispersion modelling. The applicant accepted that the environmental impact statement appendices (submitted with the planning application in January 2016) contained incorrect information, and submitted corrected information in response to the An Bord Pleanála further information request of March 2017. A peer review of the revised information was submitted. The revised information was subject to further detailed submissions from the observers and the applicant. In his Addendum Report (March 2018) the Inspector is satisfied that the further information submitted by the

applicant addressed his original concerns regarding the baseline information submitted and the modelling exercise carried out. The Board, having considered all of the available information, reached the same conclusion, and was satisfied that the further information supports the conclusions set out in the environmental impact statement document.

The environmental impact statement contains an assessment of accident risk, including risk of accidental fire, the content of which is considered satisfactory.

The environmental impact statement also contains a specialist report on Human Health that concludes there will be no deleterious effects on human health in the immediate vicinity or in the wider context. Taking into account all of the information available on this topic, the Board considered that this conclusion was well based.

Material Assets (Aviation – Helicopter Safety):

The Inspector's concerns with regard to the safety of helicopters using the nearby Haulbowline Naval Base formed the basis of a request for further information by An Bord Pleanála. The response from the applicant contained site-specific information on the likely characteristics of the plume emerging from the stack and expert consideration of the potential risks for the safety of any helicopters using the nearby Haulbowline Naval Base. Further submissions were also received and considered in relation to this matter. The applicant has confirmed that they can comply with the technical requirements of the Department of Defence. In his Addendum Report (March 2018) the Inspector is satisfied that the proposed waste to energy facility will not present an unacceptable risk to aircraft navigation or impair the operation of the naval base. The Board, having considered all of the available information, concluded that the Department's earlier concerns expressed at the oral hearing have been addressed and agreed with the conclusion of the Inspector.

Landscape: The Board considered that an impact on the landscape and on the visual amenities of the area would arise owing to the scale of the facility. Mitigation measures by means of facility design and landscaping are proposed. Taking into account the pattern of development in the area, the Board considered that the residual impacts would be acceptable.

Interactions: The Board considered that chapter 16 of the environmental impact statement provided a reasonable summary of the main environmental interactions occurring. Whereas the Inspector expresses concern regarding cumulative impacts in relation to health, land and property values and risk of accident, the Board did not share his concerns on each of these matters and did not consider the interaction of these impacts to be significant.

EIA conclusion:

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, by itself and cumulatively with other development in the vicinity, and, subject to the implementation of the mitigation measures proposed, the proposed development would not have unacceptable impacts on the environment.

Appropriate Assessment:

Screening Stage:

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 Appropriate Assessment Screening submitted with the planning application and the Inspector's report and submissions on file. The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Cork Harbour Special Protection Area (site code: 004030) is the only European Site for which the likelihood of significant effects cannot be ruled out, and that this was the only site requiring a Stage 2 Appropriate Assessment.

Stage 2 Assessment:

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 the Cork Harbour Special Protection Area (site code: 004030) in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular, the likely direct and indirect impacts arising from the proposed development both individually and in combination with other plans or projects, the mitigation measures which are included as part of the current proposal and the conservation objectives for the Cork Harbour SPA (site code: 004030). In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's conservation objectives. In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the Cork Harbour SPA (site code: 004030) in view of its conservation objectives.

In reaching this conclusion, the Board noted that the Inspector (in his Addendum Report of March 2018) is satisfied that the submissions received on foot of the Board's further information request (March 2017) do not alter his overall appraisal in respect of Appropriate Assessment. Having considered the further information submissions and reviewed the Natura impact statement and the Inspector's reports, the Board agreed with this position.

Conclusions on Proper Planning and Sustainable Development:

It is considered that, subject to compliance with the conditions set out below, the proposed development:

- would be consistent with European, National, and regional waste management policy, including in particular:
 - the Southern Regional Waste Management Plan 2015-2021 which supports the principles of proximity and self-sufficiency and the development of additional thermal capacity for the treatment of non-hazardous municipal waste, over the period of the plan, and
 - the National Hazardous Waste Management Plan 2014-2020, in so far as a certain amount of hazardous waste would also be accepted for energy recovery treatment,
- would be strategically located in the national context to serve Cork and the South West Region and would provide an infrastructural asset to the region as it grows in accordance with the policies of the *National Planning Framework Project Ireland 2040*,
- would be consistent with the policies and objectives of the Cork County Development Plan 2014-2020, and with the industrial land use zoning for the area in the Ballincollig Carrigaline Local Area Plan 2017,
- would be compatible with the pattern of existing development in this area of Cork Harbour, which includes large-scale industrial plants and utilities and other strategic facilities including the nearby Port of Cork container terminal facility,
- would be compatible with the continued development of the marine-related research and development/employment campuses in the vicinity of the site,
- would be compatible with the continued development of heritage and tourism assets in the harbour,
- would not have unacceptable impacts on existing traffic patterns on the nearby N28 route or on other roads in the area,
- would not be prejudicial to public health,
- would not be at risk from localised flooding or from coastal erosion patterns,
- would not have unacceptable impacts on visual amenities or on architectural and cultural heritage assets of the area, and

- would not otherwise seriously injure the amenities of the area or of property in the vicinity.

The Board concluded that the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board's considerations were as follows:

Recommended refusal reason no. 1 (Compatibility with emerging campus developments and heritage developments)

The Board noted the existing education/research facilities that have been developed adjacent to the site and the further proposals to expand such employment uses. The recent revisions to the Ballincollig Carrigaline Local Area Plan (August 2017) – whereby part of the subject site was identified as suitable for extension of such land uses – was also noted. There has also been public investment in public amenities and heritage/tourism assets on Spike Island and Haulbowline, and further initiatives are proposed. Nevertheless, the Cork County Development Plan 2014-2020 enables the location of large scale waste treatment facilities, including waste to energy facilities in industrial areas designated as 'Strategic Employment Areas', which is the overarching land use objective applying to Ringaskiddy in the Development Plan. The site is also close to the expanding Port of Cork facilities and to various industrial (pharmaceutical/chemical) plants and large scale utilities. The Board was, therefore, cognisant of competing objectives in relation to the future development of the area.

Waste to energy plants operate successfully in a range of urban environments and such facilities, when well designed, operated and regulated, do not unduly constrain neighbouring land uses. The Board considered that the development of a modern waste-to-energy facility would be compatible with continued development of the educational campus facilities in the area and with the ongoing improvement of tourism and amenities in the lower harbour. The Board concluded that the proposed facility would integrate successfully with the multi-faceted nature of existing and proposed

development in the area, and would not be contrary to the development plan policies for the area or undermine the achievement of any of its objectives.

Recommended refusal reason no.2 (Evaluation of Alternatives)

Refer to Environmental Impact Assessment above under 'Alternatives'

Recommended refusal reason no.3 (Adequacy of EIS – dioxins/health)

Refer to Environmental Impact Assessment above under 'Health/Air Quality'

Recommended refusal reason no.4 (Overdevelopment of the Site)

The issue of overdevelopment was included as part of the previous refusal reason for an earlier unsuccessful application for a waste to energy facility on this site (An Bord Pleanála reference number 04.PA0010). The Board examined this issue, taking into account in particular:

- the constraints of the site and its topography,
- the scope, size and configuration of the proposed facility, including when compared with previous planning applications on the site,
- the site analysis of vehicular movements submitted to the oral hearing at the request of the Inspector,
- the detailed information provided in relation to site landscaping, and
- the visual impact assessment and photomontages provided.

The Board considered that the design had responded adequately to the site constraints, that there was adequate room on the site to accommodate buildings, circulation areas, and landscaping buffers, and that traffic management arrangements, combined with the design of the vehicular access, would avoid any external queuing of vehicles on the public road. There is no information to suggest that facility operations would be impaired by the site size. The proposed landscaping combined with high quality external finishes of the buildings will mitigate the visual impact on the immediate vicinity of the site adequately. It was not considered, therefore, that there would be any serious injury to the amenities of the area, or that overdevelopment would occur.

Recommended refusal reason no.5 (Aviation – Helicopter Safety)

Refer to Environmental Impact Assessment above under 'Aviation – Helicopter Safety'

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the planning application, including the submissions made at the oral hearing and the further information response received on the 15th day of May, 2017, 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 they shall be made available for public inspection at the offices of the planning authority), or, in default of agreement, shall be referred to An Bord Pleanála for determination, and the proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The period during which the proposed development hereby permitted may be carried out shall be ten years from the date of this order.

Reason: In the interest of clarity.

3. Construction of the proposed development shall not commence until such time as an Industrial Emissions licence for the operation of the facility has been granted by the Environmental Protection Agency.

Reason: In the interest of orderly development.

4. This permission shall be for an operational period of 30 years from the date of the first commissioning of the waste to energy facility.

Reason: In the interest of clarity, and to allow a review of the appropriateness of the continued operation of the facility in the light of the circumstances then prevailing.

5. (a) The quantity of waste to be accepted at the facility shall not exceed 240,000 tonnes per annum in any calendar year.
- (b) As a subset of the above, the quantity of hazardous waste to be accepted at the facility shall not exceed 24,000 tonnes per annum in any calendar year.

Reason: To clarify the scope of this permission.

6. All environmental mitigation measures outlined in the environmental impact statement and the Natura impact statement, as amended by the additional information submitted at the oral hearing, shall be implemented in full.

Reason: In the interest of environmental protection.

7. The construction of the proposed 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) Location of the site and materials compound(s).
- (b) 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) Proposals for the suppression of on-site noise.
- (i) Proposals for the suppression of dust on site.
- (j) Proposals for the suppression of vibration.
- (k) Proposals to minimise light pollution during construction.
- (l) 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.
- (m) Management of construction/demolition waste, including area(s) identified for the segregation and storage of construction refuse and details of how it is proposed to manage excavated soil.

The plan shall include a comprehensive monitoring plan to include inter alia noise, vibration, dust, surface water and groundwater, with regular reporting to the planning authority.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In order to protect the environment and local amenities during construction.

8. Details of the operation of the proposed "HGV Mobility Management Plan" (and also the operational "Mobility Management Plan" for staff) shall be agreed in writing with the planning authority at least six months prior to the coming into operation of the proposed development. The agreement shall include details in relation to:
- (a) Management system to be employed.
 - (b) Monitoring arrangements to be employed.
 - (c) Reporting arrangements (including making information available to the public).

- (d) Review arrangements, whereby the agreement can be revised periodically.

All costs associated with implementing the agreement shall be borne by the developer.

Reason: To minimise impacts of the proposed development on the road network, in particular at peak times.

9. Details of the materials, colours and textures of all the external finishes to the proposed facility – including associated administration office and ancillary structures (tanks, substations etc.) – 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. Aviation warning lights shall be provided on the proposed emission stack in accordance with details to be agreed with the planning authority following consultation with the Irish Aviation Authority. The developer shall inform the planning authority, the Irish Aviation Authority and the Department of Defence of the as-constructed heights and co-ordinates of the proposed facility including the stack.

Reason: In the interest of aviation safety.

11. Prior to commencement of development, construction stage details in relation to the proposed road improvement measures to the L2545 adjacent to the site (to include the site entrance and any tie-in with future proposed road improvement schemes) shall be submitted to and agreed in writing with the planning authority. This work shall be completed prior to the main construction phase.

Reason: In the interest of orderly development and road safety.

12. Prior to commencement of development, construction stage details in relation to the implementation of the proposed coastal erosion protection measures at Gobby Strand shall be submitted to and agreed in writing with the planning authority. This shall include:

- (a) Management of operations during placing of material.
- (b) Monitoring arrangements, including triggers for any necessary replenishment.
- (c) Reporting arrangements.
- (d) Review arrangements, whereby the agreement can be revised periodically.

Reason: In the interest of orderly development and of coastal erosion protection.

13. Prior to commencement of development, construction stage details in relation to the proposed amenity pathway from Gobby Strand towards the Martello Tower – including materials, fencing, street furniture and signage – shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of orderly development and public amenity.

14. Landscaping shall be carried out generally in accordance with the proposals set out in the environmental impact statement and accompanying drawings by Brady Shipman Martin consultants received by An Bord Pleanála on the 13th day of January 2016. In this regard, a comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

15. A scheme containing details in relation to the signage of the facility, including in relation to wayfinding signage on the public road, shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

16. 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: In the interest of public health.

17. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operations (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority for the recording and for the removal of any archaeological material which the planning authority considers appropriate to remove.

In addition, the developer shall provide monitoring of vibrations at the nearby Martello Tower to ensure that there is no damage during the construction stage. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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 site and to secure the preservation and protection of any remains that may exist within the site.

18. A Community Liaison Committee shall be established to liaise between the developer, the planning authority and the local community. The committee shall comprise seven members having an independent chairperson, two local community representatives, two elected members of the planning authority, one official of the planning authority and one representative from the developer. The community liaison committee shall:

- (a) act as a liaison committee with the local community in relation to ongoing monitoring of the construction and operation of the facility, and
- (b) have responsibility for the distribution of the community gain fund account to be set up in accordance with condition number 19 of this order and for decisions on projects to be supported by the fund.

Reason: To provide for appropriate on-going review of construction and operation of the facility in conjunction with the local community and to provide for the allocation of resources from the community gain fund in accordance with the requirements of the local community.

19. A community gain fund shall be established to support facilities and services which would be of benefit to the community in the general catchment area. This fund shall include an annual contribution of €1 per tonne of waste accepted at the Waste to Energy facility, which shall be lodged in a special community fund account. Details of the management and operation of the community gain fund shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the details shall be determined by An Bord Pleanála.

Reason: It is considered reasonable that the operators of the waste to energy facility should contribute towards the cost of environmental, recreational or community facilities which will be of benefit to the community in the area.

20. The developer shall commission an independent Feasibility Study in relation to the possibilities for the recovery of excess heat energy from the proposed facility. The terms of reference of the study shall be agreed with the planning authority, and the report shall be completed and submitted to the planning authority within 18 months of the date of this order and made publicly available.

Reason: In the interest of sustainable energy management, and to inform future land-use and development planning in the area.

21. Prior to commencement of development, the developer shall submit to the planning authority for written agreement detailed plans and proposals for the restoration and reinstatement of the entire site following de-commissioning of the plant. The restoration works shall be completed within two years of the closure of the plant.

Reason: To ensure satisfactory restoration of the site in the interest of the amenities of the area and proper planning and control.

22. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to guarantee the satisfactory completion of tree and shrub planting and all other landscaping proposals for the site as required by condition number 14. The sum lodged pursuant to this condition shall be refunded only when it is certified by the planning authority that the planting and landscaping has been completed to the planning authority's satisfaction. The security to be lodged shall be as follows:

an approved insurance company bond in the sum of €50,000 (fifty thousand euro), or

a cash sum of €50,000 (fifty thousand euro) to be applied by the planning authority at its absolute discretion if such landscaping proposals are not provided to its satisfaction, or

such other security as may be accepted in writing by the planning authority.

Reason: To ensure a satisfactory standard of landscaping is promptly completed.

23. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the restoration and reinstatement of the entire site following de-commissioning of the plant, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory restoration and reinstatement of the entire site. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory restoration of the site.

24. 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 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 An Bord Pleanála 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.

Schedule of Costs

In accordance with the provisions of section 37H(2)(c) of the Planning and Development Act 2000, as amended, the Board also determined the costs to be paid in relation to the case, in accordance with the summary form on the costs file, as follows:

Name	Amount €	Reasons and Considerations
An Bord Pleanála.	111,749	In accordance with schedule of costs.
Cork County Council	43,519	The costs claimed by the planning authority are considered reasonable and proportionate.
CHASE	15,000	See below
An Taisce	Nil	See below

Reasons and Considerations (Costs)

In relation to the claim for costs made by An Taisce, having regard to the submissions the observer made on the case, the detailed and reasoned reports of the Board's inspector, and the Board's decision in the case, it is considered that the Strategic Infrastructure Development application process has enabled full participation by the observer in the case both in writing and at the oral hearing and there are no particular circumstances arising that would justify the developer having to make a contribution towards the costs of the observer in this case.

In relation to CHASE, the same considerations as set out for An Taisce above are considered to apply in relation to the claim by CHASE in general. However, this group did identify deficiencies in the applicant's submitted documentation and this led to the Board issuing a further information request to the applicant, which was necessary in order to address the concerns raised. This technical input by CHASE served to inform the Board's assessment of the case. In view of this, the Board considered that a payment by the applicant of €15,000 towards the costs of this observer would be reasonable in the circumstances.

A breakdown of the Board's costs is set out in the attached Appendix 1.



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

Dated this 29th day of May 2018