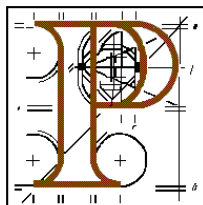


An Bord Pleanála



Inspector's Report

Development: Waste recovery facility at Classis, Ovens, Co. Cork.

Planning Application

Planning Authority: Cork County Council

Planning Authority Reg. Ref.: 14/6634

Applicant: Roadstone Ltd.

Type of Application: Permission

Planning Authority Decision: Grant Permission

Planning Appeal

Appellant(s): Pat and Susan Lucey
Shirley Griffin

Type of Appeal: Third Parties V Grant

Observers: Aidan Casey, Mary Thomason, Alice Griffin,
Eugene Murphy, Elizabeth Fitzpatrick,
Donal and Pauline O'Callaghan

Date of Site Inspection: 10th December 2015

Inspector: Kenneth Moloney

1.0 SITE DESCRIPTION

The subject site is located within an established worked quarry which is situated approximately 3km to the west of Ballincollig and 11.5km west of the city centre of Cork.

It is stated in the application documentation that all sand and gravel extraction has ceased on the applicant's landholding however there is a production facility on the site and the materials are brought to the site by conveyor belt and HGV's from other quarries owned by the applicant. The production facility produces construction materials. There is also an asphalt plant within the landholding however this is currently not in operation.

The former quarry is situated over an extensive land area however the site area for the proposed waste transfer facility measures approximately 0.35 ha (0.86 acres).

The actual appeal site is currently un-used and is mainly enclosed by mature vegetation. The gradient of the site slopes slightly downwards from the rear of the site.

2.0 PROPOSED DEVELOPMENT

The proposed development is for the establishment and operation of a construction and demolition (C&D) waste recovery facility. The proposed development provides for the importation, processing and recovery of construction and demolition waste.

The demolition waste is to include mixed concrete, blacktop, bricks, tiles and ceramics. The proposal includes the provision for a hard standing area for stockpiling and processing of waste materials and a waste inspection / quarantine shed.

The proposed inspection shed has a floor area of approximately 35 sq. metres. The overall height of the proposed inspection shed is approximately 3.5 metres above ground level.

Additional information sought for the following (a) details of re-fuelling location, (b) noise impact assessment, (c) details of all atmospheric emissions, and (d) results of dust monitoring programmes, and (e) details of all intended machinery proposed to be used for the proposed development.

3.0 PLANNING AUTHORITY'S DECISION

The Planning Authority decided to grant planning permission subject to 13 conditions. The conditions imposed are standard for the nature of the development proposed.

Internal Reports: There are two internal reports on the file:

- Area Engineer; No objections subject to conditions.
- Environment Section; Clarification sought in relation to (a) re-fuelling location, (b) noise impact assessment, (c) details of all atmospheric emissions, and (d) results of dust monitoring programmes.

Objections: There are a large number of third party objections from nearby residents. These objections are on the planning file and the issues raised have been noted and considered.

4.0 PLANNING HISTORY

- The quarrying operation on the site predates the Planning and Development Acts and as such there is no planning permission for quarrying activities on the subject site. In 2005 the quarrying activities on the site were formally registered in accordance with Section 261. Under 261A a review was undertaken and no further action was deemed necessary.
- L.A. Ref. 10/8267 – Amend L.A. Ref. 03/0054 to allow premises used for general office.
- L.A. Ref. 03/0054 – Permission granted for new office facilities.
- L.A. Ref. 07/12183 – Permission granted for entrance, wall and signage.

5.0 DEVELOPMENT PLAN

The operational development plan is the Cork County Development Plan, 2014 – 2020.

Section 6.12 of the Plan advises in relation to mineral extraction.

6.0 LOCAL AREA PLAN

The operational Local Area Plan is the Macroom Electoral Area Local Area Plan, 2011. In accordance with the settlement map for Ballincollig the subject site is located outside the settlement boundary.

7.0 GROUNDS OF APPEAL

Pat & Susan Lucey lodged an appeal and the grounds of appeal are summarised as follows:

- There is no objection in principle to the proposed development.

- The proposal is located approximately 50m from the appellant's home.
- The proposal is also situated within 1 mile of several hundred dwellings.
- It is contended that should the proposal go ahead it will seriously diminish the appellant's residential amenities.
- There are concerns in relation to pollution of chemical dusts.
- There were 74 objections to the original planning application.
- The existing site is currently very busy with a constant flow of traffic in and out as well as continuous noise from trucks and machinery from 6 am.
- It is submitted that vibrations are audible in the appellant's house from early morning.
- Dust levels are very high in dry weather and this will deteriorate further with the introduction of a 'concrete crusher'.
- The principle concerns are;
 - Health - The levels of dust in the air will pose a health risk to everyone in the vicinity.
 - Noise Pollution – the local authority noise condition does not state applicable distance for measurements. It is contended that noise from the crushing of concrete and other building material will be unacceptable.
 - Road Safety – the entrance to the existing quarry is located approximately 15 ft. from the entrance to the appellant's dwelling. There are concerns that additional traffic serving the proposed development will further jeopardise the safety of other road users. The road requires traffic calming measures.
- It is contended that there were several other objections raised by the appellants in their objection to Cork County Council which has not been addressed and these include;
 - What is the proposed volume of material anticipated on a daily/weekly/ monthly / annual basis.
 - What is the maximum number of truck deliveries been set.
 - The origin of the material / waste.
 - The recycling of blacktop contains tar and there is a concern that this might necessitate the reopening of the tar plant that exists. This is a huge health concern and it has not been addressed by the local authority.
 - It is questioned whether the facility will be used by other operators / developers.
- It is submitted that as the above questions remain unanswered the proposed waste recovery facility can operate 12 hours per day, 6 days a week.
- It is submitted that the recycling should be done in a safe manner without causing any risk to people's health.
- It is suggested that the proposal is located to a more remote part of the site away from people's homes.

Brendan McGrath, Planning Consultant, lodged an appeal on behalf Ms. Shirley Griffin of 1 Chestnut Crescent, Classes Lake, Ovens, Cork. The

submission summaries the proposal, site details, planning history, local authority's decision, relevant policy provisions, statutory guidance and the grounds of appeal. The main grounds of appeal are summarised as relating to the following; -

- It is submitted that the proposal is located in a suburban setting.
- The location of a waste recovery facility is not determined by geological conditions.
- The applicant states that up to 20% of the raw material recycled could be sourced from the established site. This is considered a low percentage for an overriding locational factor.
- The proposed site is less than 500 metres from a substantial and growing suburb of Ballincollig, downwind of the subject site.
- The proposed crushing and stockpiling of material and loading of material would take place on a relatively elevated site and will have adverse impacts on nearby residents in terms of noise and dust pollution.
- Figure 4 shows the housing within 500 metres of the intended plant.
- There are 161 existing dwellings within 500 metres of the site and permission was given for a further 86 houses in 2004. This permission has recently expired but permission has been recently given for 39 houses.
- The new houses would only be 300 metres from the site.
- Currently there are 200 dwellings, either existing or permitted, between 300 and 500 metres from the proposed site.
- The applicant failed to consult with the local community.
- It is contended that an EIS would have considered alternative locations and this would have screened out the subject site.
- It is submitted that the proposed location compares poorly with a facility in Carrigwohill.
- The site at Carrigwohill is rural in character and only a small number of houses are located within 500 metres of the site. In contrast 200 dwellings lie within 500 metres of the appeal site.
- The local authority assessment is inadequate as there is no regard to hours of operation, to the dispersion of PM₁₀, inadequate specification of baseline noise conditions and no consideration of potential impact of HGV traffic.
- It is contended that there is a policy vacuum in relation to the provision of recovery facilities for C&D waste in Cork. It is submitted that the Development Plan makes reference to a Waste Management Plans and requires developers to submit Waste Management Plans. This will stimulate demand for the type of facility proposed without providing a policy framework.
- The Quarries and Ancillary Activities Guidelines for Planning Authorities recommend a 500m separation distance from residential development.

Conclusion

- It is submitted that the proposed development would amount to an unprecedented development.
- It is contended that the proposed development should be refused for the following reasons;
 - By reason of air and noise pollution the proposal would seriously injure the residential amenities.
 - The proposal is premature until a detailed plan for restoration, reinstatement and landscaping is finalised.
 - The proposal does not constitute 'special circumstances' and therefore does not fall with Objective RCI 5-6 of the County Development Plan, 2014, and is contrary to the objectives of the metropolitan Cork Greenbelt.
 - The proposal would threaten the vitality of the Classes Lake and Lisheen Fields residential suburb which is contrary to Objective ZU 3.1 of the Cork County Development Plan.
 - There is insufficient investigation of alternative uses.
 - The site outlined in red does not correspond with the extent of the proposed activity envisaged. This discrepancy affects the validity of the application and compromises the effective monitoring and control of any development.

8.0 OBSERVERS

The Board received several submissions from observers and the following is a summary of those received;

Aidan Casey

- The dust and emissions pose a health risk to young families.
- This observer lives a few hundred metres from the proposed site.
- There is a concern that black tar residue will be stored as a component of stock piled waste.
- 12 hours of rock crushing will result in noise pollution.
- The traffic generation from the proposal will result in additional congestion in the local area.
- It is submitted that Ballincollig is the largest town in County Cork and that the proposal should be built in a less populated area.
- The proposal will adversely impact on house prices in the area.

Mary Thomason

- The proposal is an inappropriate location.
- The health implications of the proposal are unknown.
- The existing infrastructure at the site is not sufficient for a facility of this scale and size.
- The additional traffic will put resident's lives at risks.
- The noise pollution will adversely impact on residents.
- Dust will adversely impact on local residents.
- The proposal does not include any drainage infrastructure.

- It is contended that there is no clear planning application notice displayed to the front of the site.

Alice Griffin

- It is contended that the subject site was proposed as a civic amenity park.
- The existing facility causes noise pollution, smells and dust particles to reach the observers house.
- The pollution will adversely impact on human health.
- It is contended that this is not a safe environment for the proposed development as the local area is highly populated.
- The additional traffic will adversely impact on pedestrians and cyclists.

Eugene Murphy

- There are concerns with the increase in noise and dust from the proposed development.

Elizabeth Fitzpatrick

- The siting of the proposed dump will adversely impact on human health.
- There are concerns about the noise implications and the impact on air quality.
- It is contended that pollution from the site will eventually enter the river.
- The proposal will have an adverse impact on traffic implications.
- The proposal, and the traffic generated, will put the bridge at Inniscarra, which is a protected structure, at risk.
- It is submitted that traffic generation in this area is a concern for local residents.
- The monitoring of the proposed development is questioned.

Donal & Pauline O'Callaghan

- The proposal will generate noise, dust and emissions.
- The previous activities have reduced the quality of life in the local area.
- The proposed development is located some 300m west of a large residential area and the prevailing south-westerly winds.
- It is contended that the proposal is unsuitable at this current location.

9.0 RESPONSES

First Party Response

The following is the summary of a response submitted by the applicant's agent in relation to the appeal submission by Pat & Susan Lucey;

Background – Need for the Development

- The submitted Planning Statement and Environment Report, which accompanied the planning application included information on;
 - Need for the development

- Compliance with the objectives of the Cork Waste Management Plan
- The Planning and Environmental gains for the proposed development

Availability of Alternative Sites

- It is contended that the proposed location will encourage increased re-use and recycling of C&D waste in the Cork area by maximising efficiency and minimising costs. The location will also minimise any adverse environmental, social and health impacts.
- It is contended that the relocation of the proposed facility to a site at Garryhesta would not be suitable for the following reasons;
 - The site at Garryhesta is currently been worked as a sand pit and the proposed recycling facility would conflict with the existing site operations.
 - The site has limited infrastructure to support the proposed waste recycling facilities.
 - The site at Garryhesta would be more remote than the established construction materials production facility at Classis.
- In the absence of any subsidy the market for recycled C&D in Ireland is a low-value business. The relocation of the proposed development would make the proposed recycling facility unviable.
- It is considered that the appeal site is the optimal location for the proposed development as it reduces conflicts with other on-site operators.

Health Impact of Dust Emissions

- It is submitted that the document submitted by the applicant from the WHO is irrelevant as it relates to air pollution outside the workplace.
- Roadstone promotes Health & Safety in the workplace.
- The proposed facility will involve crushing of inert C&D wastes derived from the same rock and natural materials, and presents no greater risk to human health than that arising from the extractive industry.
- A dust emissions report accompanying the planning application concluded that the total dust emissions are generally within the accepted 350mg/m²/day limit.
- On days when the dust emissions from the site exceed 350mg/m²/day limit this is attributed to an increase in the volume of airborne organic matter in the air.
- It is intended that dust emissions from the proposed development will be below the 350mg/m²/day limit.
- The report concluded that the risk of dust on neighbouring residential properties is insignificant.
- An incorrect dust risk screening matrix was presented in Appendix C2 of the impact assessment report. A corrected version is included in the response submission.

Noise Pollution / Traffic Related Noise

- The appellant's claim that the proposal will result in unacceptable noise levels is not supported by any objective evidence.
- The Board are referred to Attachment B which formed part of the response to the Cork County Council request for Additional Information. This report was based on a similar facility operated by the applicant near Dublin. However it was concluded that the additional noise sources from the recycling facility having regard to the established noise pattern is considered to be limited.
- It is contended that any noise levels exceeding 55dB(A) along the southern boundary, adjoining the R608, of the applicant's site are largely attributable to traffic noise from the regional road.
- It is contended that the any increased noise levels from the proposed facility will be negligible.

Road Safety

- The projected increase in HGV traffic movements into and out of the proposed recovery facility will average about 10 trips a day. This equates to less than one trip an hour.
- A significant amount of C&D may be generated by on-site activities.
- The proposed development will allow for 'back-loading' of HGV's which is one of the benefits of co-location.
- It is considered that the location of the proposed development adjacent to the N22 is an ideal location.
- It is considered that in the absence of any demonstrable evidence the proposal will not give rise to any significant traffic implications.

Other Matters of Concern

- The proposed facility must also be regulated by a waste facility permit and some of the issues raised by the appellant are regulated by way of waste permit.
- The maximum volume of C&D waste material to be managed at the proposed facility is 24,500 tonnes per annum. This would average approximately 100 tonnes a day.
- It is submitted that the waste permit will require the maintenance of the audits.
- The maximum limit at the facility is 24,500 tonnes per annum and this will generate on average 10 HGV trips daily (5 inbound and 5 outbound).
- In addition to the above traffic movements the facility would generate a further 5 HGV export trips every day resulting in a total of 10 HGV movements. This will give an overall total of 20 HGV movements.
- It is submitted that there would be some variation around these HGV movements as activity and demand allows.
- It is considered that any restriction on the number of HGV movements would potentially impact on the viability of the proposed facility.
- In terms of where the waste will originate from it is considered that up to 5,000 tonnes of C&D waste could be sourced from the adjoining asphalt / concrete / block making plants.

- Coal tar is a hazardous material and is duly recognised as such by the European List of Wastes.
- The 'blacktop' materials to be handled at the proposed recovery facility refer to solid (cold) waste bituminous material from paved roads / surfaces.
- Modern bituminous mixtures which do not contain tar are classified as non-hazardous and are widely recognised as inert and physically and chemically un-reactive in their non-fresh state.
- It is not proposed to import or manage any bituminous waste containing coal tar at the proposed recovery facility.
- It is expected that the Waste Permit Facility will include a standard condition restricting any bituminous intake to that which does not contain coal tar.
- The applicant will establish and implement risk management procedures to identify the source of bituminous wastes to be brought to the recovery facility. This will determine whether waste testing and classification is necessary to confirm that it complies with waste acceptance criteria.
- The proposal is independent of any external development sites and the projected intake from external sites is in the order of 19,500 tonnes per annum.

The following is the summary of a response submitted by the applicant in relation to the appeal submitted by Brendan McGrath on behalf of Ms Shirley Griffen;

Injury to Residential Amenity: Dust and Noise Pollution

- The appellant's claim that the proposal will result in unacceptable noise levels is not supported by any objective evidence.
- The Board are referred to Attachment B which formed part of the response to the Cork County Council request for additional information. This report was based on a similar facility operated by the applicant near Dublin.
- However it was concluded that the additional noise sources from the recycling facility having regard to the established noise pattern is considered to be limited.
- A detailed report assessing the impact of dust emissions from the proposed waste recovery facility was included in Attachment C of the response to the further information request.
- This report concluded that having regard to design measures proposed and the implementation of specified design measures the risk on any adverse impact on residential amenity by way of dust from the applicants landholding was insignificant.
- On the basis of the technical assessments submitted and the lack of any supporting assessments to the contrary there is no credibility in the appellants assertion that the proposed development will have an adverse impact on residential amenities in terms of noise and dust pollution.

Progressive Restoration

- It is submitted that the quarry registration process, i.e. Ref. No. QR12, relates to a sand and gravel pit on the adjoining property of 27 ha located in the townland of Knockanemore.
- This site is linked to the appeal site by way of conveyor belt.
- The extractive area registered under the Section 261 process does not include the site at Classis.
- Therefore any assertion by the appellant regarding non-compliance or prematurity until a restoration plan is approved is irrelevant.
- The applicant submits that Roadstone has not decommissioned its asphalt plant and tile making plants at Chassis. These activities have been suspended in light of the downturn in the economy.

Planning Policy

- The appellant contends that the proposal is contrary to Policy RCI 5-6 of the Cork County Development Plan given its location within the metropolitan greenbelt. The appellant also contends that the proposal is contrary to Objective RCI 5-3 because it does not provide for recreational or active uses in the Metropolitan greenbelt.
- The main purpose of the metropolitan greenbelt is to prevent urban generated housing and ensure that the towns in the vicinity of Cork City maintain their distinctive character.
- The policy provision concludes that the intensification of operations on previously developed land is generally acceptable and the need to establish 'special circumstances' in support of any proposed development only relates to expansion beyond the existing boundary of the site.
- The proposed facility is located within a previously developed site and does not seek to expand beyond the existing development limits at the applicant's landholding.
- The proposed development largely comprises the use of mobile plant to recover (crush) C&D waste.
- The proposed construction of the small structure, i.e. an inspection shed, would not affect the openness of the greenbelt to any significant degree. The proposal is therefore compatible with the green belt designation.
- The applicant's landholding is the subject of an extant development and activity and a long term restoration plan or redevelopment plan. This restoration plan is yet to be agreed with the local authority.
- There are no plans to decommission the existing facility.
- It is stated that as the application site is not available for future recreational uses it is considered that the proposed development does not conflict with the stated objective.
- The appellant states that the proposal is contrary to Objective ZU3.1. This policy seeks to ensure that inappropriate development in built-up areas is avoided. Inappropriate development threatens the vitality or integrity of built-up areas.

- The proposed facility is not located within a designated built-up area as it is located 300m west of a build up area and within the designated Metropolitan Greenbelt.
- The intervening development and land-use between the application site and the edge of the built up area is tied to the extractive industry.
- It is therefore contended that Objective ZU3.1 cannot be applied to either the application site or the proposed development.
- The established extractive use on the application site pre-dates much of the recent residential development on the western fridge of Ballincollig.
- The two uses were considered acceptable at the time of the zoning of the respective land.
- The MELAP, 2015, identifies the principles of Greenbelts and this includes the retention of land in agriculture, forestry or other uses. However the appeal site is located within an established sand and gravel pit which includes a range of construction product manufacturing materials.
- The Macroom Electoral LAP, 2015, offers little guidance on the siting of waste infrastructure.

Waste Policy / Southern Region Waste Management Plan

- Section 11.7 of the Cork County Development Plan does not offer any further advice in relation to the siting of waste management facilities.
- The Regional Waste Management Plan (2015 – 2021) states that as the Construction Sector begins to recover across the region, it is important to ensure appropriate processing facilities are in place to facilitate increased re-use, recycling and recovery of all C&D waste streams.
- Regional Waste Management Plan (2015 – 2021) notes that there was a sharp drop in the number of occupational landfills in recent years.
- Section 11.2.2 of the Regional Waste Management Plan (2015 – 2021) outlines alternative options to facilitate the recovery of C&D wastes generated in the years ahead.
- Policy E19 of the Waste Plan supports the proposed development.
- Section 16.5 of the Waste Plan sets out environmental protection criteria and the proposal is consistent with this environmental protection.

National Quarry Guidelines

- In relation to the 500m quoted by the appellant it is submitted that any 500m set back distance is not relevant as the proposed development is not a quarry.
- The documentation supporting the subject application demonstrates that further conditions in respect of dust and noise emissions from the proposed recovery facility will be imposed by way of any waste permit facility.

Need for EIA / EIS and Consideration of Alternatives

- The annual intake for the proposed facility will be 24,500 tonnes of C&D waste per annum. This intake is less than the threshold set out in Class 11(b) of Part 2 of Schedule 5 of the Planning and Development Regulations (2001 to 2015).
- European case law (C-486/04) determined that waste disposal operations also include recovery operations for the purpose of the EIA Directive.
- The submitted Planning Statement and Environment Report demonstrated that the proposed development will not give rise to any significant impact on the surrounding environment.
- The reasons that the environmental impacts of the proposal are not significant include;
 - the facility is located at a former extractive site
 - much of the infrastructure required to support the proposed development is established
 - there are already a significant level of commercial and industrial activity at other sites in the area
 - the dust and noise impact assessments clearly establish that impacts on residential amenity will be insignificant
 - there is good road infrastructure capacity within close proximity to the appeal site
 - the scale of any new physical, permanent development works required to facilitate the proposed development is relatively limited
- It is submitted that alternative locations are impractical as the proposed location is the optimum location given the established infrastructure at the site.
- The waste recovery facility is low value business and the co-location leads to reduced start-up and market entry costs.

Extent of Application Site

- Much of the required infrastructure to support the proposed development is extant.
- No planning permission is required in relation to this infrastructure.
- The planning application primarily relates to waste stock piling and waste processing and also the new waste inspection shed.
- It is submitted in accordance with the planning legislation that the Board cannot determine that a planning application is invalid. As such the Board should disregard the appellant's assertion that the planning application is invalid.

Third Party Response

Inland Fisheries submitted a response stating that they had no comments.

The following is the summary of a third party response by Pat & Susan Lucey to the applicant's response submission;

- It is submitted that the applicant's response submission did not address all the issues.
- The applicant states that the tonnage of waste to be recycled per annum is to be less than 24,500 tonnes. There is a concern that this level will be exceeded and self-monitoring is not sufficient.
- It is submitted that self-monitoring by the applicant has not always been adequate.
- It is submitted that the arguments for not using the site at Garryhesta are weak and the generally related to money.
- The location at Classis is not optimal for local residents.
- The Garryhesta site is a large site measuring approximately 100 acres.
- Most of the land at Garryhesta is secluded.
- It is an undeniable fact that there will be additional noise coming from the plant.
- It is submitted that there has been little effort to reduce noise from plant and machinery from the site over the years.
- The HGV's entering and exiting the site are a contributing to noise levels.
- It is submitted that mitigation measures in relation to dust have not been adequately implemented in the past.
- There is a watering system in place however this only operates when the facility is open. The dust blows 24/7 and therefore there is no mitigation.
- The road is swept only on a limited basis.

Third Party Responses

The following is the summary of a third party response by Brendan McGrath on behalf of Ms. Shirley Griffin in response to the applicant's response submission;

Injury to Residential Amenity: Dust and Noise Pollution

- It is submitted that the applicant's case is undermined by the direct experience of the appellant's proximity to the facility.
- It is considered the recovery facility would only serve to exacerbate a worsening situation in terms of residential amenity.

Progressive Restoration

- It is now accepted that QR 12 does not relate to the appeal site. QR12 relates to a site directly to the west and is connected to the appeal site by conveyor belt.
- The Local Authority opened a case QR 21 which incorporated the subject site and considered that the operation had significant environmental impacts. However the operator responded by stating that quarrying ceased on the QR21 property in the 1990s.
- It is considered that the Council's decision to exclude this 57 ha site from the registration process was very unfortunate as it prevented a timely regulation of the extension unauthorised facility on-site.
- Table 1 identifies several activities that have no planning permission.

- The life of the proposed waste recovery facility is indefinite. It is also clarified that the recovery activities will only continue as long as processing and production facilities at the adjoining site continue.

Planning Policy

- It is not possible to justify the proposed development having regard to the adopted green belt policy.
- The applicant's contended that green belt policy objectives do not apply because the existing property is an extant development it is also contended that the proposed activity is not unlike existing activities on the established site.
- On the contrary to the applicants assertions it is argued that (a) due to the physical size and its proximity to a new residential area the existing property on the appeal site is a crucial component of the metropolitan green belt, (b) in relation to Objective RCI 5.6 it is contended that special circumstances do not apply to the proposed development, and (c) much of the extant development on the site is unauthorised development.

Waste Policy

- It is submitted that as the Southern Region Waste Management Plan (2015 – 2021) has no siting criteria for C & D Waste Recovery Facilities would have negligible relevance to this appeal.

Quarries and Ancillary Activities: Guidelines

- In relation to the 500m separation distance there is a recent planning permission (reg. ref. 14/445), not yet activated for 39 houses less than 300 metres from the development site.

Need for EIA/EIS and Consideration of Alternatives

- It is contended that consideration of alternatives were not adequately examined.

Extent of Application Site

- It is submitted that planning permission is sought for an activity that would be more extensive than the red-lined site of the planning application.
- The proposed operation will make use of the existing plant on the site outside the red-lined site.
- It is contended that the proposed application should have included all those parts of the property that would be part of the waste recovery operation.
- It is inappropriate to grant planning permission on a subdivision of QR 21. Any application involving a substantial production process should relate to the whole of the site and allowing for a comprehensive regulatory framework.

10.0 ASSESSMENT

The main issues to be considered in this case are: -

- 1.0 Principle of Development
- 2.0 Impact on Residential Amenities
- 3.0 Access & Traffic
- 4.0 NIS Screening
- 5.0 EIS / EIA
- 6.0 Other Issues

1.0 Principle of Development

The proposed development is for the recovery of construction and demolition wastes on a 0.35 hectare site which is located within a worked quarry. It is intended that pre-sorted materials will be transported to the facility by HGV's from the adjoining concrete production plants or construction sites across Cork City and the wider region. Inert construction and demolition wastes which include sand, drywall, and concrete will generally be added to unprocessed waste. The waste streams are categorised in accordance with European Waste Catalogue.

The proposed development also includes a Waste Inspection and Quarantine Area. Following the processing and crushing of the waste the recovered C&D will be stockpiled until its sale and delivery to development sites in the region. The applicant intends that when construction demand is depressed the processed secondary aggregates may be reused within the applicant's wider landholding. It is anticipated that the total quantity of material to be recovered is expected to be up to a maximum of 24,500 tonnes per annum. The lifespan of the proposed facility is indefinite.

There is an established site office serving the existing facilities on the applicant's landholding and this site office will be utilised for the proposed facility. The existing weighbridge on-site will be used to quantify any deliveries of C&D waste to the recovery facility.

In terms of regional planning guidance the Southern Region Waste Management Plan, 2015 – 2011, sets out the Waste Management policies for the region and Policy Objective C2 is relevant for the proposed development. Policy C2 states '*Optimise the value of recycled and residual waste resources in the system to turn these materials into reliable sources of secondary raw materials for reprocessing and recovery*'.

In accordance with the Cork County Development Plan, 2014, the appeal site is located within the designated 'Prominent and Strategic Metropolitan Greenbelt Areas'. Policy GI 8-1 of the Cork County Development Plan, 2014, states as follows '*protect those prominent open hilltops, valley sides and ridges that define the character of the Metropolitan Cork Greenbelt and those areas which form strategic, largely undeveloped gaps between the main Greenbelt settlements. These areas are labeled MGB1 in the*

Metropolitan Greenbelt Map and it is an objective to preserve them from development.

Although the appeal site is located within the designated Strategic Metropolitan Greenbelt Area the appeal site is located outside the area designated as 'High Value Landscape' in accordance with the County Development Plan maps. The context of the appeal site is important as the site is essentially situated within an established quarry and there is a construction production facility that has been established for some time on the applicant's landholding.

In accordance with the Macroom Electoral Local Area Plan, 2011, the proposed facility is located immediately west of the Ballincollig zoning map and therefore outside the settlement boundary. Generally speaking the objectives of the use zoning in a statutory plan is to serve as a guideline for the control of development so as to achieve the goals set out in this plan. Usually where no specific use zoning is indicated, the primary use can be assumed to be that already existing in the area. In this particular instance the primary use is extractive industry.

Although the appeal site is situated outside the settlement boundary of Ballincollig I would note that the nearest housing estate is located approximately 400 metres to the east of the appeal site. There are also some individual houses situated to the south of the subject site at a distance of approximately 300 metres from the appeal site.

In terms of sustainability the principle of recycling construction and demolition materials is acceptable as an alternative to the extraction of materials.

Overall I would acknowledge that there is an established use on the applicant's landholding and the proposed facility although largely independent is related to the established use and is small given the scale of the landholding. I would consider that the principle of the proposed development is acceptable provided the amenities of the local area are protected.

2.0 Impact on Residential Amenities

The applicant submitted a noise impact assessment in response to a request for additional information by the local authority. The noise impact assessment (NIA) outlines a summary of measured noise levels on the site during the period 2010 – 2014 and this is outlined in Table 3-1 of the NIA. A notable feature of these noise levels is that at location N4 the noise level is generally highest. I would note that location N4 is situated to the front of the site adjacent to the vehicular entrance serving the site. I would consider given its location that noise generating from vehicular traffic would be primarily contributing to this noise level. There is also an isolated high noise level recording at the site N2, which is adjacent to a residential property, however this is not part of any trend. Table 3-2 of the NIA

outlines the average noise recordings at the designated locations and I would note that all of these recordings are below 55dB which is generally the higher limit of acceptable noise levels.

The noise assessment also includes the results from a noise survey at an existing C&D waste recovery facility in Huntstown, at Finglas, Dublin 11. The noise levels are recorded 10m from the source and are outlined in Table 4-3. I would acknowledge that these noise levels are considerably lower than the higher noise limit of 55dB.

The Noise Impact Assessment also includes an assessment of the cumulative operational noise levels and finally the residual impact of the proposed facility. Overall I would consider that the Noise Impact Assessment has adequately demonstrated the predicted noise levels associated with the proposed facility and would not adversely impact on established residential amenities in the area.

The applicant also submitted an Air Quality Impact Assessment as part of an additional information response and this indicates that the main sources of dust will originate from;

- Trafficking by heavy goods vehicles over unpaved surfaces
- End tipping of C&D waste
- Processing, stockpiling and handling C&D waste

The report includes a two-tier assessment in which the first tier assesses the distance of receptors to the proposed activities and the second tier assesses the meteorology of the local environment. In terms of distance Table 4-1 of the report identifies five receptors with a distance of less than 500 metres from the proposed activity.

The frequency of exposure of each receptor is based upon the frequency of winds capable of carrying dust particles blowing in the direction from the source to the receptor, on days when rainfall does not inhibit dust from becoming air borne.

Of the five receptors identified the Air Quality Impact Assessment concluded based on distance from the activity and the meteorological factors that risk on one of the receptors was insignificant and the risk on four of the receptors is acceptable. I would acknowledge that the risk evaluation is conducted prior to the application of mitigation measures proposed and these are outlined in Section 5.0 of the report.

Overall I would consider that it has been adequately demonstrated that any adverse risk on air quality due to the proposed development is not considered significant.

3.0 Access & Traffic

The established vehicular access serving the applicant's landholding, which is situated off the R608, is the vehicular access for the proposed facility. I would note that the Area Engineer's report, dated 16th January 2015, states that the existing site entrance has good sight lines and based on a visual observation of the area I would concur with this view.

The traffic generation to the proposed activity is limited by the overall intended in-take for the facility. The documentation submitted with the application indicates that the total quantity of material to be recovered will be up to a maximum of 24,500 tonnes per annum. The documentation indicates that the material to be recovered will be imported from construction sites across the region and also from within the applicant's landholding where there is a construction production facility on-site. The applicant anticipates that there will be on average 100 tonnes of recovered material imported to the site on a daily basis and this amounts to approximately 5 HGV vehicles entering and in turn five HGV vehicles leaving the site. It is also anticipated that there will be five HGV's leaving the site with the recycled materials for on-ward delivery and this in turn will mean that five HGV's will enter the site. Overall it is anticipated that the number of HGV's entering the site on a daily basis will be approximately 20 which amounts to 2.5 HGV'S per hour over a standard working day. This will therefore be additional to the existing operations within the applicant's landholding.

In terms of impacts on established residential amenities I would not consider that the level of intensification outlined above, would have any adverse impact on the neighbouring housing estate to the immediate east, having regard to the separation distance, of the applicant's landholding. However the appellant who resides in the house which fronts onto the R608 adjacent to the vehicular entrance is likely to experience a greater impact than the residents residing in the housing estate. I would consider that should the Board favour granting permission that a condition is attached in relation to the operational hours of the proposed facility to ensure that there are no adverse impacts on any established residential amenities. I note the proposed operating hours for the proposed facility are from 07:00 to 19:00 hours Monday to Friday and 07:00 to 14:00 hours on Saturdays and I would recommend to the Board that the hours are restricted by condition in the interest of protecting residential amenities.

The existing access to and from the site is generally good given the proximity of the appeal site to the N22 junction which facilitates access to Cork City and in a westbound direction. The proximity of this access also ensures that HGV's will generally not travel through Ballincollig.

Overall, on the basis of the information on the file, I would conclude that the access and traffic generation for the proposed activity is generally acceptable.

4.0 NIS Screening

The appeal site is not situated within a designated Natura 2000 site and the nearest designated site to the appeal site is Cork Harbour SPA (Site Code 004030) which is located 13.7km to the east. I would note, according to the information on the file, that there is no direct pathway between the appeal site and the Cork Harbour SPA. However the run-off water from the applicant's landholding, including the appeal site, is directed towards the existing large silt settlement lagoon to the north of the application site and in turn onto the River Bride. The River Bride is a tributary of the River Lee which drains into Cork Harbour.

The proposed development includes mitigation measures outlined in Table 2 and this mainly relates to activities on the site.

I would consider based on the submitted NIS Screening Assessment that the proposed waste transfer facility will not have any effects on the Cork Harbour SPA, having regard to distance and established surface water management, and I would recommend that a full Natura Impact Assessment is not required.

EIS / EIA

Schedule 5 of the Planning and Development Regulations 2001 outlines the project thresholds for which E.I.S.'s will be required. I would consider that a relevant section of Schedule 5, in determining whether the proposed development would require an E.I.S., would be Part 2, Subsection 11 (b) of the 2001 regulations. Part 2, subsection 11 (b) states an E.I.S. will be required for '*installations for the disposal of waste with an annual intake greater than 25,000 tonnes*'. The information on the documentation that supports the planning application indicates that the annual intake for the proposed facility will be 24,500 tonnes. On the basis of this threshold the proposed waste transfer facility would not require an EIS.

The applicant's agent refers to European Court Judgement case (C-486/04) which effectively concludes that waste recovery and waste disposal are the same for the purpose of the EIA Directive. I would concur with this view having reviewed ECJ C-486/04.

Article 103 (1) of the Planning and Development Regulations, 2001, as amended, outlines that E.I.S.'s can be requested for sub-threshold developments where they are likely to have significant effects on the environment. Schedule 7 of the Planning and Development Regulations, 2001, as amended, refers to the criteria to be considered in determining whether a project would or would not be likely to have significant effects on the environment. This criterion is detailed in EPA guidelines.

Having regard to the '*EIA Guidance for Consent Authorities regarding Sub-threshold Development*', 2003, I would note the following is stated "*there is a requirement to carry EIA where competent/consent authority considers*

that a development would be likely to have significant effects on the environment". The guidelines advise the criteria to be considered for the need for sub-threshold E.I.S. and this includes (i) characteristics of the proposed development, (ii) location of the proposed development, and (iii) characteristics of potential impacts and I will consider this criterion below;

Characteristics of the Proposed Development

In considering characteristics of the proposal I would note that the proposed development is marginally below the threshold as set out in Part 2, subsection 11 (b) of the 2001 Planning Regulations.

In considering culmination of projects I would note from the correspondence on the file that there are other operations on the applicant's landholding. I would consider that the culmination with other projects is not in itself a justification for calling an EIS in respect of an individual project. I would consider that the other operations have planning permission and that there is no evidence that the proposal in culmination with adjoining facilities would have significant effects on the environment.

In considering the characteristics of the proposal I would acknowledge that the nature of the proposed activity would not reduce natural resources and I would consider that any pollution and nuisances have been addressed above. The proposed development will not generate waste but will involve recycling of C&D waste and the transfer of waste. I would be satisfied that there are no significant risks of accidents. Overall I would consider that the characteristics of the proposal are not likely to result in significant effects on the environment.

Location of the proposed development

In considering the location of the proposed development I would have regard to the Stage One Screening Report as submitted as part of the planning application. I carried out an assessment of the Screening Report and having regard to the information available I would conclude as outlined in the Section 4.0 above of this report that the proposal having regard to the nature and activity of the proposed development would not have a significant effect on any designated Natura 2000 site.

Characteristics of potential impacts

In considering the location of the subject site I would acknowledge the established pattern of development in the area. I would also consider that the proposed development would have no transfrontier impacts. I would not consider that the proposed development would have significant magnitude impacts.

Therefore in conclusion, notwithstanding the proposed development is sub-threshold having regard to Schedule 5 of the Planning and Development Regulations, 2001 – 2010, I would conclude that for the

reasons outlined above that the proposed development is not likely to have significant effects on the environment and that an E.I.S. would not be warranted in this case.

Other Issues

I would note that the appellant raises concerns in relation to planning history of the appeal site and also that the conditions in the previous permissions have not been complied with. I would consider that these issues raised by the appellant are generally enforcement issues, of which the Board has no function, and any enforcement issues must be addressed by the local authority in question. This also relates to monitoring conditions for established permissions on the applicant's landholding.

7.0 RECOMMENDATION

I have read the submissions on the file, visited the site, had due regard to the development plan and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

REASONS AND CONSIDERATIONS

Having regard to the nature of the proposed development, to the planning history of the site and the established uses, to the location of the site outside the settlement boundary of the Macroom Electoral Local Area Plan, 2011, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area, would be acceptable in terms of traffic safety and convenience, would not have an adverse impact on the environment and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the additional information and particulars received by the planning authority on the 29th day of July 2015, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Each and every consignment of waste, howsoever arriving at the waste management facility, shall be accompanied by a waste certificate, which shall identify the following –
 - Waste origin, source and area in which it was produced/generated.
 - Waste collection schedules.

- Weight of each consignment.
- Waste collection contractor name and address.
- Composition and nature of waste.

The developer shall submit to the planning authority, on a monthly basis, records of all waste delivered to the site on a daily, weekly and monthly basis, in accordance with the aforesaid waste certificate.

Reason: In the interest of development control and to ensure a record is kept of the delivery / acceptance of the waste, in the interest of proper planning and sustainable development of the area.

3. This permission is for a maximum of 24,500 tonnes per annum. No more than 25 HGV's traffic movements at the proposed facility shall take place per day.

Reason: In the interest of traffic safety, amenities and proper planning and sustainable development of the area, and to define the scope of the permission and to ensure any changes will be assessed.

4. The operating hours of the hereby permitted waste transfer facility shall be from 8:00 to 18:30 hours Monday to Friday and 08:30 to 14:00 hours on Saturdays. No operations shall take place outside these times.

Reason: In the interest of protecting adjoining residential amenities.

5. The vehicular access arrangements, internal road network, car parking layout, lighting, to service the proposed development shall comply with the requirements of the planning authority.

Reason: To ensure a satisfactory standard of development.

6. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

7. Prior to commencement of development, a detailed landscaping scheme for the site shall be submitted to the planning authority for agreement. This scheme shall:

- (i) include details of all existing trees and hedgerows on the site, specifying those proposed for retention, together with measures for their protection during the period in which the development is in operation,
- (ii) details of the species and setting of all new planting, including supplementary planting around the site boundaries,

- (iii) An implementation programme for planting on site and an associated maintenance programme

Reason: In the interests of the visual amenities of the area.

8. Prior to the commencement of development the developer shall submit a full and detailed construction management plan which shall include a construction programme for the works, hours of operation, a traffic management plan, noise and dust mitigation measures (including details of truck wheel wash at the site entrances) and details of construction lighting. A Construction Manager shall be appointed to liaise directly with the council. Details to be agreed in writing with the Planning Authority.

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

9. The developer shall monitor noise, dust deposition and suspended solids of surface water run-off associated with the development and details of a monitoring programme shall be agreed with the Local Authority prior to the commencement of development.

Reason: To ensure satisfactory monitoring of the development.

Kenneth Moloney
Planning Inspector
13th January 2016