



An
Bord
Pleanála

Inspector's Report ABP-301549-18

Development

Construction of a civic amenity/bring facility with associated weighbridges, weighbridge building, open storage for skips, vehicle storage and maintenance building.

Location

John F Connelly Road, Churchfield, Cork.

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

1837771.

Applicant(s)

Greener Families Ltd.

Type of Application

Permission

Planning Authority Decision

Refuse Permission.

Type of Appeal

First Party

Appellant(s)

Greener Families Ltd.

Observer(s)

1. Annette O'Sullivan
2. Jonathan O'Brien TD

3. Alicia Mannix
4. Christene Walsh & Others
5. Garfield Ebbs
6. Fiona and Christopher Ennis
7. Laura O'Connell
8. Maurice Sheehan
9. Kevin Foley & Others
10. Councillor Thomas Gould
11. Liadh Ni Riada MEP
12. Mick Barry TD and Others
13. T Foley
14. Martin & Catherine Keane
15. Residents of Ard Alainn
16. Castleview AFC and Others
17. Oliver Moran
18. Jason Price
19. Cllr Mick Nugent
20. Derry O'Farrell
21. Sean Morrison
22. Cllr Kenneth Collins

Date of Site Inspection

6th Sept 2018

Inspector

Fiona Fair.

1.0 Site Location and Description

- 1.1.1. The appeal site (0.882ha) is located within the Churchfield Industrial Estate north of John F. Connolly Road, approximately 2km northwest of St. Patrick's Street in Cork City Centre.
- 1.1.2. The area is dominated by light industrial uses, incl. waste recovery and waste recycling facilities. The Country Clean site, which is a sister company of the applicant, Greener Families Limited, and which is characterised by relatively intensive waste transfer and collection activities and domestic and commercial waste collection services, is located on the adjoining site to the west.
- 1.1.3. The Ashgrove facility which is used as a waste sorting facility and which also accepts waste from general members of the public is located further to the west. The National Recycling facility, a scrap metal yard which, only, accepts and processes metal waste is located to the south of the appeal site.
- 1.1.4. Access to the site would be from the existing entrance, located at a bend on the road, from John F. Connolly Road permitted by Planning ref. 13/35771.
- 1.1.5. The surface of the site is artificial with hardstanding areas, on the day of my site visit I witnessed vehicles and storage equipment parked on the site.
- 1.1.6. The site is visually industrial in nature with high metal security gates and palisade fencing to its southern boundary with John F Connolly Road and to its eastern boundary. Warehouse units surround the site to the south, east and west. Lands to the north are grassed and agricultural in nature.

2.0 Proposed Development

- 2.1. The proposal comprises:
 - Construction of a civic amenity/bring facility
 - With associated weighbridges,
 - Weighbridge building,
 - Open storage for skips,
 - Vehicle storage and

- Maintenance building

- 2.1.1. The proposed recycling facility will receive a projected 4,890 tonnes of material per annum to include bulky waste (furniture, mattresses etc) mixed municipal waste (household refuse sacks) construction and demolition waste, mixed dry recyclables, garden / green waste, cardboard, clothes / textiles, glass packaging, plate glass, scrap metal, timber, aluminium cans, newspapers and magazines.
- 2.1.2. The proposal is accompanied with a landscaping plan. A 4meter high cladding fence is proposed on the eastern boundary to screen the proposed development.
- 2.1.3. Inspectors Note: The proposal under appeal to An Bord Pleanala has been amended to omit the vehicle storage and maintenance building. Revised Site Plan Drawing No. 1003, Landscape Masterplan and Boundary Treatment Noted.

3.0 Planning Authority Decision

3.1. Decision

Permission Refused subject to two number reasons.

- 3.1.1. Reason 1. Having regard to the zoning of the site for Residential, Local Services and Institutional Uses and having regard to the proximity of existing residential houses to the south / east and the fact that lands located immediately to the north are zoned for future housing development, it is considered that the proposed use would be likely to impact detrimentally on the amenities of both existing and future residential properties and as such would be contrary to the proper planning and sustainable development of the area.
- 3.1.2. Reason 2. Having regard to the extent of the existing waste recycling facilities located on John F. Connolly Road. It is considered that the proposed use will result in an excessive concentration of such facilities in the immediate vicinity and that as such the proposed use would be likely to impact detrimentally on the amenities of the area and be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The Planners Report notes that there are a number of similar waste recycling facilities on John F. Connolly Road, including Ashgrove Recycling and National Recycling. It is the opinion of the p.a. that there is an over concentration of such facilities in the immediate vicinity. It is a matter of record that the area has suffered adverse environmental impacts in recent years, due to the non-compliance of operators with their Waste Permits. The EPA has successfully prosecuted Country Clean in relation to the adjoining Waste Facility.

3.2.2. **Other Technical Reports:**

Internal Reports:

Transport and Mobility Report: Further Information requested, with respect to (i) TIA (ii) public lighting (iii) no. of staff and opening hours) (iv) management of the operation (v) traffic and transportation information (vi) proposed haulage routes to and from the facility.

Environment Section: Further Information requested,

Road Design Planning Section: Further Information requested in respect of expected traffic volumes, a stage 1 / stage 2 RSA and redesign of the entrance.

Transport and Mobility Section: Further Information requested.

Drainage Section: No Objection subject to condition.

Strategic Planning and Economic Development Directorate – Development Contributions Memo

External Reports:

Irish Water (IW): No objection

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

The planners report notes that there are 85 third party submissions on file. The concerns raised are similar to those raised in the Observations summarised in detail below.

4.0 **Planning History**

4.1.1. **On the Appeal Site**

Reg. Ref. 13/35771 Planning Permission Granted for a gated entrance, weighbridge station (incl. two number weigh bridges and weighbridge office building) turning circle and raising of existing ground level to facilitate access road.

Reg. Ref. 16/37158 Planning Permission was made for a similar development to the proposed development. This application was withdrawn in December 2016 following considerable local opposition to the scheme.

4.1.2. **On the Adjoining Site**

Reg. Ref. 09/33682 / ABP PL28. 236422 Planning permission was granted (23/09/2010) for demolition of section of existing material recovery facility, construction of an extension comprising new handling / sorting facility, offices, canteen, retaining wall, new access and associated ancillary works. Appeal was in relation to financial contribution condition.

PA Ref. No. 23739/99. Was granted on 6 May 2000 permitting Barry Murphy permission for the construction of (a) warehouse for use as part of an existing skin and hide business and (b) permission to retain existing extension to existing building for use as existing skin and hide business.

PA Ref. No. 06/31262. Was granted on 14 December 2006 permitting Cork Mini-Skips permission to erect a boundary wall together with ESB sub-station and meter room.

PA Ref. No. 04/28951. Was granted on 22 February 2005 permitting Dave O'Regan permission for the retention of buildings (area 528m²) and permission for the demolition (area 1,547m²) of existing buildings, the erection of a new waste materials recycling facility (area 2,235m²) and the change of use of these premises from skin & hides handling to waste materials recycling facility. The proposed development will increase the existing ridge height from 8.65m to 11.55m above ground level.

5.0 Policy Context

Development Plan

- 5.1.1. The site is governed by the policies and provisions contained in the Cork City Development Plan 2015 - 2021
- 5.1.2. The appeal site is located within the North Central Suburbs on lands zoned ZO 4 Residential, Local Services and Institutional Uses, where it is an objective of the Council 'To protect and provide for residential uses, local services, institutional use, and civic uses, having regard to employment policies outlined in Chapter 3'.
- 5.1.3. Paragraph 15.10 states: 'The provision and protection of residential uses and residential amenity is a central objective of this zoning, which covers much of the land in the suburban area. However other uses, including small scale local services, institutional uses and civic uses and provision of public infrastructure and utilities are permitted, provided they do not detract from residential amenity and do not conflict with the employment use policies in Chapter 3 and related zoning objectives. Small scale 'corner shops' and other local services such as local medical services, will be open for consideration. Schools, third level education institutes, and major established health facilities are located within this zone and appropriate expansion of these facilities will be acceptable in principle. The employment policies in Chapter 3 designate particular locations for offices, office based industry, major retailing development and these uses are not generally permitted in this zone (Chapter 3: Enterprise and Employment). New local and neighbourhood centres or expansion of same are open for consideration in this zone provided they meet the criteria for such centres set out in Chapter 4'.

5.1.4. Chapter 12 of the City Development Plan refers to waste and recycling and includes the following points:

Waste Management and Recycling

S12.13 'Recent changes in national waste policy have created three waste management planning regions for the country. Cork City is part of the Southern region, which is being led by Limerick and Tipperary local authorities. The period of application of the existing Cork City Waste Management Plan 2004 – 2009 has been extended and will remain in effect until the adoption of the new Southern Region Waste Management Plan (expected in late 2014). Additionally, Cork City Council ceased operational involvement in waste collection in 2011; household and commercial waste collection services are now all provided by private collectors. Full details of waste management are available in the Cork City Waste Management Plan 2004 – 2009; the land-use implications of waste management are set out below'.

Dry Recyclables

S12.14 'Cork City Council's general approach is to reduce the amount of waste to be landfilled and to promote increased re-use and recycling of materials from all waste streams. Existing recycling facilities comprise the Kinsale Road Civic Amenity site, 40 bring sites for domestic recycling located throughout the city, and a bring facility at Monahan's Road for commercial recycling'.

S12.15 'There are currently 40 bring facilities around the city for glass and aluminium can recycling. However, the demand for bring sites has significantly reduced due to improved kerbside collection. Furthermore, the siting of permanent bring sites is frequently opposed by local residents and businesses, due to concerns regarding anti-social behaviour. A monthly mobile collection service has been used as a solution in a few areas where permanent sites could not be identified. Given the reduced demand for bring sites, opposition to their location and improved provision of kerbside collections, there are no plans for new permanent bring sites at this time'.

5.2. Natural Heritage Designations

The site is located approx. 5.2 Km from Cork Harbour SPA (site code 004030) and approx. 10.4 Km from the Great Island Channel cSAC (site code 001058).

6.0 The Appeal

6.1. Grounds of Appeal

The issues raised are summarised as follows:

Need

- There is a need for a facility of this type in the northern side of Cork City.

Background

- The applicants are a sister company of Country Clean who operate an existing waste transfer facility on an adjacent site to the proposed development.
- The existing country Clean facility currently provides the services of a civic amenity site in that it accepts a significant volume of recyclable goods, bulky waste, garden and building waste from private domestic users' ancillary to their primary domestic waste transfer activities.
- The applicants wish to construct a standalone civic amenity facility in this area to separate the waste transfer and civic amenity functions, in the interests of operational efficiency and improving the civic amenity facility for members of the public.
- The proposed development has been the subject of a concerted local campaign, 'Northside says No to Dump', aimed at preventing the grant of permission on the site.
- The campaign has misrepresented the nature and purpose of the proposed development and has made baseless allegations regarding the impacts of the existing Country Clean facility on the surrounding area.
- The considerable number of objections that were received were as a result of a campaign of misinformation.

- The applicants are disappointed with the level of misinformation and misreporting.
- A previous application on the site for a similar development (Reg. Ref. 16/37158) was withdrawn in December 2016 following considerable local opposition. In the intervening period the applicants have made a concerted effort to engage with the local community through postal correspondence and an information evening to address concerns raised.
- Following consultation, the applicants received considerable support from locals and users of the facility who view it as a welcome and necessary addition to the northside of the city.

Proposed Use

- In order to remove any ambiguity regarding the nature of the proposed use / operations and their compatibility with the zoning objective, the applicants wish to revise the proposed development and omit the vehicle storage and vehicle maintenance building from the proposed development as highlighted on Drawing No. 1003 prepared by Ray Keane & Associates
- The p.a. have implied that the proposed development is a waste recycling comparable to existing operations in the area such as National Recycling, Ashgrove Recycling and the Country Clean facility on the adjacent lands.
- The proposed development is required to serve the needs of the area and will not result in an excessive concentration of waste recycling facilities in the immediate area. Consider that this assessment is incorrect.
- No processing of waste would take place at the proposed site.
- Deposit of recyclable waste, bulky goods and other waste streams, only.
- Intended to provide the same service as the existing Kinsale Road amenity site on the South Side of the city.
- The proposed use has been misrepresented and the reasons for refusal are therefore unjustified.

- There are several characteristics which distinguish the proposal from the existing operations in the area e.g. warehouse structures, the largest being located on the Country Clean site immediately to the west
- **The Ashgrove facility** is used as a waste sorting facility for the waste received from their own skips collection service, which is their main business. The facility does accept waste from general members of the public.
- **The National Recycling facility** is a scrap metal yard that only accepts and processes metal waste.
- **The Country Clean site** is characterised by relatively intensive waste transfer and collection activities associated with the company's primary business of domestic and commercial waste collection services.
- The operation as described is distinct from the proposed civic amenity site which will consist primarily of storage units.
- The proposed development would be frequented by privately owned vehicles which currently access the adjacent County Clean site to avail of bring facilities there.
- The applicants main aim is to allow for the separation of the civic amenity operation ancillary to the main domestic and commercial waste collection operations on the existing Country Clean Facility.
- Despite the contention by the p.a. that there is no demand for such facilities in the area, the Country Clean facility is accepting bulky waste from members of the public on a daily basis, amounting to 2,166 tonnes per annum.

The proposed development site is suitable for the proposed civic amenity use and offers significant locational advantages

- Urge the Board to consider the characteristics of the proposed development in the context of surrounding land uses and the fact the proposed development will allow for the relocation and segregation of the civic amenity use from the adjacent waste transfer station.
- Benefits from co-location

- There is a clear distinction between the proposed civic amenity site and the 40 or so bring sites at various locations around the city as referred to in the p.a. report and cited as a reason for lack of demand for the civic amenity site at this location.
- The majority of the smaller bring sites will accept glass bottles and cans only.
- The proposed site will accept a wider variety of waste streams, will be staffed by 4 people and monitored during its opening hours.
- Materials gathered on site will regularly be transferred to the adjacent waste transfer station, thereby benefiting from proximity to this facility.
- It is intended that the proposed development would be a managed civic amenity / bring site and will not include any waste processing or sorting activity.
- The proposed site complies with siting guidance in that there are no major sites of cultural interest in the immediate vicinity and there are no landscape preservation zones in the area. The site is free from flood risk and is not adjacent to any water courses, the closest being the River Bride to the north east at a distance of almost 1 Km

The proposed civic amenity / bring facility is in compliance with regional and local policies and objectives.

- Section 18.5.1 and Policies E3a and E3b of the Southern Region Waste Management Plan 2015 -2021 highlights the importance of Civic Amenity Sites.
- Chapter 12 of the City Development Plan 2015 – 2021 outlines aims and objectives in terms of Environmental Management
- Section 12.14 refers to the Councils general approach to reduce the amount of waste to be landfilled and to promote increased re-use and recycling of materials from all waste streams.'
- As the proposed development is a civic use and local service it is in compliance with the ZO4 – Residential, Local Service and Institutional uses zoning objective.

- Projected growth in waste generation, estimated to be in the region of 830,000 tonnes in the next 15 years due to the expected growth in population and the current economic recovery.
- With the exception of the Kinsale Road Civic Amenity Site, the existing bring facilities in the Cork City area are limited in terms of the types of waste that they can accept
- Cork City is ranked 27th out of 31 Local Authorities in terms of the amount of waste gathered at Civic Amenity sites.
- The city is currently served by a single civic amenity site which is on the southside of the city, there are few if any alternative sites which can accommodate such a use.
- The siting of sites which are related to waste recovery is challenging

The proposed development will not have a negative impact on existing and future residential properties in the area.

- A landscape masterplan has been prepared, extensive planting is proposed, particularly at the northern and eastern boundaries.
- This proposed landscaping will screen the proposed storage units onsite from nearby residential areas and will act to improve the overall visual appearance of the area.
- 60 m separation distance between the site and the closest residential dwelling (Ard Alainn estate on Upper Fairhill).
- All but the northern most houses in Ard Alainn are screened from the activities within the Churchfield Industrial Estate.
- The light industrial uses predate the construction of the houses, which were granted in 2002. The Ashgrove waste transfer and recycling station permitted under 99/23732 and the construction of a warehouse for use as a skin and hide business under 99/23739. The latter corresponds to the premises which is currently occupied by Country Clean Ltd. Also under Reg. Ref. 00/24808 permission was granted for 2 no. warehouses immediately to the rear of the Ard Alainn development.

- There is an established pattern of industrial and waste management developments in the area.
- The Environment section did not recommend refusal of the proposal
- Through strict adherence to robust noise and odour plans the site would not have a negative environmental impact upon residential amenities.
- The noise management plan concludes that based upon model predictions the facility could comply with the EPA's recommended limit of 45dB(A) and also recommends the implementation of noise control measures which the applicant is committed to implementing.
- A strict odour management plan will be adhered to.
- Refer the Board to the North Strand recycling centre operated by Dublin City Council. This facility accepts a similar range of waste materials as is proposed at the Greener Families site in Churchfield.
- Refer the board to Dublin City Council operated Ringsend recycling centre located adjacent to the high density Poolbeg Quay apartments. Also Clonmel Recycling Centre / Civic amenity site, which is located in close proximity to residential development.

The proposed development will not result in a traffic hazard or obstruction of road users.

- The applicant's records indicate that there are 20 – 30 traffic movements per day associated with the existing civic amenity use. The roads report by MHL Consulting Engineers predicts that based on an increased tonnage of 5,000 tonnes per annum the proposed development is expected to generate a maximum of 20 vehicle movements in and out in a typical hour.
- The overall impact of the proposed development is well below the 5% threshold contained in the TII's 2014 publication 'Traffic and Transport Assessment Guidelines'
- The impact upon the nearest junction of Churchfield Road / Mount Agnes Road will be minimal and would be below the 5% threshold required for a Traffic and Transport Assessment.

- In terms of redesign of the existing entrance to comply with DMURS, it is not considered that such measures are necessary due to the proposed entrance being used primarily by vehicular users. Due to the nature of the use the existing environment has not been designed or at least made attractive for pedestrian users.
- However, if the Board deem it necessary for the entrance to comply with DMURS the applicants have no objection to the imposition of a condition requiring same.
- The public footpaths along the road have been lined with bollards to prevent illegal parking. The roads section recommends a development contribution of €16,000. The applicants are agreeable to the payment of said amount in order to action any streetscape improvements that the City Council deem necessary.

The appeal is accompanied with:

- A Waste Management Report, prepared by SLR Consulting Ireland
- Aerial Illustrations, Drawing number 1012
- Letter from Applicants Solicitor
- Revised Site Layout Plan,
- Proposed Landscaping Scheme
- Noise Management Plan
- Odour Management plan
- Copy of submission to Draft Cobh Municipal District Local Area Plan made by John F. Connolly Road Industrial Operators
- Letter from MHL Consulting Engineers on Traffic Generation

6.2. Planning Authority Response

None received.

6.3. Observations

6.3.1. 22 observations have been submitted

6.3.2. One Observation by Sean Morrison, supports the proposed development it is summarised as follows:

- Regularly uses the County Clean Recycling pay and drop facility.
- Useful service
- Aids recycling
- New separate dedicated civic amenity site would be an improvement in the area.
- Petition attached

6.3.3. 21 Observations by the following 1. Annette O’Sullivan, 2. Jonathan O’Brien TD, 3. Alicia Mannix, 4. Christine Walsh & Others, 5. Garfield Ebbs, 6. Fiona and Christopher Ennis, 7. Laura O’Connell, 8. Maurice Sheehan, 9. Kevin Foley & Others, 10. Councillor Thomas Gould, 11. Liadh Ni Riada MEP, 12. Mick Barry TD and Others, 13. T Foley, 14. Martin & Catherine Keane, 15. Residents of Ard Aláinn, 16. Castlevew AFC and Others, 17. Oliver Moran, 18. Jason Price, 19. Cllr Mick Nugent, 20. Derry O’Farrell, 21. Cllr Kenneth Collins; raise concerns. The issues raised are summarised as follows:

Need

- No independent public report which proves that Cork needs another bring site
- Of the 33 bring sites operated by Cork City Council, 7 are located in the North-side of Cork city – 3 within Churchfield alone.
- The local area has sufficient recycling facilities
- A genuine local service already exists 500m away from the proposed facility at Churchfield swimming pool
- There is a need for more housing in the area

- There has been no concerted campaign against the appellant / aimed at the prevention of granting of planning permission, a number of information evenings were held

Past Failure to Comply

- Applicant has multiple EPA breaches
- Convictions in court for breaches
- Refusal to accept responsibility for the pollution they have caused until prosecutions and enforcement by the EPA
- Cited by the EPA for breaches of Odour Impact
- Disagree that the facility pre-dates housing in the area

Non- Compliance with Regional Policy and Zoning objective

- The area is zoned for residential, local services and institutional use
- Clarity on the zoning is required
- Clarity on the license is required and if permission is granted would the facility be operated under a separate EPA License or merged and operated under one license.
- Questionable whether the facility would come under the Light Industry category
- Omission of the vehicle storage and maintenance building is notable in that the applicant is seeking to amend the proposal in the hope the compatibility with the zoning objective is achieved.
- This land has been zoned residential for almost 9 years
- There is a pattern of change of use of the lands in and around Churchfield since 2002 with the grant of permission for the SRD Aláinn housing development and the rezoning to permit Lidl.
- The landmark feature is the eir telephone exchange building

- Within approx. 1 Km of the industrial estate, there are a number of community amenities, incl sli na Slainte, two soccer clubs, two GAA clubs, a boxing club, a martial arts clubs and a Montessori school.

Other Bring Sites in Ireland

- The North Strand Facility is in a very central area of Dublin close to Connolly Station, off the R105. Land values in this area are very high and it will see redevelopment over time.
- The Ringsend Facility is located in the south Docklands Area off the R131.
- The area is well served with a good road network
- The two Dublin examples are inner city developments.
- The Clonmel recycling centre is located in an Industrial Estate close to some housing but surrounded by greenfields and Clonmel Racecourse, off the N24.
- The Kinsale facility is located off the N27
- The proposed facility in Churchfield would be accessible only via residential streets
- In the case of all 3 of these examples there is no adjoining Material Recovery Facility.

Negative Impact Upon Residential Amenity of the Area

- The appeal site is located in a housing estate, Ard Alainn is a small housing estate of 9 houses located within 100m of the appeal site, appeal site surrounded by local shops, schools and sports amenities,
- A large number of houses are located in the area which were established prior to the waste facilities
- The area is seriously socially disadvantaged
- Concentration of waste management facilities in the area is a major concern
- Further housing development is expected in the area
- No effort to address traffic issues in the area
- Public lighting in the area is appalling

- Rats and vermin is a problem
- Proven violations of law, flagrant disregard for the health and wellbeing of neighbours reckless air and noise pollution and inability to operate the business for any period of time without breaking the directives set to protect the surrounding environment.
- Odour pollution from spills on roads and from the existing facility is extensive
- To get to the sports grounds by foot residents of Farranree / Churchfield must walk on the Road to avoid the Bollards put there to keep travellers from halting there and pass a few dumps with no street lighting.
- The area is sufficiently depressed and disadvantaged and there has been no improvements since 2000.
- The subject location has been proven to be unsuitable for the current operations let alone future expansion.
- Residents are not antibusiness, there are 100's of clean businesses operating in the area without any issues.
- It is difficult to imagine that a waste company could get planning permission for a domestic waste processing plant in such close proximity to pre-existing, large scale housing developments.
- Proposals for screen fencing will not be sufficient to ameliorate concerns
- Days houses in the area shudder from the banging and cannot have windows open
- Concern with respect to health and safety

Environmental Impact

- Despite having been granted planning permission for a waste factory Country Clean did not develop any factory, but did accept and process thousands of tonnes of domestic black bin waste in a light industrial estate.
- No respect for the residential community surrounding it.
- Waste streams being processed in a shed with no doors or odour abatement measures in place.

- It transpired that from 2010 – 2014 no EPA waste licence or local authority waste permit existed for this premises.
- Country Clean Recycling were prosecuted by the EPA for breaches of licensing which occurred within months of its granting of a Waste Licence to the co.
- Both sites Country Clean and Ashgrove have pleaded guilty to all prosecutions.
- The appellant is seeking to categorise this development as a civic amenity and a local service. A waste management site does not fit into this category.
- The parent Co. Country Clean Recycling accepts 2,166 tonnes per annum from the public at its MRF plant. This does not justify the construction of dedicated Bring Site, that is, unless the Co. plan to increase the Bring Site Activity on a separate Licence so as to free up capacity on the MRF licence.
- There is nothing to restrict waste being accepted at this site and being transported off site again to other processing plants.
- Evidence from other country's supports placing such facilities remote from housing and settlements.
- The fact that locals and most of Cork refers to Churchfield Industrial Estate as a dump speaks volumes
- Civic amenity centres should only be operated by local authorities

Traffic

- The proposed expansion does nothing to address the increased traffic volume that the area will suffer.
- Articulated trucks coming from all over Munster brimming with leaking waste fluid.
- No safety for cyclists and no capacity for bus lanes
- Existing roads built to accommodate light industry and residential traffic
- Given the facility is open approx. 300 days per year it is estimated that the traffic movements per day is close to 30 movements. The report by MHL

consultants claims that there are currently 20 – 30 traffic movements per day associated with the existing amenity site. This does not take into account return trips.

- Impact upon the Churchfield Road / Mount Agnes Road junction would be severe. No account has been taken of the new local community / business outlets being opened, Lidl supermarket, increased sporting pitches.
- Outstanding issues with the infrastructure in the area.
- Footpaths on either side of the entrance are obstructed by large concrete pipes.

Observations Accompanied with:

- EPA Site Visit Reports
- Zoning Maps
- Land Registry Folio Copy showing ownership of the site
- List of signatures and Petitions from local residents

7.0 Assessment

7.1.1. The issues of the subject appeal case can be dealt with under the following headings:

- **Principle of the Proposed Development**
- **Impact Upon Residential Amenity of the Area**
- **Traffic Impact**
- **Environmental Impact**
- **Environmental Impact Assessment (EIA)**
- **Appropriate Assessment (AA)**

7.2. Principle of the Proposed Development

7.2.1. The appeal site is zoned 'ZO4', 'Residential, Local Services and institutional Uses', ref. Map 4, of the Cork City Development Plan 2015 – 2021. The objective of this land-use zoning is to protect and provide for residential uses, local services, institutional uses and civic uses. Paragraph 15.10 of the Plan states that 'the provision and protection of residential uses and residential amenity is a central objective of this zoning, which covers much of the land in the suburban area. However other uses, including small scale local services, institutional uses and civic uses and provision of public infrastructure and utilities are permitted, provided they do not detract from residential amenity and do not conflict with the employment use policies in Chapter 3 and related zoning objectives...'

7.2.2. There appears to be some conflict in respect of the zoning of the site and I note that it is repeatedly referred to as being zoned for 'Light Industrial Uses'. I note that the Civic Amenity Site Information Booklet submitted with the application states that the 'site is located within an area zoned for light industrial use, including material recovery and recycling facilities.' I wish to clarify that this is not the case, the appeal site is clearly zoned 'ZO4', 'Residential, Local Services and institutional Uses' and has been so zoned since 2009. The immediate site to the west of the appeal site upon which the sister Company of Greener Families Ltd, Country Clean Recycling is located is zoned 'ZO5' for 'Light Industrial and Related Uses', as are lands directly to

the south. Lands to the north and east of the appeal site are similarly zoned 'ZO4', 'Residential, Local Services and institutional Uses'. It is acknowledged that in other planning documentation, submitted in support of the application, the correct zoning of the appeal site is referred to. While the 'ZO4' zoned lands directly to the north are undeveloped the Ard Aláinn residential estate is located, approx. 50 - 60m to the east, on 'ZO4' zoned lands.

- 7.2.3. I highlight for the attention of the Board the revision to the proposed development as submitted in the appeal. The applicants wish to revise the proposed development and omit the vehicle storage and vehicle maintenance building from the proposed development as highlighted on Drawing No. 1003 submitted with the Appeal Documentation.
- 7.2.4. The applicant proposes to construct a standalone civic amenity facility, which will accept a wide variety of waste streams. It is contended that no processing of waste would take place at the proposed site, which will consist mainly of storage units. The proposal aims to separate the waste transfer and civic amenity functions on the existing, adjoining, sister Country Clean Facility. It is contended that there is a demand for such a facility in the area despite the view of the planning authority that there is no such demand. It is contended that the majority of the existing smaller bring sites accept glass bottles and cans only. The proposed site would accept a wider variety of waste streams, would be staffed by 4 people and monitored during its opening hours. Materials gathered on site would be regularly transferred to the adjacent waste transfer station, thereby benefiting from proximity and co-location to this facility.
- 7.2.5. From information on file it is submitted that the recycling facility would receive a projected 4,890 tonnes of material per annum to include bulky waste including the following materials: 'furniture, mattresses, construction and demolition material, soil / stone / concrete, clothing / textiles, aluminium cans / steel cans, mixed dry recyclables, garden / green material / timber, glass, plate glass, glass packaging, scrap metal, mixed municipal material (household refuse sacks), newspapers and magazines'.
- 7.2.6. It is strongly argued by the appellant that the proposed development would be a managed civic amenity / bring site which is a civic use and local service and in

compliance with uses permitted under the 'local service and institutional uses' part of the ZO4 - zoning objective. That there is an established pattern of similar type development on adjacent sites in this area. Permission having been granted in 2004 for a materials recycling facility on lands to the west of the site (Reg. Ref. 04/28951) and which was extended in 2009 under Reg. Ref. 09/33682. There is an additional waste materials recycling facility further west on John F. Connolly Road which was granted permission for an extension in 2012 (Reg. Ref. 12/35137). In addition, National Recycling Company Ltd were granted permission for retention of a scrapyards / metal recovery facility in 2010 to the south of the proposed site on John F. Connolly Road (Reg. Ref. 10/34585). The adjoining industrial area, to the west of the appeal site, accessed off John F. Connolly Road is zoned Light Industrial.

- 7.2.7. The three recycling facilities, indicated above, are located on lands zoned Light Industrial. The subject appeal site is not. Civic uses are only permitted within the ZO4 zone provided they do not detract from residential amenity and do not conflict with employment use policies.
- 7.2.8. I acknowledge that the environment is industrial in nature with palisade fencing and bollards blocking the footpaths to prevent (it is submitted) illegal parking. The pedestrian environment within the industrial estate / John F. Connolly Road is therefore poor and public lighting is also poor. I agree that the environment of the subject appeal site, is not presently conducive with a positive residential setting. However, the lands and adjoining lands to the north are zoned ZO4. The proposal is clearly not Plan - Led this I consider to be of significance given the nature of the development proposed. The proposed development I believe cannot be described as a civic use which would not detract from residential amenity, it must be considered in the context that it is located in an urban area.
- 7.2.9. Chapter 12 of the City Development Plan refers to waste management and recycling. I note, in particular, S12.15 which states: 'There are currently 40 bring facilities around the city for glass and aluminium can recycling. However, the demand for bring sites has significantly reduced due to improved kerbside collection. Furthermore, the siting of permanent bring sites is frequently opposed by local residents and businesses, due to concerns regarding anti-social behaviour. A monthly mobile collection service has been used as a solution in a few areas where permanent sites could not be identified. Given the reduced demand for bring sites,

opposition to their location and improved provision of kerbside collections, there are no plans for new permanent bring sites at this time’.

7.2.10. Having considered the foregoing I am of the opinion that the planning decision to refuse planning permission should be upheld. The site is clearly zoned for ‘Residential, Local Services and Institutional Uses’ and having regard to the proximity of existing residential houses to the south - east and the fact that lands located immediately to the north are zoned for future housing development, I consider that the proposed use, which is not Plan-Led, would be likely to impact detrimentally on the amenities of both existing and future residential properties and is therefore unacceptable. I do not agree with the appellants argument that the proposed use, taken in conjunction with existing permitted uses on ground uses, is akin to a civic use which would not detract from residential amenity. I consider the proposed use, if permitted, would be contrary to the ‘ZO4’ zoning objective.

7.3. Impact Upon Residential Amenity of the Area

7.3.1. Albeit it is argued that the proposed facility differs from the existing operations in the area, it is undisputed that there is an established pattern of similar type development on adjacent sites in this area. Regard is had to existence of:

- ‘The Ashgrove Facility’, used as a waste sorting facility for waste received from a skip collection service. The facility also accepts waste from general members of the public.
- ‘The National Recycling Facility’, which is a scrap metal yard that only accepts and processes metal waste and
- ‘The Country Clean Facility’ (sister company) which comprises a relatively intensive Materials Recovery Facility / waste transfer and collection service for domestic and commercial waste.

7.3.2. The site and adjoining lands are primarily zoned for residential use and have been so zoned for some time. The appeal site is located within a built-up city environment less than 2 Km north from the city centre of Cork. In addition to the light industrial uses located within the adjoining Churchfield Industrial Estate / off John F. Connolly Road, the area is surrounded by undeveloped residentially zoned lands, residential

estates, playing pitches and district centre uses. There are residential dwellings located 50 – 60 m to the south east. Regard being had to the waste stream proposed to be received onto the site including I highlight ‘mixed municipal material (household refuse sacks)’, I agree with the planning authority and observations submitted which consider that the proposed use, taken in conjunction with existing uses on the ground, would be likely to impact detrimentally on the residential amenities of the area and be contrary to the proper planning and sustainable development of the area.

- 7.3.3. I agree that the proposed development if permitted would result in an excessive concentration of such facilities in an urban area and that lands zoned for future housing would be impacted detrimentally, which, given the current housing shortage would be highly undesirable outcome.

7.4. Traffic Impact

- 7.4.1. I note that the Roads Design (Planning) Report, dated 29/03/2018 states that the appeal site is located in an area zoned as light industrial and will be accessible by the general public. Again, I highlight the apparent confusion with respect to the zoning of the site. The Roads Design (Planning) Report and the Transport & Mobility Report, both, recommend that further information be requested in respect of: expected traffic generation, pedestrian movement on John F. Connolly Road, a stage 1 / 2 Road Safety Audit for both the internal road and the redesigned vehicular entrance, a Traffic and Transportation Assessment (TTA) in accordance with Transport Infrastructure Ireland (TII), public lighting details, assessment of details of how the use of the premises is to be managed, frequency of movement of materials off site and vehicle types used to do this and details of proposed haulage routes to / from the proposed development.
- 7.4.2. The first party submit that the proposed development will not result in a traffic hazard or obstruction of road users. It is submitted that the applicant’s records indicate that there are 20 – 30 traffic movements per day associated with the existing civic amenity use. The roads report by MHL Consulting Engineers predicts that based on an increased tonnage of 5,000 tonnes per annum the proposed development is expected to generate a maximum of 20 vehicle movements in and out in a typical hour. It is contended that the overall impact of the proposed development is well

below the 5% threshold contained in the TII's 2014 publication 'Traffic and Transport Assessment Guidelines'.

- 7.4.3. I highlight that traffic volumes are not the only criteria for determining the need for a TTA. The type of traffic generated as well as its location also need to be considered. The Transport and Mobility Report on file is referred to in this regard.
- 7.4.4. Cognisance is had to the issue raised by the p.a. with respect to redesign of the existing entrance to comply with DMURS. The first party consider that such measures are not necessary due to the proposed entrance being used primarily by vehicular users. I note that the applicant submits that if the Board deem it necessary for the entrance to comply with DMURS the applicants have no objection to the imposition of a condition requiring same.
- 7.4.5. The public footpaths along the road have been lined with bollards to prevent illegal parking. The roads section recommends a development contribution of €16,000. The applicants are agreeable to the payment of said amount in order to action any streetscape improvements that the City Council deem necessary.
- 7.4.6. I agree with the planning authority that a TTA is necessary in order to adequately assess the proposed development. Details in respect of frequency of movement of materials off site and vehicle types used to do this and details of proposed haulage routes to / from the proposed development is highly relevant given the variety of waste streams materials proposed to be brought in to and out of the site.
- 7.4.7. As stated above, in the preceding section of this report, the pedestrian environment within the industrial estate is poor and public lighting is also poor. The whole nature of the environment is quite grim with no trees or soft landscaping. The Landscape Masterplan submitted with the appeal for within the site itself is noted. Regard being had to the fundamental issues raised with respect to principle of the development and impact upon residential amenity of the area, and my overall recommendation to refuse planning permission on such grounds, I do not consider it appropriate to recommend that the Board request further information with respect to traffic assessment, types of vehicles to be used, details of volume, storage, frequency of removal of waste, pedestrian access and lighting. However, should the Board disagree with my recommendation and consider that permission should be

forthcoming, I would recommend that, in order than an informed decision to be made, detailed further information is required on such matters.

7.5. Environmental Impact

- 7.5.1. Observers to the appeal have raised serious concerns with respect to past failure of the applicants to comply with EPA Licensing. The planners report on file sets out that it is a matter of record that the area has suffered adverse environmental impacts in recent years, due to non-compliance of operators with their Waste Permits. It is a matter of record that the adjoining Materials Recovery Facility, 'The Country Clean Facility' (sister company), has been successfully prosecuted in court for multiple EPA breaches with respect to odour.
- 7.5.2. It is contended that the applicants have a history of refusal to accept responsibility for the pollution they have caused until prosecutions and enforcement by the EPA. Concern is raised with respect to noise and odour pollution from the proposed facility. It is submitted that no regard is being had for the residential community surrounding it. Houses in Ard Aláinn are located some 50 – 60 m as the crow flies from the boundary of the site. Observers contend that evidence from other country's supports placing such facilities remote from housing and settlements.
- 7.5.3. The Environment report on the file, dated 27th March 2018, requests further information with respect to:
- An Odour Management Plan identifying potential issues and mitigation measures to be implemented.
 - Noise Management Plan detailing all equipment, service plant and vehicles used on development. Anticipated noise levels at the nearest noise sensitive receptors.
 - Details of the maintenance and storage buildings (Note: This element has been omitted from the appeal development.)
- 7.5.4. A Noise Management Plan was submitted with the appeal, identification of noise issues, noise model assumptions, noise sources, predicted noise levels and implementation / operation of noise control measures are noted. I would have concern given the urban location of the proposed development and specifically its

location less than 100m from housing, that noise could be satisfactorily ameliorated / resolved by way of condition should planning permission be forthcoming, however, given my recommendation to refuse planning permission on more fundamental grounds I do not intend to go into further detail on this matter.

7.5.5. An Odour Management Plan was submitted with the appeal, potential odour generation sources, sensitive receptors, pathway and potential odour impact is set out. I note the quantity of mixed municipal waste is expected to be less than 5% of the total input materials to the Civic Amenity (CA) site and that it is proposed this waste would be deposited into sealed containers via drawers that maintain enclosure of the waste at all times. Green waste is also expected to generate odour during unloading and storage and it will be limited by the quantity of material, its enclosure and the duration of its retention on site.

7.5.6. Residential properties are located approx. 60 m to the east (Ard Aláinn estate) and undeveloped residentially zoned lands are located to the north, both are classified, as 'highly sensitive receptors'. While the report concludes that the pathway between the source and nearby industrial and residential receptors has been classified as a 'moderate to highly effective pathway' (meaning limited dispersion will occur) in accordance with the IAQM guidance, I would have serious concern, given proximity and nature of the waste stream arriving at the site that odour could be effectively managed. The development I believe must be considered in the context that it is in an urban area where odours from agricultural activities do not occur.

7.6. **Environmental Impact Assessment (EIA)**

7.6.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.7. **Appropriate Assessment (AA)**

7.7.1. The closest European Sites are the Cork Harbour SPA (site code 004030) and the Great Island Chanel cSAC (site code 001058).

7.7.2. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest Natura 2000 sites. No Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 Recommendation

8.1.1. I recommend that the decision of the planning authority be upheld and planning permission be Refused for the proposed development.

9.0 Reasons and Considerations

1. Having regard to the 'ZO4' zoning of the site, 'Residential, Local Services and Institutional Uses' and having regard to the proximity of existing residential houses, Ard Aláinn Estate located only 50 - 60 meters distant to the south / east and the fact that lands located immediately to the north are zoned for future housing development, it is considered that the proposed use would be likely to impact detrimentally on the amenities of both existing and future residential properties and as such would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the extent of the existing immediately adjoining waste recycling facilities located in the immediate vicinity. It is considered that the proposed use, would result in an excessive concentration of such facilities in an urban area and notwithstanding the mitigation measures proposed in the Noise Management Plan, Odour Management Plan and Waste Management Plan submitted with the application, would be likely to impact detrimentally on the amenities of the area and be contrary to the proper planning and sustainable development of the area.

Fiona Fair

Planning Inspector
23.10.2018