



Development	Placement of pay-to-use waste compactor for residual and food waste and a pay-to-use compactor for dry recyclables. This activity requires the developers to possess a waste collection permit/certificate of registration.
Location	Circle K, Newtown, Bantry, Co. Cork P75 EE70
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	21628
Applicant(s)	BIGbin Waste Tech Ltd.
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party
Appellant(s)	Conor Walsh
Date of Site Inspection	25 th May 2022
Inspector	Liam Bowe

1.0 Site Location and Description

- 1.1. The appeal site is located within the urban area of Bantry, and to the rear of the existing Circle K petrol station site, located on the Glengarriff Road in the town. The site is currently occupied by the service station and associated shop. The site is located approximately 1km to the north of the town centre area. The wider area comprises a variety of uses including residential to the north, south and east, and there is a Lidl supermarket located approximately 200m to the south of the site.
- 1.2. The site has a stated area of 0.41 ha and comprises the petrol station forecourt and shop. The area of the proposed development is located to the rear of the forecourt adjacent to where refuse bins and gas cylinders associated with the retail store are stored within a corner enclosed by palisade fencing and a mass concrete retaining wall.

2.0 Proposed Development

- 2.1. Permission is sought for placement of a pay-to-use portable waste compactor for residual waste and food waste and a pay-to-use portable waste compactor for dry recyclables, i.e., 2 x 8m² compactors on the forecourt of Circle K, Newtown, Bantry, Co. Cork.

3.0 Planning Authority Decision

3.1. Request for further information

- 3.1.1. Prior to its notification of decision, the Planning Authority issued a further information request on 2nd November 2021 requiring details of all features on the site to be clearly annotated on a revised site layout plan.
- 3.1.2. In response, the first party submitted a revised site layout plan annotating all features on the site and clearly identifying the proposed location of the P.T.U. compactors.

3.2. **Decision**

- 3.2.1. By order dated 15th December 2021 Cork County Council issued a notification of decision to Grant Permission for the proposed development subject to 1 no. standard condition.

3.3. **Planning Authority Reports**

3.3.1. **Planning Report**

The initial report of the Planning Officer outlines the relevant planning policy under the West Cork Municipal District Local Area Plan 2017 and the Cork County Development Plan 2014, notes the objections received and raises concerns regarding the accuracy of the site layout plan. Further information was recommended requiring all features on the site to be clearly annotated on a revised site layout plan.

Appropriate Assessment Screening was carried out and concluded that there was no likely potential for significant effects to any Natura 2000 site.

A second report, subsequent to the submission of a response to further information, recommends a grant of permission consistent with the notification of decision which issued.

3.3.2. **Other Technical Reports**

Area Engineer: No objection.

Environment Unit: No objection. Notes that visiting tourists to West Cork on short visits / house stays can encounter some difficulty in recycling or disposing of municipal waste particularly at evening time and weekends and these facilities are operating in many other local authority areas in Ireland.

3.4. **Prescribed Bodies**

TII: No observations to make.

3.5. Third Party Observations

An objection to the proposal received by the planning authority raised issues comparable to those set out in the 3rd party appeal summarised in section 6 below.

4.0 Planning History

4.1. Appeal site:

P.A. ref. no. 11255 – Permission granted for (a) Demolition of existing dwelling and restaurant, (b) Demolition of existing canopy, (c) Partial demolition of existing forecourt shop & (d) Decommissioning of 5 no. underground fuel storage tanks, the decommissioning and removal of 1 no. diesel dispenser pump island. Permission sought for the construction of extensions and alterations to existing petrol filling station comprising: (1) Enlargement and re-arrangement of forecourt area to include 2 no. additional dispenser pump islands (6 islands total), new underground fuel storage tanks, and new ancillary parking spaces, (2) Relocation of marked gas oil dispenser pump, (3) 2 no. car wash areas, (4) Alterations and extensions to forecourt shop including new forecourt canopy, (5) New building comprising storage ancillary to existing shop at ground floor level and 2 no. (2 bed) apartments at first floor, (6) Installation of sewage treatment plant to serve the shop and the proposed apartments together with all necessary site works.

P.A. ref. no. 13555 – Permission granted for (A) Demolition of existing canopy, (B) Partial demolition of existing forecourt shop, (C) Decommissioning of 5 no. underground fuel storage tanks. Permission sought for the construction of extensions and alterations to existing petrol filling station comprising: (1) Enlargement and re-arrangement of forecourt area to include 2 no. additional dispenser pump islands (6 islands in Total), new underground fuel storage tanks and new ancillary parking spaces, (2) Relocation of marked gas oil dispenser pump, (3) Relocation of high speed diesel dispenser pump, (4) Relocation of Kerosene pump, (5) Installation of diesel dispenser pump with card reader, (6) 2 no. car wash areas, (7) Alterations and extensions to existing forecourt shop, (8) new forecourt canopy, (9) Storage building ancillary to shop, (10) Installation of sewage treatment plant to serve the development together with all necessary site works.

P.A. ref. no.: 17485 – Permission granted for (1) Alterations to footprint of shop (including reduction in floor area of 5m²) and changes to elevations including signage, (2) Reduction in size and changes to elevations of ancillary storage building, all of which were previously permitted under Pl. Reg. No. 13555.

5.0 Policy Context

5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

- 5.1.1. Chapter 9 of the NPF deals with Environmental and Sustainability Goals and with regard to managing waste, the Framework seeks to provide ‘Adequate capacity and systems to manage waste in an environmentally safe and sustainable manner’. It is further stated that ‘Ireland is advancing its development as a circular economy and bio economy where the value of all products, materials and resources is maintained for as long as possible and waste is significantly reduced or even eliminated.
- 5.1.2. National Planning Objective 56 seeks to “Sustainably manage waste generation, invest in different types of waste treatment and support circular economy principles, prioritising prevention, reuse, recycling and recovery, to support a healthy environment, economy and society”.

5.2. Southern Region Waste Management Plan 2015-2021

- 5.2.1. The plan target of the southern region WMP is to ‘achieve a recycling rate of 50% of managed municipal waste by 2020.’ The plan provides definitions to many of the terms used in waste management, of relevance to the subject proposal are:
- **Pay-to-Use (PTU):** Waste compactor units that members of the public can pay to use to deposit their municipal residual waste, which are primarily located on garage forecourts and parking areas of supermarkets and other retail outlets.
 - **Recyclables:** Waste materials that may be subjected to any process or treatment to make them reusable in whole or in part
 - **Recycling:** Means any recovery operation by which waste materials are reprocessed into products, materials, or substances whether for the original or other purposes. It includes the reprocessing of organic material but does not

include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations.

- Waste Management Facility: A site or premises used for the recovery or disposal of waste.

5.2.2. Regarding PTU, section 7.1.1 of the plan (household waste) states that Waste collected through pay to throw units (PTUs) was recorded in 2012 for the first time. The future use of PTUs as part of the waste collection system will be a requirement of the new household waste regulations and the waste collection permit regulations. A reported 2,212 tonnes were collected using PTUs in the region in 2012 and this represents less than 0.5% of HWM (household waste managed).

5.2.3. Section 9.3.3 of the plan specifically refers to PTU's. The plan notes that PTU waste compactor units entered the household collection market recently, providing an outlet for the disposal of household residual waste, and are primarily located on garage forecourts. The DECLG has indicated that the future activity of PTUs in the household market will be regulated in line with all other household service providers in the collection market. This move is part of a series of regulatory measures being introduced to improve the operation of the household waste collection market. PTU operators will be required to comply with the new mandatory obligations, which will include maintaining a customer register, implementation of the pay by weight (per kilogram) system of charging and provision of separate compartment units for residual, recyclables and, where applicable, organic wastes. PTUs will continue to have a role in household waste collection in certain areas.

5.2.4. Referring to Local Authority waste authorisations, section 16.1 of the plan states that the use of PTU's is increasing. Where kerb-side collection systems do not provide source-segregated options, the plan notes that authorised civic amenity facilities or bring centres provide the next best method of household waste collection.

5.2.5. Policy E22a the plan supports the primacy of kerbside source segregated collection of household and commercial waste as the best method to ensure the quality of waste presented. Policy E22b of the plan also supports the use of authorised civic amenity facilities and bring centres as part of the integrated collection system.

5.2.6. Policy E23: In the absence of kerbside source segregated collection services and where the proximity of the civic amenity facilities and bring centres is prohibitive, the

plan supports localised collection solutions such as community drop-off points or pay-to-use systems subject to compliance with the household waste collection regulations.

5.3. **Cork County Development Plan 2022-2028**

I draw the Board's attention to the adoption of the County Development Plan on 25th April 2022, which came into effect as the statutory plan for the county on 6th June 2022. Similarly, the West Cork Municipal District Local Area Plan 2022 came into effect on 6th June 2022.

5.3.1. **Objective BE 15-14: Waste Prevention and Management**

- a) Support the policy measures and actions outlined in:
 - 'A Waste Action Plan for a Circular Economy Ireland's National Waste Policy 2020-2025', and
 - Southern Region Waste Management Plan 2015 – 2021, or any successor plans
- b) Support circular and climate resilient economy principles and associated strategic infrastructure, prioritising prevention, reuse, recycling and recovery, and to sustainably manage all types of waste by ensuring the provision of adequate waste recovery, recycling and disposal facilities for the county.

5.4. **West Cork Municipal District Local Area Plan 2022-2028**

5.4.1. Bantry is designated as a main town.

Section 2.7.1 - The overall strategy aims to develop Bantry as the primary urban centre and gateway for the western part of Cork. The plan will promote a significant expansion of the population based on an important marine related role, including aquaculture, and key employment functions in the service and tourism industries.

5.4.2. The site within an area which is afforded the 'Green Infrastructure' zoning, CDP Objective **BT-GC-01** is relevant, and states as follows:

“Open Space. Ridge protection of lands which contribute to the setting of the town. Lands to remain predominantly open in character.”

5.5. Natural Heritage Designations

- 5.5.1. The site is not located within any designated site. The closest Natura 2000 site is Glengarriff Harbour and Woodland SAC (Site Code: 000090) which is located approximately 7km to the northwest of the appeal site.
- 5.5.2. The Cusroe, Whiddy Island pNHA (Site Code: 000110) is located approximately 3.5km to the west of the site.

5.6. EIA Screening

- 5.6.1. The subject appeal does not relate to a class of development which requires mandatory EIA in either Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended).
- 5.6.2. Having regard to:
 - (a) the nature and limited scale of the development,
 - (b) the location of the site within the town of Bantry,
 - (c) the location of the development, outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

It is concluded that 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.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal are submitted by Conor Walsh, SLR Consulting Ireland, 7 Dundrum Business Park, Windy Harbour, Dublin, D14 N2Y7. The main points made can be summarised as follows:

- Contends that PTU compactors installed by BIGbin are a threat to Ireland's recycling efforts and obligations.
- Contends that the provision of such units at this location in Bantry is contrary to the Southern Region Waste Management Plan (SRWMP) and, therefore, contrary to the Cork County Development Plan.
- Considers PTU's a threat to the kerbside source segregated waste collection system in the Region.
- Contends that the SRWMP only supports PTU's 'in the absence of segregated collection services and where proximity to the civic amenity facilities and bring centres is prohibitive'.
- Provides evidence of 3-bin kerbside collection service in Bantry town and confirms that there is a 'Holiday Home Option' service for people in the Bantry area with a low annual service charge and a pay as you go service.
- Lists 15 no. civic amenity sites in County Cork where recycling services are provided.
- Highlights contended issues with the environmental licensing of 5 no. similar sites in the Limerick City & County Council jurisdiction.

6.2. Applicant Response

The First Party has not responded to the grounds of the appeal.

6.3. Planning Authority Response

6.3.1. The planning authority responded to the grounds of the appeal stating that:

- Many people in the area surrounding Bantry encounter difficulty disposing small amounts of domestic waste.
- The proposal will not encourage single car journeys and referencing 15 no. civic amenity sites is irrelevant given their distances to / from Bantry.
- Reiterate that no consultee (Environment Unit, Area Engineer and TII) or member of the public objected to the proposed development.

7.0 Assessment

I consider that the main issues in the assessment of this appeal are as follows:

- Principle of the development
- Waste management
- Other Issues
- Appropriate Assessment

7.1. Principle of development

- 7.1.1. In terms of the proposed pay-to-use portable waste compactor for residual waste and food waste and a pay-to-use portable waste compactor for dry recyclables, I note that the proposal seeks to provide an alternative waste disposal and recycling offer to members of the public. While I will address the potential impacts associated with the proposed development further below, notwithstanding the site is contained within an area with a land use zoning for 'Green Infrastructure', given the location of the site within the established urban area of Bantry, I do not consider it unreasonable to accept the principle of the proposed development at the subject site.
- 7.1.2. It is also noted that the site on which the development is proposed is currently in commercial use and such that the proposed development would not be inconsistent with the existing use of the site.

7.2. Waste Management

- 7.2.1. The proposed development relates to a waste management facility, albeit of a small scale. I consider the principle of providing adequate capacity and systems to

manage waste in an environmentally safe and sustainable manner accords with the provisions of National Planning Framework – Project Ireland 2040 and specifically with NPO 56 which seeks to “Sustainably manage waste generation, invest in different types of waste treatment and support circular economy principles, prioritising prevention, reuse, recycling and recovery, to support a healthy environment, economy and society”.

- 7.2.2. The Southern Region Waste Management Plan 2015-2021 sets targets for the region to ‘achieve a recycling rate of 50% of managed municipal waste by 2020.’ The plan provides definitions to many of the terms used in waste management including Pay-to-Use (PTU) which are described as follows:

Waste compactor units that members of the public can pay to use to deposit their municipal residual waste, which are primarily located on garage forecourts and parking areas of supermarkets and other retail outlets.

- 7.2.3. The Plan provides that ‘the future use of PTUs as part of the waste collection system will be a requirement of the new household waste regulations and the waste collection permit regulations. The Plan notes that the use of PTUs will be regulated in line with all other household service providers in the collection market and that they will continue to have a role in household collection in certain areas. The proposed PTU is therefore consistent with the provisions of the Southern Region Waste Management Plan 2015-2021.

- 7.2.4. The third-party appellant has noted that the best place to locate PTUs is at a civic amenity (CA) site, and that there are 15 CAs located in County Cork, with the closest one to the subject appeal site at Derryconnell, approximately 20km to the south. It is also noted that a number of waste management companies operate a kerbside, source segregated household waste collection service in Bantry. In terms of the proposed development, it might reasonably be argued that the proposed development does not accord with the provisions of Policy E23 of the Southern Region Waste Management Plan 2015-2021, as there are kerbside source segregated collection services available in the town.

- 7.2.5. However, given that the location of the closest bring centre or civic amenity site is approximately 20km from the town of Bantry, and the fact that there is no such facility within the town itself, I consider that the distance of the civic amenity facilities

and bring centres is prohibitive to the population of Bantry. As such, the plan supports localised collection solutions such as community drop-off points or pay-to-use systems subject to compliance with the household waste collection regulations. It is noted that while the kerbside collection services are available in Bantry, there is no civic amenity facility available locally. Consequently, I consider the principle of the proposed PTU compactors is acceptable.

- 7.2.6. In terms of the above and having regard to the location of the site and the requirement to secure a Certificate of Authorisation for the compactors, I am satisfied that the proposed development does not preclude the provision of additional services and encourage competition in the waste collection market and does not contravene the provisions of the Southern Region Waste Management Plan and can be considered acceptable.

7.3. **Other issues**

Residential Amenity

- 7.3.1. On this issue, I note the proximity of houses to the north, south and east of the site and the operation of such a facility out of normal hours may have the potential to result in disturbance and impact on residential amenity. The filling station site itself is indicated as operating from 07000 – 2300 hours and there is currently no way of restricting vehicular access to the site out of hours. It is also not clear that the design of the proposed units would have the facility to restrict the hours / times during which they would operate and accept waste. On balance, I consider it appropriate that the operating hours of the proposed waste compactor units would be restricted to that of the service station.

Traffic

- 7.3.2. No projected traffic volumes at the site are indicated in the application documentation. Traffic generated by users of the facility is difficult to estimate accurately based on the information presented, however I note the nature of the site with existing entrances located within the 50km/hr zone. On the day of my site inspection, I observed visibility at the existing site accesses to be good and there are

no apparent conflicts with other access points. I therefore consider that the proposed development would be acceptable in terms of traffic generation and safety.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the location of the fully serviced site within the settlement boundary of Bantry, 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

I recommend that planning permission be granted for the proposed development for the following stated reason and subject to the following stated conditions.

9.0 Reasons and Considerations

Having regard to the location of the site within the development boundary of Bantry and to the established commercial use of the site and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 1 st day of December 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development
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	<p>shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>No development on foot of this permission shall be undertaken until such time as the developer has applied for and received confirmation from the local authority of a waste authorisation (Waste Permit/Certificate of Registration) relating to the development authorised by this permission and is compliant with any conditions that may be attached to such an authorisation.</p> <p>Reason: To ensure the protection of the environment and compliance with the Waste authorisation legislation.</p>
3.	<p>The hours of operation, including servicing and collection / removal of waste shall be limited to between 0700 hours and 2200 hours.</p> <p>Reason: To protect the amenities of the area.</p>

Liam Bowe
 Planning Inspector

9th June 2022