



An
Bord
Pleanála

Inspector's Report ABP-318276-23.

Development	Proposed extension of existing waste processing building and the acceptance of up to 99,0000 additional tonnes of waste per annum.
Location	Listmagratty and Curranure, County Cavan.
Planning Authority	Cavan County Council.
Planning Authority Reg. Ref.	Not applicable.
Applicant	Wilton Waste Recycling Limited.
Type of Application	Pre-application consultation.
Date of Site Inspection	None required.
Inspector	Philip Davis.

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1.0 Introduction

A single pre-application consultation meeting was held with the prospective applicants on 16th November 2023 in relation to a proposed development consisting of the extension of a waste processing building with an additional capacity of up to 99,0000 tonnes per annum.

2.0 Site Location and Description

The proposed waste processing facility is located in a rural area on the northern side of the R188 approximately 3 km north-east of Cavan town. It is on a south-easterly facing slope – the land is currently occupied by a former waste processing building operated by Cavan County Council, accessed via a track that serves several houses, a former landfill (Corranure landfill), and a council waste collection area (not part of the site).

The site area is given as 2.1 hectares.

3.0 Proposed Development

The development is indicated as consisting of an additional shed and other facilities that would increase the potential capacity of the permitted waste processing facility from a permitted 50,000 tonnes per annum by up to 99,000 tonnes per annum, resulting in a facility with a maximum capacity of 149,0000 tonnes per annum.

4.0 Pre-application discussion:

A meeting was held with the prospective applicant on 16th November 2023. The applicant outlined the planning history of the site and noted that a previous decision had been subject to judicial review. The site adjoins a Council waste collection point and a former landfill. It is acknowledged that the total capacity of the site if this was permitted would be in excess of that set out in the Seventh Schedule (100,000 tonnes per annum), but the Board is requested to consider that a limit of 99,000 tonnes over the permitted level for the proposal alone set before the Board would not fall under the Seventh Schedule criteria.

The Board representatives indicated that their preliminary view was that a cumulative or additional total did not apply and so the proposal would not constitute strategic infrastructure under Section 37A.

5.0 Legislative Provisions

Section 37A of the Act provides that an application for permission for any development specified in the Seventh Schedule shall be made directly to ABP if the proposed development falls within one or more of the following categories:

- a) The development would be of strategic economic or social importance to the State or the region in which it would be situated,
- b) The development would contribute substantially to the fulfilment of any of the objectives of the National Planning Framework or in any Regional Spatial and Economic Strategy in force in respect of the area or areas in which it would be situated,
- c) The development would have a significant effect on the area of more than one planning authority.

Class 3 of the Seventh Schedule relates to waste material, namely:

- An installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes.

6.0 Assessment

The prospective applicant requested that the Board provide a decision on whether the proposed development should or should not be regarded as Strategic Infrastructure development. The prospective applicant set out an argument in its written and oral submission that it should not be considered as such.

6.1. Is the development specified in the Seventh Schedule under Section 37A(1) of the Act?

The prospective applicant has stated that while the proposed plant to be constructed could theoretically handle higher levels of waste, the proposal is for a fixed upper limit below the 100,000 tonnes capacity as set out in Class 3 of the Seventh

Schedule. Notwithstanding this, there is an existing permission for a facility with an upper limit of 50,000 tonnes annual intake which it is the intention of the prospective applicant to operate.

The specific proposed development before the Board falls under the threshold set out in the Seventh Schedule and as such it would not be considered for direct submission to the Board under the Act.

The combined development on the site would total a maximum annual throughput of 149,000 tonnes and as such would fall within the Seventh Schedule if submitted as a single development. Similar questions have arisen in previous applications to the Board, but it has been concluded that in general an application is assessed 'as submitted' and as such considerations of cumulative impacts, project splitting, or additional effects do not apply to Section 37A applications. When doubt applies, each application should be addressed on its own merits.

As such, I conclude that the proposed development **does not** come within the criteria set out in the Seventh Schedule.

I can confirm that the proposed development as described in the application does not come under any other class set out in the Seventh Schedule.

6.2. **Section 37A(2):**

Section 37A(2) sets out criteria according to which the Board should assess an application if it falls within the Seventh Schedule. Notwithstanding my conclusion above, I shall address the proposed development under these criteria:

6.2.1. **37A(2)(a): The development would be of strategic economic or social importance to the State or the region in which it would be situate.**

The proposed development in terms of scale and nature would potentially have a significant impact on the immediate area and the county of Cavan – the existing lands are part of a long term waste disposal/treatment/collection site and would increase its overall capacity.

Notwithstanding this, the totals involved are not particularly significant in national or regional terms and so cannot be considered to be of strategic economic or social importance.

6.2.2. 37A(2)(b) the development would contribute substantially to the fulfilment of any of the objectives in the National Spatial Strategy or in any regional spatial and economic strategy in force in respect of the area.

The NSS does not have detailed policies in relation to waste, subsuming this under general policies for economic development and economic quality.

The Cavan area is covered by the Regional Waste Management Plan for the Connacht-Ulster Area, 2015-2021. The site is not listed or described within the Plan for the region and details on the materials to be used within the site are not sufficiently detailed to compare them to the targets within the Plan. I note that it identifies Cavan as having a treatment capacity of 533,000 tonnes per annum for all waste types, so the scale of the proposed development could be considered significant on a county scale, but not on a regional scale. The Corranure landfill is identified as active in the plan (it adjoins the site) but is now closed.

I would conclude that there are no objectives in the NSS or relevant Regional Plans for which the proposed development would contribute significantly to their fulfilment.

6.2.3. 37A(2)(c) the development would have a significant effect on the area of more than one planning authority.

The site is close to Cavan Town and the scale of the proposed development is such that it would primarily satisfy local demand for waste processing. It is not close to any county borders and the scale of operations are such that any planning/environmental/traffic impacts would be local only.

I therefore do not consider that it would have a significant effect beyond the planning authority area of County Cavan.

7.0 Conclusion

Based on the above assessment, I conclude that the proposed development would not exceed the threshold set out in the Seventh Schedule of the Act and therefore does not satisfy the requirements of section 37A(1) of the Act.

Accordingly, the proposed development does not constitute strategic infrastructure.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matters assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Philip Davis
Senior Planning Inspector

4th December 2023